

ESTTA Tracking number: **ESTTA150745**

Filing date: **07/12/2007**

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	R.A.B. FOOD GROUP LLC
Granted to Date of previous extension	07/18/2007
Address	One Harmon Plaza Secaucus, NJ 07094 UNITED STATES

Attorney information	Martin J Beran Ostrolenk, Faber, Gerb & Soffen, LLP 1180 Avenue of the Americas New York, NY 10036 UNITED STATES mberan@ostrolenk.com
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Applicant Information

Application No	78942492	Publication date	03/20/2007
Opposition Filing Date	07/12/2007	Opposition Period Ends	07/18/2007
Applicant	Campbell Soup Company Campbell Place Camden, NJ 081031799 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 1996/12/31 First Use In Commerce: 1996/12/31
All goods and services in the class are opposed, namely: Biscuits; Cookies

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	394250	Application Date	01/30/1939
Registration Date	03/31/1942	Foreign Priority Date	NONE
Word Mark	TAM TAM		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class U046 (International Class 030). First use: First Use: 1939/01/23 First Use In Commerce: 1939/01/23 Crackers or Biscuits
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Attachments	00852777.pdf (3 pages)(92204 bytes)
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Signature	/martinjberan/
Name	Martin J Beran
Date	07/12/2007

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R.A.B. Food Group, LLC,	:	
	:	
Opposer,	:	Opposition No.:
	:	
-vs-	:	Serial No.: 78/942,492
	:	
Campbell Soup Company,	:	
	:	
Applicant.	:	
	:	
-----X	:	

Commissioner of Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Sir:

In the matter of pending application Serial No. 78/942,492 filed August 1, 2006 by Campbell Soup Company, published in the Official Gazette of March 20, 2007 for the mark TIM TAM for biscuits; cookies, R.A.B. Food Group, LLC believes that it will be damaged by the registration of the above mark and hereby gives notice of its intention to oppose the above application for registration, its grounds for opposition being as follows:

1. Opposer is a Limited Liability Company duly organized under laws of the State of Delaware whose address is One Harmon Plaza, Secaucus, New Jersey 07094.
2. For more than sixty-five years and since long prior to any priority date which applicant can claim, opposer and its predecessors have used the trademark TAM TAM in connection with crackers sold in interstate commerce throughout the United States.

3. By virtue of the extensive use of the mark TAM TAM in connection with crackers, this mark has acquired substantial distinctiveness, good will and secondary meaning as indicating a line of crackers having their origin exclusively with opposer.
4. Opposer is the owner of U.S. Registration No. 394250 for the mark TAM TAM for crackers or biscuits which issued on March 31, 1942 and which is in full force and effect.
5. Applicant's goods are sufficiently related to opposer's goods such that a likelihood of confusion will exist if the goods of the respective parties are sold under the same or confusingly similar marks.
6. TIM TAM is confusingly similar to TAM TAM such that use and registration of TIM TAM by applicant for its goods will create confusion, mistake and deception of the trade and purchasing public into believing that applicant's goods originate with or are otherwise sponsored, licensed or authorized by opposer.
7. By reason of all the foregoing, opposer will be gravely damaged by the registration of TIM TAM to applicant.

WHEREFORE, opposer respectfully requests that the Notice of Opposition be sustained and that registration of TIM TAM to applicant be refused.

POWER OF ATTORNEY

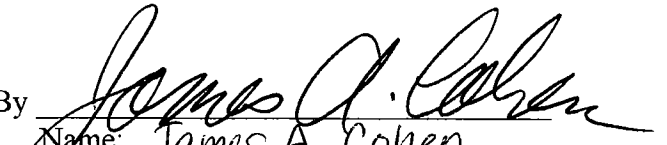
Please recognize Martin J. Beran and Ostrolenk, Faber, Gerb & Soffen, LLP as attorneys to prosecute this opposition proceeding. The undersigned hereby appoints customer no. 2352, OSTROLENK, FABER, GERB & SOFFEN, LLP and the members of the firm: Samuel H. Weiner, Robert C. Faber, Max Moskowitz, James A. FINDER, William O. Gray, III, Louis C. Dujmich, Charles P. LaPolla, Douglas A. Miro, and Peter S. Sloane, and of counsel Martin J. Beran, all members of the Bar of the State of New York, with offices at 1180 Avenue of the Americas, New York, New York 10036-8403, (212) 382-0700, its attorneys to prosecute this opposition with full power of substitution and revocation and to transact all business in the Patent and Trademark Office in connection therewith. Said attorneys are hereby designated its agent upon whom notices or process may be served in proceedings affecting the above-entitled mark. Please address all correspondence to:

Martin J. Beran, Esq.
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403

Customer No. 2352

R.A.B. Food Group, LLC

July 9, 2007
[Date]

By 
Name: James A. Cohen
Title: Senior Vice President-
Legal Affairs