

TTAB



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDEN FOODS, INC.,)
)
Opposer,)
)
v.)
)
BRAINSTORMS, INC.)
)
Applicant.)

Opposition No. _____



04-12-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

NOTICE OF OPPOSITION

Eden Foods, Inc., a Michigan corporation, with principal offices located at 701 Tecumseh Road, Clinton, Michigan 49236 (hereinafter "Opposer"), hereby opposes registration of application Ser. No. 76/540,607 – THE EDEN DIET for:

printed publications in the field of weight loss planning and management, in International Class 16;

weight reduction planning, supervision and counseling services, in International Class 44,

filed August 14, 2003, by Brainstorms, Inc. (hereinafter "Applicant"), and published for purposes of opposition in the Official Gazette dated March 29, 2005.

Opposer will be damaged by the registration of the subject application and puts forth the following grounds for opposition:

1. Opposer is a leading producer of natural and organic food and beverage products sold under a variety of trademarks consisting in whole or part of the brand name EDEN.

04/15/2005 ZCLIFT01 00000008 501129 76540607

01 FC:6402 600.00 DA

2. Opposer adopted and commenced use of the EDEN name as a trademark in connection with food and beverage products over thirty years ago and has used the EDEN name as a trademark continuously and without interruption to the present day.

3. Opposer also uses the EDEN name on connection with dietary supplements and through its licensee, Eden Bioscience Corporation, in connection with various agricultural products and services.

4. Opposer's EDEN brand products are sold throughout the United States through virtually all types of merchandising outlets, including, but not limited to, national and regional supermarket chains, local grocery stores, food cooperatives, health food stores, convenience stores and department stores. Opposer's products are also available through mail order outlets and via the Internet.

5. Opposer's EDEN brand products are sold to local, regional and national distributors for resale to retail outlets; to institutional purchasers, such as colleges and universities; directly to retail outlets for resale to ultimate purchasers; and directly to ultimate purchasers.

6. Opposer has long been a leading advocate of a healthy lifestyle through sound dietary practices including the consumption of quality foods and beverages; and Opposer distributes printed dietary and nutritional information including recipes and food recommendations for weight loss.

7. Based on Opposer's extensive, exclusive and continuous use of the EDEN name in connection with the foregoing, the EDEN name has come to be widely recognized among the consuming public as a designator of origin with respect to Opposer's goods and services.

8. Opposer is the owner of all right, title and interest in and to the following federal registrations, which presently are valid and subsisting in law. Opposer will submit current status and title copies, prepared by the Patent and Trademark Office, of its pleaded registrations at the appropriate time in this proceeding. Photocopies are attached to this Notice of Opposition as Exhibit A.

(a) Reg. No. 1,440,754 -- **EDENSOY** for soybean based food beverages, registered on the Principal Register May 26, 1987.

(b) Reg. No. 1,452,337-- **EDEN** for pickled plums; processed and unprocessed dried fruits; processed nuts; processed seeds; vegetable oils; namely, corn oil, olive oil, safflower oil, sesame oil; snack foods consisting of processed nuts, processed seeds and dried fruits; processed grains, namely, corn meal, soy flour, chickpea flour, barley flour, wheat flour, buckwheat flour, millet flour, rice flour, rye flour; pasta, namely, wheat noodles, wheat and egg noodles, wheat and soy noodles, wheat and spinach noodles, wheat and buckwheat noodles; soy sauce; barley malt syrup for table use; vinegar; mustard; tomato based spaghetti sauce; sea salt for table use; beverage consisting of tea and herbs; unprocessed beans, namely, aduki, black turtle beans, kidney beans, great northern beans, green lentils, mung beans, navy beans, pinto beans, soy beans; unprocessed peas, namely, chickpeas, split peas; unprocessed nuts; unprocessed edible seeds; unprocessed grains, namely barley, rice, wheat, buckwheat and millet; unprocessed corn and unpopped popcorn; unprocessed sea vegetables, namely sea weed, registered on the Principal Register August 11, 1987.

