

ESTTA Tracking number: **ESTTA201773**

Filing date: **03/31/2008**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	The Hain Celestial Group, Inc.
Granted to Date of previous extension	03/30/2008
Address	58 South Service Road, Suite 250 Melville, NY 11747 UNITED STATES

Name	Arrowhead Mills, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	58 South Service Road, Suite 250 Melville, NY 11747 UNITED STATES		

Attorney information	Robert W. Smith McCarter & English, LLP Four Gateway Center, 100 Mulberry Street Newark, NJ 07102 UNITED STATES dpopovic@mccarter.com, mboyce@mccarter.com Phone:973-622-4444
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**Applicant Information**

Application No	77184983	Publication date	10/02/2007
Opposition Filing Date	03/31/2008	Opposition Period Ends	03/30/2008
Applicant	CONAGRA FOODS LAMB WESTON, INC. 8701 WEST GAGE BLVD. KENNEWICK, WA 993361034 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 029. First Use: 2006/09/22 First Use In Commerce: 2006/09/22 All goods and services in the class are opposed, namely: frozen appetizers, namely, processed and breaded vegetables and/or cheese; frozen vegetables
Class 030. All goods and services in the class are opposed, namely: dough enrobed sandwiches and pizzas filled with various vegetables and/or proteins, in combination with or without sauces, or any combination thereof; frozen dough enrobed fruit pies

**Grounds for Opposition**

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

U.S. Registration No.	1711976	Application Date	02/07/1990
Registration Date	09/01/1992	Foreign Priority Date	NONE
Word Mark	GARDEN OF EATIN'		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1971/01/00 First Use In Commerce: 1972/00/00 natural food products, namely, corn chips, tortillas, bread [, and frozen fruit confection ]		

U.S. Registration No.	2542882	Application Date	03/22/2001
Registration Date	02/26/2002	Foreign Priority Date	NONE
Word Mark	GARDEN OF EATIN'		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1998/07/00 First Use In Commerce: 1998/07/00 Tortilla chips and corn chips		

U.S. Application No.	77248675	Application Date	08/07/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GARDEN OF EATIN'		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 taco dinner kits consisting of taco shells, taco sauce and seasoning mix		

U.S. Application No.	77282114	Application Date	09/18/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GARDEN OF EATIN'		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: Pretzels and pretzel chips		

U.S. Application No.	77282106	Application Date	09/18/2007
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GARDEN OF EATIN'		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: Pretzels and pretzel chips		

Attachments	76230146#TMSN.gif ( 1 page )( bytes ) 77248675#TMSN.jpeg ( 1 page )( bytes ) 77282114#TMSN.jpeg ( 1 page )( bytes ) 77282106#TMSN.jpeg ( 1 page )( bytes ) EARTH'S GARDEN & DESIGN notice of opposition.pdf ( 27 pages )(676554 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/robertwsmith/
Name	Robert W. Smith
Date	03/31/2008

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

-----  
THE HAIN CELESTIAL GROUP, INC.,  
and its wholly owned subsidiary,  
ARROWHEAD MILLS, INC.,

Opposer,

-vs-

CONAGRA FOODS LAMB WESTON,  
INC.,

Applicant.  
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Mark: EARTH'S GARDEN & Design  
Serial No. 77/184,983

NOTICE OF OPPOSITION

In the matter of the application of CONAGRA FOODS LAMB WESTON, INC. (hereinafter "Applicant"), for the registration of EARTH'S GARDEN & DESIGN, Application No.77/184,983, published in the Official Gazette of October 2, 2007, THE HAIN CELESTIAL GROUP, INC., and its wholly owned subsidiary, ARROWHEAD MILLS, INC., both corporations of the State of Delaware with their principal place of business at 58 South Service Road, Suite 250, Melville, NY 11747 ( collectively, "Opposer"), believes that it would be damaged by the registration of the mark shown in the application and hereby opposes same. The grounds for the opposition are:

1. Opposer is a corporation which has been engaged in the manufacture and distribution of snacks and other foods for sale in the United States for over thirty years in connection with marks consisting of or including the terms GARDEN OF EATIN'.

