

ESTTA Tracking number: **ESTTA1110094**

Filing date: **01/25/2021**

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

Proceeding	91254159
Party	Plaintiff Punjab Milk Foods Inc., 642897 B.C. LTD.
Correspondence Address	MICHAEL PAMPALONE III DAHAN PAMPALONE 158 GRAND STREET WHITE PLAINS, NY 10601 UNITED STATES Primary Email: michael@dahanpampalone.com Secondary Email(s): david@dahanpampalone.com 718-388-0912
Submission	Testimony For Plaintiff
Filer's Name	Michael Pampalone
Filer's email	michael@dahanpampalone.com, david@dahanpampalone.com, trishadore@accuprotm.com
Signature	/mp/
Date	01/25/2021
Attachments	Redacted Trial Testimony of G. Arneja.pdf(3279711 bytes)

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

PUNJAB MILK FOODS INC. and
642897 B.C. LTD.,

Opposers,

v.

THE KROGER CO. OF MICHIGAN,

Applicant.

Opposition Proceeding No. 91254159

Application Serial No.: 88/440,524

Mark: EMERGE

**REDACTED TRIAL TESTIMONY OF GURPREET ARNEJA
SUBMITTED ON BEHALF OF OPPOSERS**

GURPREET ARNEJA, declares under penalty of perjury as follows:

1. I am the President and a Director of Opposer, PUNJAB MILK FOODS INC. (“Punjab Milk Foods”) and also the President and a Director of Opposer, 642897 B.C. LTD. (herein, collectively, “Opposers”).

2. I submit this testimony on behalf of Opposers based on my personal knowledge as well as the books, records and archival histories of Opposers and Nanak Foods Incorporated to which I have access.

3. Opposers own and operate one of the largest federally approved dairies in North America and manufacture, produce, package, market and sell their own branded lines of products, which include a wide variety of dairy, vegetarian, vegan and other plant-based food products that Opposers have been exporting internationally throughout the world for well over twenty (20) years, including through long-established trade channels reaching throughout the United States.

4. Opposers are closely related Canadian corporations that share the same Officers and Directors. Attached hereto and incorporated herein by reference as Exhibit A are true and correct copies of Opposers' corporate summary records from the British Columbia Registry Services bearing bates-stamp numbers OP 0001 – OP 0004.

5. I am also a Governor of Nanak Foods Incorporated ("Nanak Foods"), a corporation organized and existing under the laws of the State of Washington, which is also closely related to, and shares the same Officers and Directors, as Opposers. Attached hereto and incorporated herein by reference as Exhibit B are true and correct copies of Nanak Foods' business record summary from the Washington Secretary of State's Corporation and Charities Filing System, which bears bates-stamp number OP 0005.

6. Opposer 642897 B.C. LTD. is the owner of U.S. Application Serial No. 88/703,796 to register the trademark EMERGE (the "EMERGE Mark"). Attached hereto and incorporated herein by reference as Exhibit C are true and correct copies of records relating to U.S. Application Serial No. 88/703,796 from the U.S. Patent and Trademark Office's Trademark Electronic Search system database bearing bates-stamp numbers OP 0007 – OP 0016.

7. [REDACTED]

///

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. On or around February 6, 2019, Opposers first made commercial use of the EMERGE Mark in the United States on plant-based foods and food substitute products by virtue of Punjab Milk Foods' sale and transportation of Opposers' plant-based EMERGE Veggie Burger Patties bearing the EMERGE Mark ("Opposers' EMERGE Goods") into the United States. Attached hereto and incorporated herein by reference as Exhibit D is a true and correct image bates-stamped OP 0006 depicting the product packaging bearing the EMERGE Mark for Opposers' EMERGE Goods, which Opposers began marketing, selling and importing into the United States on or around February 6, 2019.

