

ESTTA Tracking number: **ESTTA109273**

Filing date: **11/13/2006**

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	Ocean Spray Cranberries, Inc.
Granted to Date of previous extension	11/12/2006
Address	One Ocean Spray Drive Lakeville-Middleboro, MA 02349 UNITED STATES
Attorney information	Colin Foley Morgan & Finnegan, LLP 3 World Financial Center New York, NY 10281-2101 UNITED STATES PTOTMCommunications@morganfinnegan.com, cfoley@morganfinnegan.com Phone:212-415-8700

Applicant Information

Application No	78685017	Publication date	05/16/2006
Opposition Filing Date	11/13/2006	Opposition Period Ends	11/12/2006
Applicant	Langer Juice Company, Inc. 16195 Stephens Street City of Industry, CA 91745 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. All goods and services in the class are opposed, namely: Non-alcoholic fruit drinks and fruit beverages

Attachments	Untitled.pdf (6 pages)(375635 bytes)
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Signature	/Colin Foley/
Name	Colin Foley
Date	11/13/2006

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

In the Matter of Trademark Application
No. 78/685,017
Published May 16, 2006
Mark: CRANAGRANATE

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OCEAN SPRAY CRANBERRIES, INC.,	:	
	:	Opposition No.:
Petitioner,	:	
	:	
v.	:	
	:	
LANGER JUICE COMPANY, INC.,	:	
	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

In the matter of the Application for registration of the alleged trademark
CRANAGRANATE for “non-alcoholic fruit drinks and fruit beverages” in International Class
32, Application Serial Number 78/685,017, which was published for opposition in the Official
Gazette on May 16, 2006:

Ocean Spray Cranberries, Inc., a corporation organized and existing under the laws of the
State of Delaware with its principal place of business at One Ocean Spray Drive, Lakeville-
Middleboro, Massachusetts, believes that it will be damaged by registration of the mark shown in
Serial Number 78/685,017, as applied to said goods and hereby opposes the same.

Opposer hereby appoints Siegrun D. Kane, Kathleen E. McCarthy, Maren C. Perry and
Colin Foley, all members of the bar of the State of New York with offices at Morgan &

Finnegan, L.L.P., as its attorneys in the above-entitled opposition to prosecute the same and to transact all business in the Patent and Trademark Office in connection with said opposition, all communications to be sent to Colin Foley (212) 415-8727.

As grounds for opposition, it is alleged that:

1. Ocean Spray Cranberries, Inc. (hereinafter, including its predecessors in interest and/or licensees, "Opposer") is and for many years has been engaged in the business of selling cranberry based juice products, cranberries and other cranberry based food and beverage products.
2. Beginning at least as early as 1939, Opposer adopted and used the mark CRAN in connection with the sale, promotion, and advertisement of its products.
3. Opposer is also the owner of United States Registration No. 381,245, issued September 17, 1940 for CRAN covering cranberry juice for beverage purposes and the following registrations/allowed applications including the prefix CRAN:

MARK	REG. NO./ APP. NO	REG. DATE/ STATUS	GOODS/CLASS(ES)
CRANBABIES	2,887,443	9/21/04	Fresh fruit, namely, small seedless cranberries, Class 31
CRAN CHEWS	2,846,363	5/25/04	Dried fruits, namely intermediate moisture, sugar infused dried cranberries, Class 29
CRANTASTICS	2,541,660	2/19/02	Fruit juice and fruit juice drinks, Class 32.
CRAN*AMERICA & Design	2,433,400	3/6/01	Fruit juice and fruit juice drinks, Class 32.
CRAN-HEALTH	2,513,313	11/27/01	Fruit juice and fruit juice drinks, Class 32.
CRANNY BANANY	2,203,568	11/17/98	Snack food mixes consisting primarily of processed nuts, roasted nuts, dried fruits, and mixtures consisting of processed nuts and/or dried fruits together and/or in combination with raisins and pepitas, Class 29