(c) Reg. No. 1,862,634 -- **EDEN** for vegetable oils, crushed tomatoes, sauerkraut, and processed canned beans; pasta; pizza sauce; teas; crackers; chips; miso; and condiments; namely, mustard, sea salt, processed sesame seeds, garlic pastes, furikake, pickled beefsteak leaf powder, bonito flakes, pickled ginger, tekka, wasabi powder, tamari, and shoyu; unprocessed grains; namely, barley, wheat and quinoa, registered on the Principal Register November 15, 1994.

(d) Reg. No. 1,918,958 -- **EDENBLEND** for soybean and rice based food beverages, registered on the Principal Register September 12, 1995.

(e) Reg. No. 2,166,493 – **EDEN BIOSCIENCE** for non-toxic pesticides for agricultural or domestic use; plant inoculations to prevent disease and insects, registered on the Principal Register June 16, 1998.

(f) Reg. No. 2,184,768 – **EDEN BIOSCIENCE** for plant growth regulators for agricultural use; plant food, registered on the Principal Register August 25, 1998.

(g) Reg. No. 2,229,053 -- **EDEN** for fruit butter, fruit sauce and fruit juices, registered on the Principal Register March 2, 1999.

(h) Reg. No. 2,272,652 -- **EDEN ORGANIC & Design** for vegetable oils; processed vegetables; soybean based food beverages; soybean based misos; nut and fruit butters; processed nuts; processed edible seeds; processed mixture consisting of any combination of fruits, nuts and seeds; vegetable chips; and dried fruits; tea; sugar; rice; pasta and noodles; flour; breakfast cereals; honey; syrup for table use; candy; salt; mustard; vinegar; sauces, namely, pizza and spaghetti sauces, soy sauce; processed grains; rice and grain based food beverages; herbal food beverages; seasonings, namely, processed sesame seeds, garlic pastes, furikake, pickled beefsteak leaf powder, bonito flakes, pickled ginger, tekka, wasabi powder; crackers; brown rice chips; granola; unprocessed vegetables, unprocessed grains, unprocessed nuts and unprocessed edible seeds; fruit juices; beverage concentrates for use in making non-alcoholic soft drinks, registered on the Principal Register August 24, 1999.

(i) Reg. No. 2,281,740 – **EDEN BIOSCIENCE** for agricultural and horticultural analysis and consultation, namely, providing soil and plant tissue sampling, analysis and written laboratory reports in connection therefor; providing plant food, pesticide, herbicide and fungicide use recommendations, nematode assaying, soil assaying, fungus assaying, plant tissue assaying; seed pathology, mycorrhizal assessment; plant tissue testing and analysis; providing and maintaining plant nutrient graphs for others for agricultural and horticultural purposes; agricultural and horticultural disease control, registered on the Principal Register September 28, 1999.

(j) Reg. No. 2,326,024 -- **EDENBALANCE** for a food supplement, namely, an orally ingested enzyme beneficial to human intestinal bacteria, registered on the Principal Register March 7, 2000.

(k) Reg. No. 2,360,206 -- **EDEN** for food supplements, namely, orally ingested enzymes beneficial to human intestinal bacteria, registered on the Principal Register June 20, 2000.

(l) Registration No. 2,396,738 – **EDEN RANCH** for food supplements - vitamins, minerals, food digestant aids in tablet form for human use, registered on the Principal Register October 24, 2000.

(m) Registration No. 2,465,964 – **EDEN SPRINGS** for bottled spring water, registered on the Principal Register July 3, 2001.

(n) Registration No. 2,475,031 – **EDEN BIFA 15** for food supplements, namely, orally ingested enzymes beneficial to human intestinal bacteria, registered on the Principal Register August 7, 2001.

(o) Registration No. 2,503,977 – **EDEN** for dietary food supplements, namely, edible kombu root seaweed, garlic balls and ume plum concentrate, registered on the Principal Register November 6, 2001.

(p) Registration No. 2,583,453 – **EDENSOY LIGHT** for soybean based food beverage, registered on the Principal Register June 18, 2002.

(q) Registration No. 2,905,671 – **EDENEWS** for newsletters in the field of food and food related topics, nutrition, health and diet, farming and agricultural and environmental issues registered on the Principal Register November 30, 2004.

9. Those of the above-listed registrations which are more than five years old have become incontestable as to all goods listed therein and are conclusive evidence of the validity of the registered mark, Opposer's ownership thereof and of Opposer's exclusive right to use the mark in commerce on or in connection with the goods identified in the registration, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b).