2. Opposer owns the following registrations and trademark registration applications for marks consisting of or including the terms GARDEN OF EATIN' (collectively, the "GARDEN Marks") as used in connection with snacks and other food products:

MARK	APP./REG. NO.	APP./REG. DATE	GOODS	CLASS
GARDEN OF EATIN'	1,711,976	September 1, 1992 (now incontestable)	Natural food products; namely corn chips, tortillas, bread, and frozen fruit confection.	30
GARDEN OF EATIN' & Design	2,542,882	February 26, 2002 (now incontestable)	Tortilla chips and corn chips	30
GARDEN OF EATIN'	77/248,675	August 7, 2007	Taco dinner kits consisting of taco shells, taco sauce and seasoning mix	30
GARDEN OF EATIN'	77/282,114	September 18, 2007	Pretzels and pretzel chips.	30
GARDEN OF EATIN' & Design	77/282,106	September 18, 2007	Pretzels and pretzel chips.	30

Annexed as Exhibit A are copies of TARR printouts of all the GARDEN Marks referenced above.

3. By reason of the extensive promotion, advertising, and provision of high-quality products manufactured and distributed by Opposer in conjunction with the GARDEN Marks since at least as early as 1972, the public and the trade have come to

recognize products offered in conjunction with these marks as signifying Opposer and its snacks and other foods.

4. Notwithstanding Opposer's long prior rights in the GARDEN Marks, Applicant has filed an application, Serial No. 77/184,983 for registration of EARTH'S GARDEN & DESIGN for the following goods:

Class 29: Frozen appetizers, namely, processed and breaded vegetables and/or cheese; frozen vegetables; and

Class 30: Dough enrobed sandwiches and pizzas filled with various vegetables and/or proteins, in combination with or without sauces, or any combination thereof; frozen dough enrobed fruit pies.

5. There is no issue as to priority. Applicant filed its application for the EARTH'S GARDEN & DESIGN mark under Section 1(a) claiming use of the mark in Class 29 since September 22, 2006, and under Section (b) for intent to use the mark in Class 30. The filing date of the said application was May 18, 2007. These dates are long after the dates when Opposer first used and registered its GARDEN OF EATIN' and GARDEN OF EATIN' & Design marks.

6. The design and the trademark proposed for registration by the Applicant, EARTH'S GARDEN & DESIGN, is extremely similar to Opposer's GARDEN Marks, in particular the GARDEN OF EATIN' and Design mark, and is applied to goods closely related to goods offered by Opposer. The Applicant's mark so closely resembles the Opposer's GARDEN Marks as to be likely to be confused therewith and mistaken therefor. The EARTH'S GARDEN & DESIGN mark is deceptively similar to Opposer's GARDEN Marks so as to cause confusion and lead to deception as to the origin of Applicant's goods bearing the Applicant's mark.

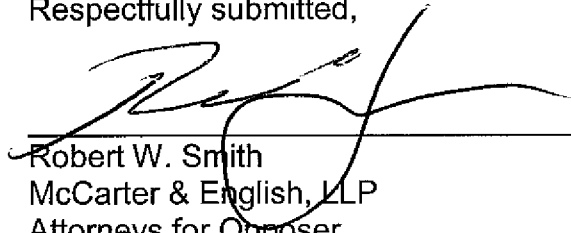
7. If Applicant is permitted to use and register its EARTH'S GARDEN & DESIGN mark for its goods, as specified in the Application herein opposed, confusion in the trade resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between the EARTH'S GARDEN & DESIGN mark and Opposer's GARDEN Marks. Persons familiar with Opposer's GARDEN Marks would be likely to buy Applicant's goods as and for a product made and sold by, or sponsored or approved by, Opposer.

8. If Applicant were granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of its mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that this Opposition be sustained and that the application Serial No. 77/184,983, for the mark EARTH'S GARDEN & DESIGN, for the goods therein specified in International Classes 29 and 30, be refused registration, and for such other relief as may be deemed just and proper.

Respectfully submitted,

By:



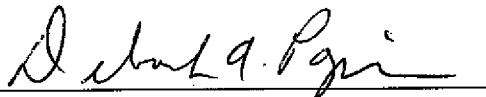
Robert W. Smith  
McCarter & English, LLP  
Attorneys for Opposer  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102-4056  
(973) 622-4444

Dated: March 31, 2008

CERTIFICATE OF SERVICE UNDER 37 CFR§§ 2.111

I hereby certify that the foregoing Notice of Opposition to Application Serial No. 77/184,983 has been served via regular mail upon the Applicant's attorney of record at the correspondence address listed on the USPTO TARR record for Serial No. 77/184,983, on March 31, 2008, as follows:

Ramon A. Klitzke II, Esq.  
KLARQUIST SPARKMAN, LLP  
121 SW Salmon Street  
One World Trade Center, Suite 1600  
Portland, OR 97204



Deborah A. Popovic

Date: March 31, 2008 .



# EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-01-29 16:16:48 ET

Serial Number: 74027260 Assignment Information      Trademark Document Retrieval

Registration Number: 1711976

Mark (words only): GARDEN OF EATIN'

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-03-03

Filing Date: 1990-02-07

Transformed into a National Application: No

Registration Date: 1992-09-01

Register: Principal

Law Office Assigned: LAW OFFICE 14

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 900 -File Repository (Franconia)

Date In Location: 2002-03-05

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. ARROWHEAD MILLS, INC.

**Address:**

ARROWHEAD MILLS, INC.  
50 CHARLES LINDBERG BLVD. SUITE 100  
UNIONDALE, NY 11553  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

**GOODS AND/OR SERVICES**

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**International Class:** 030

**Class Status:** Active

natural food products, namely, corn chips, tortillas, bread

**Basis:** 1(a)

**First Use Date:** 1971-01-00

**First Use in Commerce Date:** 1972-00-00

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2002-03-03 - First renewal 10 year

2002-03-03 - Section 8 (10-year) accepted/ Section 9 granted

2002-01-02 - Combined Section 8 (10-year)/Section 9 filed

1998-01-12 - Section 8 (6-year) accepted & Section 15 acknowledged

1997-12-12 - Section 8 (6-year) and Section 15 Filed

1992-09-01 - Registered - Principal Register

1992-06-09 - Published for opposition

1992-05-11 - Notice of publication

1992-02-06 - Approved for Pub - Principal Register (Initial exam)

1991-02-20 - Letter of suspension mailed

1990-11-07 - Communication received from applicant

1990-05-18 - Non-final action mailed

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
ROBERT W. SMITH

**Correspondent**

ROBERT W. SMITH  
McCARTER & ENGLISH, LLP  
4 GATEWAY CENTER  
100 MULBERRY STREET  
NEWARK, NJ 07102

---



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## Assignments on the Web &gt; Trademark Query

## Trademark Assignment Abstract of Title

**Total Assignments: 5**Serial #: 74027260

Filing Dt: 02/07/1990

Reg #: 1711976

Reg. Dt: 09/01/1992

Registrant: Garden of Eatin', Inc.

Mark: GARDEN OF EATIN'

**Assignment: 1**Reel/Frame: 1802/0960

Received: 10/26/1998

Recorded: 10/19/1998

Pages: 10

Conveyance: MERGER

Assignor: GARDEN OF EATIN', INC.

Exec Dt: 04/24/1998

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: HAIN ACQUISITION CORP.

SUITE 100

50 CHARLES LINDBERGH BLVD.

UNIONDALE, NEW YORK 11553

Correspondent: MCCARTER &amp; ENGLISH, LLP

ROBERT W. SMITH

4 GATEWAY CENTER

100 MULBERRY STREET

NEWARK, NJ 07101

**Assignment: 2**Reel/Frame: 1803/0387

Received: 10/26/1998

Recorded: 10/19/1998

Pages: 5

Conveyance: CHANGE OF NAME

Assignor: HAIN ACQUISITION CORP.

Exec Dt: 04/24/1998

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: ARROWHEAD MILLS, INC.

SUITE 100

50 CHARLES LINDBERGH BLVD.

UNIONDALE, NEW YORK 11553

Correspondent: MCCARTER &amp; ENGLISH, LLP

ROBERT W. SMITH

4 GATEWAY CENTER

100 MULBERRY STREET

NEWARK, NJ 07101

**Assignment: 3**Reel/Frame: 1750/0027

Received: 07/09/1998

Recorded: 07/06/1998

Pages: 5

Conveyance: SECURITY AGREEMENT

Assignor: ARROWHEAD MILLS, INC.

Exec Dt: 07/01/1998

Entity Type: CORPORATION

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: IBJ SCHRODER BANK & TRUST COMPANY, AS AGENT

ONE STATE STREET

NEW YORK, NEW YORK 10004

Correspondent: NIXON, HARGRAVE, DEVANS &amp; DOYLE LLP

DONNA M. HART, ESQ.

