

ESTTA Tracking number: **ESTTA339388**

Filing date: **03/26/2010**

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	Cornfields, Inc.
Granted to Date of previous extension	03/31/2010
Address	3898 Sunset Avenue Waukegan, IL 60087 UNITED STATES

Correspondence information	Richard B. Biagi Attorney for Opposer Neal & McDevitt, LLC 1776 Ash Street Northfield, IL 60093 UNITED STATES pto@nealmcdevitt.com Phone:8478812455
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Applicant Information

Application No	77780921	Publication date	12/01/2009
Opposition Filing Date	03/26/2010	Opposition Period Ends	03/31/2010
Applicant	Adeena Weiss 28 e jackson blvd #10a847 chicago, IL 60604 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. All goods and services in the class are opposed, namely: Grain-based snack foods
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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.	911254	Application Date	10/03/1969
Registration Date	04/13/1971	Foreign Priority Date	NONE
Word Mark	SKINNY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class U046 (International Class 029, 030). First use: First Use: 1969/09/17 First Use In Commerce: 1969/09/17 FOOD PRODUCTS-NAMELY, SNACK CHIPS OF A CORN MEAL NATURE [, ONION DIP MIXES, AND CANDY]

Attachments	2010326 Notice of Opp.pdf (5 pages)(20315 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	/ Richard B. Biagi/
Name	Richard B. Biagi
Date	03/26/2010

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

In the matter of Trademark Application No. 77/780,921

For the Mark SKINNY MUNCH – Int. Class 30

Filed on July 14, 2009

Published on December 1, 2009

_____)	
CORNFIELDS, INC.)	
)	
Opposer,)	
)	Opposition No. _____
v.)	
)	
ADEENA WEISS,)	
d/b/a SKINNY MUNCH CORP.)	
)	
Applicant.)	
)	
_____)	

NOTICE OF OPPOSITION

CORNFIELDS, INC. an Illinois corporation with its principal place of business at 3898 Sunset Avenue, Waukegan, Illinois 60087 (hereinafter “Opposer”), believes that it will be damaged by registration of the mark SKINNY MUNCH (U.S. Serial No. 77/780,921) and hereby opposes same.

Grounds for Opposer’s opposition to registration of the mark SKINNY MUNCH are as follows:

1. Opposer owns the following U.S. trademark registrations and pending applications (hereinafter collectively the SKINNY Marks):

Mark	Reg. No. / App. No.	Reg. Date	Goods
SKINNY	911,254	4/13/71	Food products, namely snack chips of a corn meal nature, onion dip mixes, and candy
SKINNY STICKS	77/826,529	n/a	Potato-based snack foods; Vegetable-based snack foods
SKINNY MINIS	77/826,841	n/a	Potato-based snack foods; Vegetable-based snack foods

2. According to the U.S. Patent and Trademark Office records, Applicant Adeena Weiss (hereinafter “Applicant”) is the owner of record of U.S. Trademark Application Serial No. 77/780,921 for the mark SKINNY MUNCH for grain-based snack foods which was filed on July 14, 2009 and is based upon a bona fide intent to use pursuant to Section 1(b) of The Trademark Act, 15 U.S.C. 1051(b).

3. Opposer is using and has used, via a predecessor-in-interest, the SKINNY Marks since at least as early as 1969 in connection with snack food products, long prior to Applicant’s filing of the application to register the mark SKINNY MUNCH. Opposer’s products are marketed and sold nationally through various distribution channels. Opposer’s SKINNY Marks are well known throughout the U.S. and elsewhere.

4. Opposer has expended substantial resources to advertise and promote the sale of products under its SKINNY Marks.

5. Since long prior to Applicant’s filing of its application to register the mark SKINNY MUNCH, Opposer has used in interstate commerce its SKINNY Marks in connection with Opposer’s broad range of goods including, but not limited to, corn chips, candy, onion dip mixes, potato-based snack foods, and vegetable-based snack foods (hereinafter “Opposer’s

Goods”).

6. By reason of Opposer’s advertisement, promotion, and use, Opposer’s SKINNY Marks have come to be recognized as signifying Opposer and Opposer’s Goods.

7. Opposer has built up extensive goodwill in connection with the offering and sale of products under its SKINNY Marks.

8. Notwithstanding Opposer’s prior rights in and to its SKINNY Marks, Applicant filed an application, U.S. Serial No. 77/780,921, for registration of the mark SKINNY MUNCH, which Applicant intends to use in connection with “grain-based snack foods” in International Class 30. This application was published in the December 1, 2009 issue of the *Official Gazette* (Trademarks) of the United States Patent and Trademark Office, and Opposer was granted a time extension until March 31, 2010 to oppose.

9. Applicant’s proposed trademark SKINNY MUNCH is identical and/or confusingly similar to Opposer’s SKINNY Marks, and the proposed use and registration by Applicant of the proposed trademark SKINNY MUNCH is likely to cause confusion, deception, and mistake among purchasers.

10. Applicant’s proposed trademark SKINNY MUNCH dilutes the distinctive quality of Opposer’s famous SKINNY Marks, and the proposed use and registration by Applicant of the proposed trademark SKINNY MUNCH is likely to cause dilution by blurring.

11. Applicant’s application to register and proposed use of the mark SKINNY MUNCH has and will continue to interfere with Opposer’s SKINNY Marks, and will seriously damage Opposer, its business and its goodwill.

WHEREFORE, Opposer respectfully prays that this opposition be sustained, that U.S. Trademark Application Serial No. 77/780,921 for the mark SKINNY MUNCH be rejected, and that registration by Applicant be denied.

Date: March 26, 2010

Respectfully submitted,

By: /s/ Richard B. Biagi

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*Attorneys for Opposer,
Cornfields, Inc.*

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Opposer, hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served by deposit with the United States Postal Service, First Class, upon:

Adeena Weiss
28 East Jackson Blvd. #10A847
Chicago, IL 60604-2263

Correspondent for Applicant

on this 26th day of March, 2010.

/s/ Richard B. Biagi

One of the Attorneys for Opposer