10. Eden Foods also owns three pending trademark applications for marks containing the name EDEN: application Ser. No. 76/507,547 – **EDEN** for dried cherries filed April 18, 2003; application Ser. No. 76/553,947 – **EDEN** for processed popcorn for popping filed October 22, 2003; and application Ser. No. 76/321,613 – **EDEN FOODS** for vegetable oils; processed vegetables; soybean based food beverages; soybean based misos; nut and fruit butters; processed nuts; processed edible seeds; processed mixture consisting of any combination of fruits, nuts and seeds; vegetable chips and dried fruits; tea; sugar; rice; pasta and noodles; flour; breakfast cereals; honey; syrup for table use; candy; salt; mustard; vinegar; sauces, namely, pizza and

spaghetti sauces, soy sauce; processed grains; rice and grain based food beverages; herbal food beverages; seasonings, namely, processed sesame seeds, garlic pastes, furikake, pickled beefsteak leaf powder, bonito flakes, pickled ginger, tekka, wasabi powder; crackers; brown rice chips; and granola; unprocessed fruits, unprocessed vegetables, unprocessed grains, unprocessed nuts and unprocessed edible seeds filed October 5, 2001.

11. By reason of Opposer's extensive, exclusive and continuous use of its EDEN marks, Opposer has become known and recognized as the owner of the aforesaid marks.

12. On information and belief, Applicant intends to adopt and commence use of the designation THE EDEN DIET in connection with the goods and services identified in the opposed application.

13. Applicant's proposed designation THE EDEN DIET so resembles Opposer's EDEN marks as to be likely, when applied to Applicant's proposed goods and services, to cause confusion, mistake and to deceive.

14. Applicant's proposed designation THE EDEN DIET is confusingly similar to Opposer's EDEN marks, so that its registration by Applicant would be inconsistent with and damaging to Opposer's prior and exclusive rights in and to its EDEN marks in connection with the goods and services with which they are used.

15. Opposer will be damaged by the registration of Applicant's mark.

WHEREFORE, Opposer prays that its opposition be sustained and that Application Ser. No. 76/540,607 be denied registration.

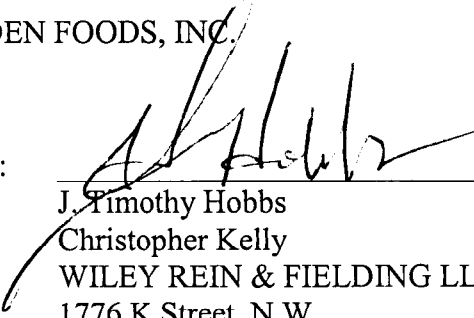
Opposer hereby authorizes the filing fee of SIX HUNDRED DOLLARS (\$600.00) and any additional charges necessary to institute this proceeding to be debited from the deposit account of Wiley Rein & Fielding, Account No. 501129.

This opposition is being filed by the undersigned attorneys at law, duly authorized to represent Opposer in this proceeding, pursuant to Trademark Rule 2.101(b).

Respectfully submitted,

EDEN FOODS, INC.

By:



J. Timothy Hobbs

Christopher Kelly

WILEY REIN & FIELDING LLP

1776 K Street, N.W.

Washington, D.C. 20006

(202) 719-7110

Attorneys for Opposer

Dated: 4/11/05

WRFMAI/N 12276591.1

EXHIBIT A

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,440,754

Registered May 26, 1987

**TRADEMARK
PRINCIPAL REGISTER**

EDENSOY

**EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236**

**FIRST USE 7-0-1983; IN COMMERCE
7-0-1983.**

SER. NO. 590,456, FILED 3-28-1986.