437 MADISON AVENUE  
NEW YORK, NY 10022

**Assignment: 4****Reel/Frame:** 1939/0371      **Received:** 10/04/1999**Recorded:** 05/21/1999**Pages:** 5**Conveyance:** SECURITY AGREEMENT**Assignor:** ARROWHEAD MILLS, INC.**Exec Dt:** 05/18/1999**Entity Type:** CORPORATION**Citizenship:** NONE**Entity Type:** UNKNOWN**Citizenship:** NONE**Assignee:** IBJ WHITEHALL BANK & TRUST COMPANY, AS AGENT

ONE STATE STREET  
NEW YORK, NEW YORK 10004

**Correspondent:** NIXON, HARGRAVE, DEVANS & DOYLE LLP

ALICE L. SHIH, ESQ.  
437 MADISON AVENUE  
NEW YORK, NEW YORK 10022

**Assignment: 5****Reel/Frame:** 2117/0590      **Received:** 08/09/2000**Recorded:** 07/07/2000**Pages:** 4**Conveyance:** RELEASE BY SECURED PARTY**Assignor:** IBJ WHITEHALL BANK & TRUST COMPANY (F/K/A IBJ SCHRODER  
BANK & TRUST COMPANY)**Exec Dt:** 06/30/2000**Entity Type:** CORPORATION**Citizenship:** NONE**Entity Type:** CORPORATION**Citizenship:** NEW YORK**Assignee:** ARROWHEAD MILLS, INC.

50 CHARLES LINDBERGH BLVD.  
UNIONDALE, NEW YORK 11553

**Correspondent:** NATIONAL CORPORATE RESEARCH, LTD.

BENJAMIN MALIG  
225 W. 34TH ST., SUITE 910  
NEW YORK, N.Y. 10122

Search Results as of: 01/29/2008 04:16 PM  
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Web interface last modified: April 20, 2007 v.2.0.1

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**This page was generated by the TARR system on 2008-01-29 16:17:02 ET**

**Serial Number:** 76230146 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2542882

**Mark**



**(words only):** GARDEN OF EATIN'

**Standard Character claim:** No

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 2007-09-12

**Filing Date:** 2001-03-22

**Transformed into a National Application:** No

**Registration Date:** 2002-02-26

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2007-09-12

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Arrowhead Mills, Inc.

**Address:**

Arrowhead Mills, Inc.  
58 South Service Road Suite 250

Melville, NY 11747

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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### GOODS AND/OR SERVICES

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**International Class:** 030

**Class Status:** Active

Tortilla chips and corn chips

**Basis:** 1(a)

**First Use Date:** 1998-07-00

**First Use in Commerce Date:** 1998-07-00

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### ADDITIONAL INFORMATION

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**Lining and Stippling:** The lining is a feature of the mark and does not indicate color.

**Design Search Code(s):**

06.09.01 - Forests

26.11.20 - Rectangles inside one another

26.11.21 - Rectangles that are completely or partially shaded

26.11.25 - Rectangles with one or more curved sides

**Prior Registration Number(s):**

1711976

1726002

1900789

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-12 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-08-27 - Assigned To Paralegal

2007-08-07 - Section 8 (6-year) and Section 15 Filed

2007-08-07 - TEAS Section 8 & 15 Received

2007-08-03 - Applicant/Correspondence Changes (Non-Responsive) Entered



2007-08-03 - TEAS Change Of Owner Address Received  
2007-04-09 - Case File In TICRS  
2002-02-26 - Registered - Principal Register  
2001-12-04 - Published for opposition  
2001-11-14 - Notice of publication  
2001-07-23 - Approved for Pub - Principal Register (Initial exam)  
2001-07-19 - Examiner's amendment mailed  
2001-07-09 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
Robert W Smith

**Correspondent**  
Robert W Smith  
MCCARTER AND ENGLISH  
100 MULBERRY STREET  
FOUR GATEWAY CENTER  
NEWARK NJ 07102-4096  
Phone Number: 973-622-4444  
Fax Number: 973-624-7070

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**For Serial Number: 76230146**

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Web interface last modified: April 20, 2007 v.2.0.1

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Serial Number: 77248675 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

# GARDEN OF EATIN'

(words only): GARDEN OF EATIN'

Standard Character claim: Yes

Current Status: Final review prior to publication has been completed, application will be published for opposition.

Date of Status: 2008-01-05

Filing Date: 2007-08-07

The Information will be/was published in the Official Gazette on 2008-02-12

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:  
WYNNE MORGAN LAURA Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-01-05

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Arrowhead Mills, Inc.