10. On or around February 6, 2019, Punjab Milk Foods transported from Canada and sold [REDACTED] cases, amounting to [REDACTED] units, of Opposers' EMERGE Goods to Nanak Foods in the United States. Attached hereto and incorporated herein by reference as Exhibit E are CONFIDENTIAL records bates-stamped OP 0017 – OP 0022 evidencing Punjab Milk Foods' shipment and sale of Opposers' EMERGE Goods to Nanak Foods in the United States on or around February 6, 2019.

11. On or around February 27, 2019, Punjab Milk Foods transported from Canada and sold an additional [REDACTED] cases, amounting to [REDACTED]

14. Since February 2019, Opposers have been making continuous, ongoing and expanded commercial use of the EMERGE Mark in connection with Opposers' EMERGE Goods in the United States by virtue of their ongoing marketing, shipment and sale of Opposers' EMERGE Goods in the United States, and Opposers intend for such commercial use to continue to grow throughout the United States.

15. Opposers have continuously marketed and promoted the EMERGE Mark and Opposers' EMERGE Goods in the United States directly to distributors and by participating in trade shows utilizing marketing materials that prominently feature the EMERGE Mark and Opposers' EMERGE Goods, including the ECRM trade show for natural, organic and specialty/gourmet food suppliers that was held in Scottsdale, Arizona from August 19, 2019 through August 21, 2019 (the "ECRM Trade Show"). During the ECRM Trade Show I participated in a meeting with representatives of applicant, The Kroger Company of Michigan ("Applicant"), during which I discussed Opposers' EMERGE Goods and EMERGE plant-based food and food substitute products with Applicant's representatives. Attached hereto and incorporated herein by reference as Exhibit I are true and correct images bates-stamped OP 0075 – OP 0076 depicting the trade show booth and marketing and promotional materials featuring the EMERGE Mark utilized by Opposers during the ECRM Trade Show.

16. Since commencing commercial use of the EMERGE Mark in the United States in February 2019, Opposers have developed and expanded their EMERGE line of plant-based food and plant based food substitute products, as well as the packaging for Opposers' EMERGE Goods, which currently include, "Plant-Based Meatless Meatballs", "Plant-Based Vegan Crabless Cakes", "Plant-Based Chickenless Burgers"

and “Plant-Based Beefless Burger Patties”. Attached hereto and incorporated herein by reference as Exhibit J are true and correct images bates-stamped OP 0070 – OP 0074 depicting Opposers’ current packaging that bears the EMERGE Mark for the expanded product line of Opposers’ EMERGE Goods.

17. Opposers intend to continue to expand their EMERGE line of plant-based food and plant-based food substitute products that are being transported, marketed and sold commercially within the United States.

18. Opposers have not authorized or consented to Applicant’s U.S. Application Serial No. 88/440,524 to register the identical EMERGE mark that is the subject of the instant Opposition Proceeding (the “Opposed Mark”), or Applicant’s use of the Opposed Mark, and registration of the Opposed Mark will cause damage to Opposers and destroy Opposers’ investment and goodwill in the EMERGE Mark.

I declare pursuant to 28 U.S.C. §1746 and under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 25th day of January 2021.


GURPREET ARNEJA

EXHIBIT A



BC Company Summary

For
642897 B.C. LTD.

Date and Time of Search: February 07, 2020 11:19 AM Pacific Time
Currency Date: December 18, 2019

ACTIVE

Incorporation Number: BC0642897
Name of Company: 642897 B.C. LTD.
Recognition Date: Incorporated on February 26, 2002
Last Annual Report Filed: February 26, 2019
In Liquidation: No
Receiver: No

REGISTERED OFFICE INFORMATION

Mailing Address:
#215-13737-72ND AVENUE
SURREY BC V3W 2P2
CANADA
Delivery Address:
#215-13737-72ND AVENUE
SURREY BC V3W 2P2
CANADA

RECORDS OFFICE INFORMATION

Mailing Address:
#215-13737-72ND AVENUE
SURREY BC V3W 2P2
CANADA
Delivery Address:
#215-13737-72ND AVENUE
SURREY BC V3W 2P2
CANADA