**FOR: SOYBEAN BASED FOOD BEVERAGE,
IN CLASS 29 (U.S. CL. 46).**

ELLEN M. DEVINE, EXAMINING ATTORNEY

TRADEMARK
PRINCIPAL REGISTER

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH RD.
CLINTON, MI 49236

FOR: ~~MAYONNAISE~~; PICKLED PLUMS; PROCESSED AND UNPROCESSED DRIED FRUITS; PROCESSED NUTS; PROCESSED SEEDS; VEGETABLE OILS; NAMELY, CORN OIL, OLIVE OIL, SAFFLOWER OIL, SESAME OIL; ~~FRUIT JAMS AND FRUIT MARMALADES~~; ~~PEANUT BUTTER~~; SNACK FOODS CONSISTING OF PROCESSED NUTS, PROCESSED SEEDS AND DRIED FRUITS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-0-1967; IN COMMERCE 11-0-1969.

FOR: PROCESSED GRAINS, NAMELY, CORN MEAL, ~~TRITICALE FLOUR~~, SOY FLOUR, CHICKPEA FLOUR, BARLEY FLOUR, WHEAT FLOUR, BUCKWHEAT FLOUR, MILLET FLOUR, RICE FLOUR, RYE FLOUR; PASTA, NAMELY, WHEAT NOODLES, WHEAT AND EGG NOODLES, WHEAT AND SOY NOODLES, WHEAT AND SPINACH NOODLES, WHEAT AND BUCKWHEAT NOODLES, ~~SOY BEAN PASTA~~; SOY SAUCE; ~~WHEAT BRAN~~; ~~WHEAT GERM~~; BARLEY MALT SYRUP FOR TABLE USE; ~~MAPLE TABLE SYRUP~~; ~~HONEY~~; ~~MOLASSES~~; ~~CANDY~~; VINEGAR; MUSTARD; TOMATO BASED SPAGHETTI SAUCE; SEA SALT FOR TABLE USE; BEVERAGE

CONSISTING OF TEA AND HERBS; ~~BREAKFAST CEREALS CONSISTING PRIMARILY OF PROCESSED AND PARTIALLY PROCESSED GRAINS, SEEDS AND NUTS~~, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-0-1967; IN COMMERCE 11-0-1969.

FOR: UNPROCESSED BEANS, NAMELY, ADUKI, BLACK TURTLE BEANS, ~~CRANBERRY BEANS~~, KIDNEY BEANS, GREAT NORTHERN BEANS, GREEN LENTILS, MUNG BEANS, NAVY BEANS, PINTO BEANS, SOY BEANS; UNPROCESSED PEAS, NAMELY, CHICKPEAS, SPLIT PEAS; UNPROCESSED NUTS; UNPROCESSED EDIBLE SEEDS; UNPROCESSED GRAINS, NAMELY BARLEY, RICE, ~~RYE~~, ~~TRITICALE~~, WHEAT, BUCKWHEAT AND MILLET; UNPROCESSED CORN AND UNPOPPED POPCORN; UNPROCESSED SEA VEGETABLES, NAMELY SEA WEED, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 3-0-1967; IN COMMERCE 11-0-1969.

FOR: ~~FRUIT JUICES~~, IN CLASS 32 (U.S. CL. 46).

FIRST USE 3-0-1967; IN COMMERCE 11-0-1969.

SER. NO. 329,107, FILED 9-21-1981.

RICHARD A. STRASER, EXAMINING ATTORNEY

Int. Cls.: 29, 30 and 31



Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,862,634

Registered Nov. 15, 1994

**TRADEMARK
PRINCIPAL REGISTER**

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: VEGETABLE OILS, CRUSHED TOMATOES, SAUERKRAUT, AND PROCESSED CAN BEANS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-1987; IN COMMERCE 0-0-1987.

FOR: PASTA; PIZZA SAUCE; TEAS; CRACKERS; CHIPS; MISOS; AND CONDIMENTS; NAMELY, MUSTARD, SEA SALT, PROCESSED SESAME SEEDS, GARLIC PASTES, FURIKAKE, PICKLED BEEFSTEAK LEAF POWDER, BONITO FLAKES, PICKLED

GINGER, TEKKA, WASABI POWDER, TAMARI, AND SHOYU, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1975; IN COMMERCE 0-0-1975.

FOR: UNPROCESSED GRAINS; NAMELY, BARLEY, WHEAT, AND QUINOA, IN CLASS 31 (U.S. CL. 46).

FIRST USE 0-0-1978; IN COMMERCE 0-0-1978.

OWNER OF U.S. REG. NOS. 1,233,768, 1,440,754, AND 1,452,337.