**Address:**

Arrowhead Mills, Inc.  
Suite 250 58 South Service Road  
Melville, NY 11747  
United States

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Delaware

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**GOODS AND/OR SERVICES**

---

**International Class:** 030**Class Status:** Active

taco dinner kits consisting of taco shells, taco sauce and seasoning mix

**Basis:** 1(a)**First Use Date:** 2003-03-00**First Use in Commerce Date:** 2003-03-00

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**

1711976

2542882

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2008-01-23 - Notice of publication

2008-01-05 - Law Office Publication Review Completed

2008-01-05 - Assigned To LIE

2007-11-19 - Approved for Pub - Principal Register (Initial exam)

2007-11-16 - Examiner's Amendment Entered

2007-11-16 - Notification Of Examiners Amendment E-Mailed

2007-11-16 - Examiners amendment e-mailed

2007-11-16 - Examiners Amendment -Written

2007-11-14 - Assigned To Examiner

2007-08-11 - Notice Of Pseudo Mark Mailed

2007-08-10 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Robert W. Smith

**Correspondent**

ROBERT W. SMITH

MCCARTER & ENGLISH, LLP

4 GATEWAY CTR STE 1200

NEWARK, NJ 07102-4096

Phone Number: 973-622-4444

Fax Number: 973-624-7070

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**For Serial Number: 77248675**

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1  
Web interface last modified: April 20, 2007 v.2.0.1

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**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2008-01-29 16:17:31 ET**

**Serial Number:** 77282114 Assignment Information      Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

**GARDEN OF EATIN'**

**(words only):** GARDEN OF EATIN'

**Standard Character claim:** Yes

**Current Status:** Final review prior to publication has been completed, application will be published for opposition.

**Date of Status:** 2008-01-07

**Filing Date:** 2007-09-18

**The Information will be/was published in the Official Gazette on** 2008-02-12

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 117

**Attorney Assigned:**  
WYNNE MORGAN LAURA Employee Location

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2008-01-07

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Arrowhead Mills, Inc.

**Address:**

Arrowhead Mills, Inc.  
58 South Service Road, Suite 250  
Melville, NY 11747  
United States

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Delaware

---

**GOODS AND/OR SERVICES**

---

**International Class:** 030**Class Status:** Active

Pretzels and pretzel chips

**Basis:** 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

**ADDITIONAL INFORMATION**

---

**Prior Registration Number(s):**

1711976

2542882

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-01-23 - Notice of publication

2008-01-07 - Law Office Publication Review Completed

2008-01-07 - Assigned To LIE

2007-11-19 - Approved for Pub - Principal Register (Initial exam)

2007-11-16 - Examiner's Amendment Entered

2007-11-16 - Notification Of Examiners Amendment E-Mailed

2007-11-16 - Examiners amendment e-mailed

2007-11-16 - Examiners Amendment -Written



2007-11-14 - Assigned To Examiner

2007-09-22 - Notice Of Pseudo Mark Mailed

2007-09-21 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Robert W. Smith

**Correspondent**

ROBERT W. SMITH  
MCCARTER & ENGLISH, LLP  
FOUR GATEWAY CENTER  
100 MULBERRY STREET  
NEWARK, NJ 07102  
Phone Number: 973-622-4444  
Fax Number: 973-624-7070

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**Serial Number:** 77282106 [Assignment Information](#)      [Trademark Document Retrieval](#)

**Registration Number:** (NOT AVAILABLE)

**Mark**



**(words only):** GARDEN OF EATIN'

**Standard Character claim:** No

**Current Status:** Final review prior to publication has been completed, application will be published for opposition.

**Date of Status:** 2008-01-07

**Filing Date:** 2007-09-18

**The Information will be/was published in the Official Gazette on** 2008-02-12

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 117

**Attorney Assigned:**  
WYNNE MORGAN LAURA [Employee Location](#)

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2008-01-07

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. Arrowhead Mills, Inc.

**Address:**

Arrowhead Mills, Inc.  
58 South Service Road, Suite 250  
Melville, NY 11747  
United States

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Delaware

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**GOODS AND/OR SERVICES**

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**International Class:** 030**Class Status:** Active

Pretzels and pretzel chips

**Basis:** 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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**ADDITIONAL INFORMATION**

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**Color(s) Claimed:** Color is not claimed as a feature of the mark.**Design Search Code(s):**

05.01.02 - Maple tree; Trees or bushes with a generally rounded shape, including deciduous trees

06.09.01 - Forests

26.11.21 - Rectangles that are completely or partially shaded

26.11.25 - Rectangles with one or more curved sides

**Prior Registration Number(s):**

1711976

2542882

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2008-01-23 - Notice of publication

2008-01-07 - Law Office Publication Review Completed

2008-01-07 - Assigned To LIE

2007-11-19 - Approved for Pub - Principal Register (Initial exam)

2007-11-16 - Examiner's Amendment Entered  
2007-11-16 - Notification Of Examiners Amendment E-Mailed  
2007-11-16 - Examiners amendment e-mailed  
2007-11-16 - Examiners Amendment -Written  
2007-11-14 - Assigned To Examiner  
2007-09-22 - Notice Of Design Search Code Mailed  
2007-09-21 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Robert W. Smith

**Correspondent**

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