DIRECTOR INFORMATION

Last Name, First Name, Middle Name:
ARNEJA, GURPREET

Mailing Address:
#200 - 14666 - 64TH AVENUE
SURREY BC V3S 1X7
CANADA
Delivery Address:
#200 - 14666 - 64TH AVENUE
SURREY BC V3S 1X7
CANADA

Last Name, First Name, Middle Name:
TANEJA, VINEET

Mailing Address:
#200 - 14666 - 64TH AVENUE
SURREY BC V3S 1X7
CANADA
Delivery Address:
#200 - 14666 - 64TH AVENUE
SURREY BC V3S 1X7
CANADA

OFFICER INFORMATION AS AT February 26, 2019**Last Name, First Name, Middle Name:**

Arneja, Gurpreet

Office(s) Held: (President)**Mailing Address:**#200 - 14666 - 64TH AVENUE
SURREY BC V3S 1X7
CANADA**Delivery Address:**#200 - 14666 - 64TH AVENUE
SURREY BC V3S 1X7
CANADA

Last Name, First Name, Middle Name:

Taneja, Vineet

Office(s) Held: (Secretary)**Mailing Address:**6308 - 146 STREET
SURREY BC V3S 3A4
CANADA**Delivery Address:**6308 - 146 STREET
SURREY BC V3S 3A4
CANADA



BC Company Summary For PUNJAB MILK FOODS INC.

Date and Time of Search: February 07, 2020 11:20 AM Pacific Time
Currency Date: December 18, 2019

ACTIVE

Incorporation Number: BC0951356
Name of Company: PUNJAB MILK FOODS INC.
Recognition Date and Time: October 01, 2012 12:01 AM Pacific Time as a result of an Amalgamation In Liquidation: No
Last Annual Report Filed: October 01, 2019 Receiver: No

AMALGAMATING CORPORATION(S) INFORMATION

Table with 2 columns: Name of Amalgamating Corporation, Incorporation Number in BC. Rows include NANA K FOODS INC. and PUNJAB MILK FOODS INC.

REGISTERED OFFICE INFORMATION

Mailing Address: SUITE 215, 13737 - 72 AVENUE SURREY BC V3W 2P2 CANADA
Delivery Address: SUITE 215, 13737 - 72 AVENUE SURREY BC V3W 2P2 CANADA

RECORDS OFFICE INFORMATION

Mailing Address: SUITE 215, 13737 - 72 AVENUE SURREY BC V3W 2P2 CANADA
Delivery Address: SUITE 215, 13737 - 72 AVENUE SURREY BC V3W 2P2 CANADA

DIRECTOR INFORMATION

Last Name, First Name, Middle Name: ARNEJA, GURPREET

Mailing Address: 200, 14666 - 64 AVENUE SURREY BC V3S 1X7 CANADA
Delivery Address: 200, 14666 - 64 AVENUE SURREY BC V3S 1X7 CANADA

Last Name, First Name, Middle Name:

TANEJA, VINEET

Mailing Address:200, 14666 - 64 AVENUE
SURREY BC V3S 1X7
CANADA**Delivery Address:**200, 14666 - 64 AVENUE
SURREY BC V3S 1X7
CANADA

OFFICER INFORMATION AS AT October 01, 2019**Last Name, First Name, Middle Name:**

Arneja, Gurpreet

Office(s) Held: (President)**Mailing Address:**#200 - 14666 - 64TH AVENUE
SURREY BC V3S 1X7
CANADA**Delivery Address:**#200 - 14666 - 64TH AVENUE
SURREY BC V3S 1X7
CANADA

Last Name, First Name, Middle Name:

Taneja, Vineet

Office(s) Held: (Secretary)**Mailing Address:**6308 - 146 STREET
SURREY BC V3S 3A4
CANADA**Delivery Address:**6308 - 146 STREET
SURREY BC V3S 3A4
CANADA