SER. NO. 74-373,050, FILED 3-29-1993.

M. E. BODSON, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,918,958

Registered Sep. 12, 1995

**TRADEMARK
PRINCIPAL REGISTER**

EDENBLEND

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FIRST USE 1-14-1994; IN COMMERCE
1-14-1994.

SN 74-450,581, FILED 10-25-1993.

FOR: SOY BEAN AND RICE BASED FOOD
BEVERAGES, IN CLASS 30 (U.S. CL. 46).

MARK T. MULLEN, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,166,493

United States Patent and Trademark Office

Registered June 16, 1998

**TRADEMARK
PRINCIPAL REGISTER**

EDEN BIOSCIENCE

EDEN BIOSCIENCE CORPORATION (WASH-
INGTON CORPORATION)
5795 N.E. MINDER ROAD
POULSBO, WA 98370

FOR: PESTICIDES FOR AGRICULTURAL
OR DOMESTIC USE; PLANT INNOCULATIONS
TO PREVENT DISEASE AND INSECTS, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 5-0-1996; IN COMMERCE
5-0-1996.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BIOSCIENCE", APART FROM
THE MARK AS SHOWN.

SN 75-179,757, FILED 10-10-1996.

IRA J. GOODSaid, EXAMINING ATTORNEY

Assignment from Eden Bioscience Corporation, a
Washington corporation, to Eden Foods, Inc., a Michigan
corporation, effective 11/24/03, recorded in the U.S.
Patent and Trademark Office on 2/25/04, Reel 2801,
Frame 661.

Int. Cl.: 1

Prior U.S. Cls.: 1, 5, 6, 10, 26, and 46

Reg. No. 2,184,768

United States Patent and Trademark Office

Registered Aug. 25, 1998

TRADEMARK
PRINCIPAL REGISTER

EDEN BIOSCIENCE

EDEN BIOSCIENCE CORPORATION (WASH-
INGTON CORPORATION)
5795 N.E. MINDER ROAD
POULSBO, WA 98370

FIRST USE 5-0-1996; IN COMMERCE
5-0-1996.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BIOSCIENCE", APART FROM
THE MARK AS SHOWN.

FOR: PLANT GROWTH REGULATORS FOR
AGRICULTURAL USE; PLANT FOOD, IN
CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

SN 75-179,756, FILED 10-10-1996.

IRA J. GOODSaid, EXAMINING ATTORNEY

Assignment from Eden Bioscience Corporation, a
Washington corporation, to Eden Foods, Inc., a Michigan
corporation, effective 11/24/03, recorded in the U.S.
Patent and Trademark Office on 2/25/04, Reel 2801,
Frame 661.

Int. Cls.: 29 and 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,229,053

United States Patent and Trademark Office

Registered Mar. 2, 1999

TRADEMARK
PRINCIPAL REGISTER

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: FRUIT BUTTER AND FRUIT SAUCE,
IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-0-1967; IN COMMERCE
11-0-1969.

FOR: FRUIT JUICES, IN CLASS 32 (U.S. CLS.
45, 46 AND 48).

FIRST USE 3-0-1967; IN COMMERCE
11-0-1969.

OWNER OF U.S. REG. NOS. 1,233,768, 1,947,286
AND OTHERS.

SER. NO. 75-490,291, FILED 5-22-1998.

AMY DIXON, EXAMINING ATTORNEY

Int. Cls.: 29, 30, 31, and 32

Prior U.S. Cls.: 1, 45, 46, and 48

United States Patent and Trademark Office

Reg. No. 2,272,652

Registered Aug. 24, 1999

TRADEMARK
PRINCIPAL REGISTER



EDEN
ORGANIC

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: VEGETABLE OILS; PROCESSED VEGETABLES; SOYBEAN BASED FOOD BEVERAGES; SOYBEAN BASED MISOS; NUT AND FRUIT BUTTERS; PROCESSED NUTS; PROCESSED EDIBLE SEEDS; PROCESSED MIXTURE CONSISTING OF ANY COMBINATION OF FRUITS, NUTS AND SEEDS; VEGETABLE CHIPS; AND DRIED FRUITS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

