

ESTTA Tracking number: **ESTTA51324**

Filing date: **11/01/2005**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	ALLIED INTERNATIONAL CORPORATION OF VA.
Granted to Date of previous extension	11/02/2005
Address	PO Box 858, Ashburn, VA 20146 UNITED STATES

Correspondence information	ALLIED INTERNATIONAL CORPORATION OF VA. PO Box 858, Ashburn, VA 20146 UNITED STATES lharts2004@yahoo.com, meghna@alliedint.com, paul@alliedint.com
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Applicant Information

Application No	78467058	Publication date	07/05/2005
Opposition Filing Date	11/01/2005	Opposition Period Ends	11/02/2005
Applicant	Dollar General Intellectual Property, L.P. 112 Lake Street Burlington, VT 05401 UNITED STATES		

Goods/Services Affected by Opposition

Class 030.

All goods and services in the class are opposed, namely: Breakfast items, namely, ready-to-eat breakfast cereal, toaster pastries, oatmeal and breakfast bars

Attachments	opsunrise1.pdf (3 pages)
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Signature	/PAUL AKHAVAN VP/
Name	ALLIED INTERNATIONAL CORPORATION OF VA.
Date	11/01/2005

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

In the matter of trademark application Serial No. 78467058

For the mark SUNRISE HILL

Published in the Official Gazette on 2005-07-05

ALLIED INTERNATIONAL CORP.

v.

DOLLAR GENERAL INTELLECTUAL PROPERTY, L.P

NOTICE OF OPPOSITION

Allied International Corp. A corporation duly organized and existing under the laws of the State of Virginia whose address is P.O. Box 858, Ashburn Virginia 20146, believes that it will be damaged by registration of United States Trademark Application Serial No. 78467058 filed on 2004-08-13 by Dollar General Intellectual Property, L.P (Applicant) and hereby opposes the same. The grounds for opposition are as follow:

1. Opposer is now and has been engaged in the business of the manufacture of numerous kinds of food products namely breakfast snack items.
2. As early as 1991, Opposer adopted and used in the United States Commerce regulated by Congress, and continues to use the name SUNRISE VALLEY for breakfast snack items.

3. On 2004-08-13 Applicant filed U.S. Application Serial No. 78467058 (the Applicant) for the trademark "SUNRISE HILL" in class code 030 and has claimed a bona fide intention of use the mark in commerce. Said Application was published for opposition on 2005-07-05.

4. Applicants mark, SUNRISE HILL if used in connection with the goods described in the Application, is confusingly similar to Opposers in use Application SUNRISE VALLEY. These goods if used, would be used in the same trade channels similar or identical to the trade channels through which Opposers Marks will move and will be likely to be encountered by many of the same consumers who are purchasers of prospective purchasers of Opposers goods offered under Opposers Marks.

5. Applicants mark comprises a mark which so resembles Opposers Marks previously used in the United States and not abandoned as to be likely, when used on or in connection with the services of Applicant, to cause confusion or to cause mistake or to deceive as the affiliation, connection, association, origin, sponsorship, endorsement, or approval of Applicants goods by Opposer to the irreparable damage of Opposer.

6. Any dissatisfaction with Applicants goods offered under Applicants Marks will necessarily reflect on and injure the reputation and good will associated with Opposers Marks.

7. If Applicant is granted registrations for the mark herin opposed, it will obtain thereby a prima facia exclusive right to use the mark SUNRISE HILL which will damage and injure Opposer, the prior and rightful owner and user of the similar mark SUNRISE VALLEY in the United States.

WHEREFORE, Opposer requests that registration of Serial No. 78467058 be denied and this opposition be sustanined.

Respectfully Submitted

Paul Akhavan, Vice President
Allied International Corp.

Date 1 November 2005