EXHIBIT B

BUSINESS INFORMATION

Business Name:

NANAK FOODS INCORPORATED

UBI Number:

604 056 888

Business Type:

WA PROFIT CORPORATION

Business Status:

ACTIVE

Principal Office Street Address:

2875 ROEDER AVE #4, BELLINGHAM, WA, 98225, UNITED STATES

Principal Office Mailing Address:

2875 ROEDER AVE #4, BELLINGHAM, WA, 98225, UNITED STATES

Expiration Date:

11/30/2020

Jurisdiction:

UNITED STATES, WASHINGTON

Formation/ Registration Date:

11/15/2016

Period of Duration:

PERPETUAL

Inactive Date:

Nature of Business:

ANY LAWFUL PURPOSE

REGISTERED AGENT INFORMATION

Registered Agent Name:

RUSSELL PRITCHETT

Street Address:

870 DEMOCRAT ST, BELLINGHAM, WA, 98229-8829, UNITED STATES

Mailing Address:

PO BOX 1977, BELLINGHAM, WA, 98227-1977, UNITED STATES

GOVERNORS

Title	Governors Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		GURPREET	ARNEJA
GOVERNOR	INDIVIDUAL		VINEET	TANEJA

EXHIBIT C

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

Serial Number: 88703796

Filing Date: 11/22/2019

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88703796
MARK INFORMATION	
*MARK	EMERGE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EMERGE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	642897 B.C. Ltd.
*STREET	#200 - 14666 - 64th Avenue
*CITY	Surrey, BC
*COUNTRY	Canada
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	V3S1X7
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Canada
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	029
*IDENTIFICATION	Food products namely plant based meat substitutes, prepared meals consisting primarily of plant based meat substitutes, plant based snacks and appetizers consisting primarily of plant based meat substitutes;
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	1,987,666
FOREIGN APPLICATION COUNTRY	Canada
FOREIGN FILING DATE	09/30/2019
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration and requests that the application be suspended to await the submission of the foreign registration. If ultimately the applicant does not rely

	on §44(e) as a basis for registration, a valid claim of priority may be retained.
INTERNATIONAL CLASS	030
*IDENTIFICATION	Vegan ice cream, vegan frozen dessert and confectionery;
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	1,987,666
FOREIGN APPLICATION COUNTRY	Canada
FOREIGN FILING DATE	09/30/2019
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration and requests that the application be suspended to await the submission of the foreign registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	Trisha A. Doré confirms that she is authorized to practice before the United States Patent and Trademark Office by the office of OED under the provision of reciprocity as a trademark agent in Canada.
DOMESTIC REPRESENTATIVE INFORMATION	
NAME	Michael Pampalone
FIRM NAME	Pampalone Law
STREET	15 Dunham Pl
CITY	Brooklyn
STATE	New York
COUNTRY	United States
ZIP CODE	11249
PHONE	718-388-0912
CORRESPONDENCE INFORMATION	
NAME	Trisha A. Doré
FIRM NAME	Accupro Trademark Services LLP
STREET	702 - 401 West Georgia Street
CITY	Vancouver, BC
COUNTRY	Canada
ZIP/POSTAL CODE	V6B5A1
PHONE	+1-6046619248
FAX	604-688-3830
*EMAIL ADDRESS	docketing@accuprotrm.com; trishadore@accuprotrm.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	2

APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEE DUE	550
*TOTAL FEE PAID	550
SIGNATURE INFORMATION	
ORIGINAL PDF FILE	hw 2071648551-140522195 . EMERGE - Signed Application.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT17\IMAGEOUT17\887\037\88703796\xml1\RFA0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\887\037\88703796\xml1\RFA0004.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\887\037\88703796\xml1\RFA0005.JPG
SIGNATORY'S NAME	Gurpreet Arneja
SIGNATORY'S POSITION	President

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

Serial Number: 88703796

Filing Date: 11/22/2019

To the Commissioner for Trademarks:

MARK: EMERGE (Standard Characters, see below)