FOR: TEA; SUGAR; RICE; PASTA AND NOODLES; FLOUR; BREAKFAST CEREALS; HONEY; SYRUP FOR TABLE USE; CANDY; SALT; MUSTARD; VINEGAR; SAUCES, NAMELY, PIZZA AND SPAGHETTI SAUCES, SOY SAUCE; PROCESSED GRAINS; RICE AND GRAIN BASED FOOD BEVERAGES; HERBAL FOOD BEVERAGES; SEASONINGS, NAMELY,

PROCESSED SESAME SEEDS, GARLIC PASTES, FURIKAKE, PICKLED BEEFSTEAK LEAF POWDER, BONITO FLAKES, PICKLED GINGER, TEKKA, WASABI POWDER; CRACKERS; BROWN RICE CHIPS; GRANOLA, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

FOR: UNPROCESSED FRUITS, UNPROCESSED VEGETABLES, UNPROCESSED GRAINS, UNPROCESSED NUTS AND UNPROCESSED EDIBLE SEEDS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

FOR: FRUIT JUICES; BEVERAGE CONCENTRATES FOR USE IN MAKING NON-ALCOHOLIC SOFT DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 11-0-1997; IN COMMERCE 11-0-1997.

OWNER OF U.S. REG. NOS. 1,452,337, 2,040,006, AND OTHERS.

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,281,740

United States Patent and Trademark Office

Registered Sep. 28, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

EDEN BIOSCIENCE

EDEN BIOSCIENCE CORPORATION (WASHINGTON CORPORATION)
11816 NORTH CREEK PARKWAY N.
BOTHELL, WA 980118205

FOR: AGRICULTURAL AND HORTICULTURAL ANALYSIS AND CONSULTATION, NAMELY, PROVIDING SOIL AND PLANT TISSUE SAMPLING, ANALYSIS, AND WRITTEN LABORATORY REPORTS IN CONNECTION THEREFOR; PROVIDING PLANT FOOD, PESTICIDE, HERBICIDE AND FUNGICIDE USE RECOMMENDATIONS, NEMATODE ASSAYING, SOIL ASSAYING, FUNGUS ASSAYING, PLANT TISSUE ASSAYING; SEED PATHOLOGY, MYCORRHIZAL ASSESSMENT; PLANT TISSUE TESTING AND ANALYSIS; PROVIDING AND MAINTAINING PLANT NU-

TRIENT GRAPHS FOR OTHERS FOR AGRICULTURAL AND HORTICULTURAL PURPOSES; AGRICULTURAL AND HORTICULTURAL DISEASE CONTROL, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-0-1994; IN COMMERCE 7-0-1994.

OWNER OF U.S. REG. NOS. 2,166,493 AND 2,184,768.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BIOSCIENCE", APART FROM THE MARK AS SHOWN.

SER. NO. 75-580,007, FILED 10-30-1998.

ANTHONY MERCALDI, EXAMINING ATTORNEY

Assignment from Eden Bioscience Corporation, a Washington corporation, to Eden Foods, Inc., a Michigan corporation, effective 11/24/03, recorded in the U.S. Patent and Trademark Office on 2/25/04, Reel 2801, Frame 661.

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,326,024

United States Patent and Trademark Office

Registered Mar. 7, 2000

**TRADEMARK
PRINCIPAL REGISTER**

EDENBALANCE

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

TO HUMAN INTESTINAL BACTERIA, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).
FIRST USE 10-0-1998; IN COMMERCE
10-0-1998.

SER. NO. 75-625,362, FILED 1-21-1999.

FOR: A FOOD SUPPLEMENT, NAMELY, AN
ORALLY INGESTED ENZYME BENEFICIAL

MARLENE BELL, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,360,206

United States Patent and Trademark Office

Registered June 20, 2000

**TRADEMARK
PRINCIPAL REGISTER**

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FIRST USE 9-30-1998; IN COMMERCE 9-30-1998.
OWNER OF U.S. REG. NOS. 1,233,768, 1,947,286
AND OTHERS.

FOR: FOOD SUPPLEMENT, NAMELY, AN ORAL-
LY INGESTED ENZYME BENEFICIAL TO HUMAN
INTESTINAL BACTERIA, IN CLASS 5 (U.S. CLS. 6,
18, 44, 46, 51 AND 52).

