

ESTTA Tracking number: **ESTTA80156**

Filing date: **05/10/2006**

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	ConAgra Foods Packaged Foods Company, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	One ConAgra Drive Omaha, NE 68102 UNITED STATES		

Attorney information	Tracy L. Deutmeyer McGrath North Mullin & Kratz, PC LLO 1601 Dodge Street, Suite 3700 Omaha, NE 68102 UNITED STATES tdeutmeyer@mcgrathnorth.com Phone:(402) 341-3070		
----------------------	---	--	--

Applicant Information

Application No	76634809	Publication date	04/11/2006
Opposition Filing Date	05/10/2006	Opposition Period Ends	05/11/2006
Applicant	VETRANO, JOSEPH 1624 Marcus Avenue New Hyde Park, NY 11040 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. All goods and services in the class are opposed, namely: Bakery goods

Attachments	Notice-Opposition.pdf (4 pages)(35249 bytes)
-------------	---

Signature	/Tracy L. Deutmeyer/
Name	Tracy L. Deutmeyer
Date	05/10/2006

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

IN THE MATTER OF APPLICATION SERIAL NO. 76/634,809
PUBLISHED IN THE OFFICIAL GAZETTE ON APRIL 11, 2006

CONAGRA FOODS PACKAGED)	
FOODS COMPANY, INC.,)	
)	
Opposer,)	
)	MARK: EVERYTHING KNOTS
v.)	
)	
JOSEPH VETRANO,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

ConAgra Foods Packaged Foods Company, Inc., a corporation organized and existing under the laws of the State of Delaware, with offices located at One ConAgra Drive, Omaha, Nebraska 68102-5001, believes that it will be damaged by registration of the mark shown in Application Serial No. 76/634,809 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Pursuant to Application Serial No. 76/634,809, filed April 1, 2005, Applicant seeks to register the mark EVERYTHING KNOTS as a trademark for "bakery goods" in International Class 30, claiming a bona fide intent to use the mark, as is evidenced by the publication of said mark in the April 11, 2006 issue of the Official Gazette.

2. Opposer is the owner of Registration No. 2,865,433, issued July 20, 2004, pursuant to Application Serial No. 76/288,974, filed on July 23, 2001, for the trademark KNOTT'S BERRY FARM as used on "fruit pies, cinnamon rolls and bakery goods" in

International Class 30. Opposer has used the trademark KNOTT'S BERRY FARM on these goods in interstate commerce, through its licensees and predecessors in interest, since at least as early as December 17, 2001, and continues to use the trademark KNOTT'S BERRY FARM for these goods in interstate commerce.

3. Opposer is the owner of Registration No. 2,912,214, issued December 21, 2004, pursuant to Application Serial No. 76/525,465 filed June 25, 2003, for the trademark KNOTT'S BERRY FARM as used on "fruit cobbler dessert mixes, fruit crisp dessert mixes and cake mixes." Opposer has used the trademark KNOTT'S BERRY FARM in interstate commerce on these goods, through its licensees and predecessors in interest since at least as early as March 3, 2003, and continues to use the trademark KNOTT'S BERRY FARM on these goods in interstate commerce.

4. Opposer is the owner of Registration No. 0,802,875, issued on January 25, 1966, pursuant to Application Serial No. 72/173,015 filed on July 15, 1963, for the trademark KNOTT'S BERRY FARM as used on "grocery store food sales services rendered by mail order." Opposer has used the trademark KNOTT'S BERRY FARM in interstate commerce on these service, through its licensees and predecessors in interest since at least as early as December 31, 1947, and continues to use the trademark KNOTT'S BERRY FARM for these services in interstate commerce.

5. Opposer is the owner of Registration No. 2,848,267, issued on June 1, 2004, pursuant to Application Serial No. 76/370,174, filed February 11, 2002, for the trademark KNOTT'S BERRY FARM as used on "fruit flavored ice cream toppings." Opposer has used the trademark KNOTT'S BERRY FARM in interstate commerce on these goods, through its licensees and predecessors in interest since at least as early as February 13, 2003, and continues to use the trademark KNOTT'S BERRY FARM on these goods in interstate commerce.

6. There is no issue as to priority. Registration Nos. 2,865,433; 2,912,214; 0,802,875; and 2,848,267 were issued well prior to the filing date of Application Serial No. 76/634,809.

7. By virtue of its efforts and the expenditure of considerable sums for promotional activities and by virtue of the excellence of its goods and services, Opposer has gained a valuable reputation for the trademark KNOTT'S BERRY FARM.

8. A likelihood of confusion exists between Applicant's trademark EVERYTHING KNOTS and Opposer's trademark KNOTT'S BERRY FARM.

9. If Applicant is permitted to use and register the trademark EVERYTHING KNOTS for use on bakery goods, such use and registration is likely to cause confusion and lead to deception as to the source, origin and/or sponsorship of the goods bearing Applicant's trademark, causing damage and injury to Opposer.

10. If Applicant is granted the registration herein opposed, Application would thereby obtain at least a prima facie exclusive right to use the EVERYTHING KNOTS trademark, causing damage and injury to Opposer.

WHEREFORE, Opposer prays that trademark application Serial No. 76/634,809 be rejected, and that the mark therein sought for the goods therein specified be denied and refused.

The statutory filing fee of three hundred dollars (\$300) is submitted herewith.

RESPECTFULLY SUBMITTED,

CONAGRA FOODS PACKAGED FOODS
COMPANY, INC., Opposer

By: /Tracy L. Deutmeyer/
Tracy L. Deutmeyer
McGRATH, NORTH, MULLIN & KRATZ, PC LLO
Suite 3700 First National Tower
1601 Dodge Street
Omaha, Nebraska 68102
(402) 341-3070

ATTORNEYS FOR OPPOSER

Dated: May 10, 2006