MARK	REG. NO./ APP. NO	REG. DATE/ STATUS	GOODS/CLASS(ES)
CRAN POPS YOGURT COVERED DRIED CRANBERRIES & Design	2,493,718	10/2/01	Yogurt covered dried cranberries, Class 29
CRANOLA	2,168,744	6/30/98	Granola, Class 30
CRAN CHERRY	2,073,090	6/24/97	Fruit juice drinks consisting of water, fruit juices and lesser ingredients, Class 32.
CRAN- STRAWBERRY	2,074,873	7/1/97	Fruit juice drinks consisting of water, fruit juices and lesser ingredients, Class 32.
CRAN•RASPBERRY (stylized)	1,851,644	8/30/94	Fruit juice drinks containing water and raspberry and cranberry juice, Class 32.
CRANTASTIC	1,825,365	3/8/94	Blended fruit juice drink consisting of water, fruit juices and lesser ingredients, Class 32.
CRAN-GRAPE	1,844,633	7/12/94	Beverage consisting of grape juice, cranberry juice, water and lesser ingredients, Class 32.
CRANTASIA	1,652,783	7/30/91	Cranberry schnapps, Class 33.
CRAN-BLUEBERRY	1,461,242	10/13/87	Fruit juice drinks containing water and blueberry and cranberry juices, Class 32.
CRANICOT	844,206	2/13/68	Food beverage consisting of apricot juice, cranberry juice, water, and lesser ingredients, sold in bottles, Class 32
CRANAPPLE	773,286	7/14/64	Canned food beverage consisting of apple juice, cranberry juice and lesser ingredients, Class 32.

4. Said registrations listed above are valid and subsisting, uncanceled and unrevoked. In addition, Registration No. 381,245 for CRAN, and a number of the other registrations listed above, have become incontestable under 15 U.S.C. §1065.
5. Opposer has promoted its CRAN marks in its advertising and promotional materials.
6. By virtue of Opposer's distribution, sale, promotion, and advertising of products under these marks, said marks have become identified with high quality products originating with Opposer.

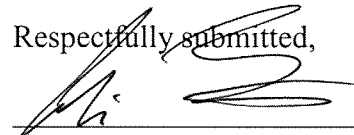
7. By virtue of Opposer's distribution, sale, promotion, and advertising of products under these marks, Opposer has developed a family of CRAN marks.
8. Applicant seeks to register CRANAGRANATE for “non-alcoholic fruit drinks and fruit beverages.”
9. Opposer’s CRAN products are directly competitive with Applicant’s CRANAGRANATE products.
10. Opposer's CRAN products and Applicant's CRANAGRANATE products are capable of distribution through the same channels of commerce.
11. Opposer's CRAN products and Applicant's CRANAGRANATE product are capable of sale to the same class of purchasers.
12. Applicant’s CRANAGRANATE mark uses the identical CRAN prefix used by Opposer in Opposer’s marks.
13. Applicant’s mark CRANAGRANATE mark is confusingly similar to Opposer’s CRAN marks.
14. Upon information and belief, CRANAGRANATE is likely to be perceived as a version of Opposer’s CRAN products.
15. Upon information and belief, the registration by Applicant of the subject CRANAGRANATE mark on fruit drinks and fruit beverages will enable Applicant to utilize and trade on the good will established by Opposer in its marks.
16. Opposer believes and alleges that Applicant's registration is likely to cause confusion or mistake or to deceive, and will deceive and mislead the trade and the purchasing public in general into believing that Applicant is licensed or controlled by Opposer or that Applicant is a division or subsidiary of, or in some way related to, Opposer, or that Applicant's products are sponsored, approved or endorsed by Opposer.

17. By reason of the foregoing facts, Opposer will be irreparably damaged by the registration of Applicant's confusingly similar mark.

WHEREFORE, Opposer prays that this opposition be sustained.

Dated: November 13, 2006

Respectfully submitted,



Kathleen E. McCarthy

Maren C. Perry

Colin Foley

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Attorneys for Opposer

CERTIFICATE OF TRANSMISSION/MAILING (37 C.F.R. § 2.197)

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

I hereby certify that the attached NOTICE OF OPPOSITION and this Certificate of Transmission/Mailing are being sent on this date to the United States Patent and Trademark Office through the PTO website, www.uspto.gov. and by First Class Mail to the address listed above.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.



Colin Foley

Dated: November 13, 2006

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