SER. NO. 75-776,221, FILED 8-13-1999.

CURTIS FRENCH, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,396,738

United States Patent and Trademark Office

Registered Oct. 24, 2000

TRADEMARK
PRINCIPAL REGISTER

ÉDEN RANCH

MOORE, PATRICIA (UNITED STATES CITIZEN)
22155 EDEN ROAD
TOPANGA, CA 90290

FOR HUMAN USE, IN CLASS 5 (U.S. CLS. 6, 18,
44, 46, 51 AND 52).
FIRST USE 11-0-1954; IN COMMERCE 11-0-1954.

FOR: FOOD SUPPLEMENTS - VITAMINS, MIN-
ERALS, FOOD DIGESTANT AIDS IN TABLET FORM

SER. NO. 75-425,698, FILED 1-29-1998.

HOWARD B. LEVINE, EXAMINING ATTORNEY

Assignment from Patricia Moore, individual U.S. citizen, to Eden Foods, Inc.,
a Michigan corporation effective 8/25/2000, recorded in the U.S.
Patent and Trademark Office on 11/29/2000, Reel 2153,
Frame 609.

Int. Cl.: 32

Prior U.S. Cls.: 45, 46, and 48

Reg. No. 2,465,964

United States Patent and Trademark Office

Registered July 3, 2001

**TRADEMARK
PRINCIPAL REGISTER**

EDEN SPRINGS

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: BOTTLED SPRING WATER, IN CLASS 32
(U.S. CLS. 45, 46 AND 48).

FIRST USE 9-22-2000; IN COMMERCE 9-22-2000.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SPRINGS" , APART FROM THE
MARK AS SHOWN.

SN 75-400,719, FILED 12-5-1997.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,475,031

Registered Aug. 7, 2001

**TRADEMARK
PRINCIPAL REGISTER**

EDEN BIFA 15

**EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236**

FOR: FOOD SUPPLEMENT, NAMELY, AN ORALLY INGESTED ENZYME BENEFICIAL TO HUMAN INTESTINAL BACTERIA, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 9-30-1998; IN COMMERCE 9-30-1998.

OWNER OF U.S. REG. NOS. 1,233,768, 1,947,286 AND OTHERS.

SER. NO. 75-776,220, FILED 8-13-1999.

CURTIS FRENCH, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,503,977

Registered Nov. 6, 2001

**TRADEMARK
PRINCIPAL REGISTER**

EDEN

**EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236**

FIRST USE 7-0-1983; IN COMMERCE 7-0-1983.

**OWNER OF U.S. REG. NOS. 1,233,768, 2,360,206
AND OTHERS.**

**FOR: DIETARY FOOD SUPPLEMENTS, NAME-
LY, EDIBLE KOMBU ROOT SEAWEED, GARLIC
BALLS AND UME PLUM CONCENTRATE, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).**

SER. NO. 76-150,542, FILED 10-18-2000.

BROOKE BEYER, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,583,453

Registered June 18, 2002

TRADEMARK
PRINCIPAL REGISTER

EDENSOY LIGHT

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LIGHT", APART FROM THE
MARK AS SHOWN.

FOR: SOYBEAN BASED FOOD BEVERAGE, IN
CLASS 29 (U.S. CL. 46).

SN 76-081,936, FILED 6-30-2000.

FIRST USE 12-29-2000; IN COMMERCE 1-2-2001.

OWNER OF U.S. REG. NO. 1,440,754.

LINDA M. KING, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,905,671

United States Patent and Trademark Office

Registered Nov. 30, 2004

**TRADEMARK
PRINCIPAL REGISTER**

EDENEWS

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FIRST USE 10-0-1999; IN COMMERCE 10-0-1999.

OWNER OF U.S. REG. NOS. 2,281,740, 2,360,206
AND OTHERS.

FOR: NEWSLETTERS IN THE FIELD OF FOOD
AND FOOD-RELATED TOPICS, NUTRITION,
HEALTH AND DIET, FARMING AND AGRICULTURAL
AND ENVIRONMENTAL ISSUES, IN
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SER. NO. 76-508,343, FILED 4-18-2003.

LINDA POWELL, EXAMINING ATTORNEY