The literal element of the mark consists of EMERGE. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, 642897 B.C. Ltd., a corporation of Canada, having an address of

#200 - 14666 - 64th Avenue

Surrey, BC V3S1X7

Canada

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 029: Food products namely plant based meat substitutes, prepared meals consisting primarily of plant based meat substitutes, plant based snacks and appetizers consisting primarily of plant based meat substitutes;

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on Canada application number 1,987,666, filed 09/30/2019.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration and requests that the application be suspended to await the submission of the foreign registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

International Class 030: Vegan ice cream, vegan frozen dessert and confectionery;

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on Canada application number 1,987,666, filed 09/30/2019.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration and requests that the application be suspended to await the submission of the foreign registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

Miscellaneous Statement

Trisha A. Doré confirms that she is authorized to practice before the United States Patent and Trademark Office by the office of OED under the provision of reciprocity as a trademark agent in Canada.

The applicant hereby appoints Michael Pampalone of Pampalone Law

15 Dunham Pl

Brooklyn New York 11249

United States

718-388-0912(phone)

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

Trisha A. Doré
Accupro Trademark Services LLP
702 - 401 West Georgia Street
Vancouver, BC V6B5A1, Canada
+1-6046619248(phone)
604-688-3830(fax)
docketing@accuprotrm.com; trishadore@accuprotrm.com (authorized).

Email Authorization: I authorize the USPTO to send email correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the email address provided in this application. I understand that a valid email address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$550 has been submitted with the application, representing payment for 2 class(es).

Declaration**Declaration Signature**

The attached signature image file:

\\TICRS\EXPORT17\IMAGEOUT17\887\037\88703796\xml1\RFA0003.JPG

Signatory's Name: Gurpreet Arneja
Signatory's Position: President
Payment Sale Number: 88703796
Payment Accounting Date: 11/22/2019

Serial Number: 88703796
Internet Transmission Date: Fri Nov 22 18:02:07 EST 2019
TEAS Stamp: USPTO/BAS-XXX.XXX.XX.XX-2019112218020710
3396-88703796-700544917c656dd2cd2dafa336
36876cc3c3be41c506f1b984f57b242a7c29297-
CC-02053588-20191122175835795099

EMERGE

Trademark/Service Mark Application, Principal Register

For Review & Signature

To the Commissioner for Trademarks:

MARK: EMERGE (Standard Characters, see below)

EMERGE

The literal element of the mark consists of EMERGE. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, 642897 B.C. Ltd., a corporation of Canada, having an address of
 #200 - 14666 - 64th Avenue
 Surrey, BC V3S1X7
 Canada

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 029: Food products namely plant based meat substitutes, prepared meals consisting primarily of plant based meat substitutes, plant based snacks and appetizers consisting primarily of plant based meat substitutes;

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on Canada application number 1,987,666, filed 09/30/2019.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration and requests that the application be suspended to await the submission of the foreign registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

International Class 030: Vegan ice cream, vegan frozen dessert and confectionery;

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on Canada application number 1,987,666, filed 09/30/2019.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration and requests that the application be suspended to await the submission of the foreign registration. If ultimately the applicant does not rely on §44(e) as a basis for

- 2 -

registration, a valid claim of priority may be retained.

Miscellaneous Statement

Trisha A. Doré confirms that she is authorized to practice before the United States Patent and Trademark Office by the office of OED under the provision of reciprocity as a trademark agent in Canada.

The applicant hereby appoints Michael Pampalone of Pampalone Law
15 Dunham Pl
Brooklyn New York 11249
United States
718-388-0912(phone)

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

Trisha A. Doré
Accupro Trademark Services LLP
702 - 401 West Georgia Street
Vancouver, BC V6B5A1, Canada
+1-6046619248(phone)
604-688-3830(fax)
docketing@accuprotm.com; trishadore@accuprotm.com (authorized).

Email Authorization: I authorize the USPTO to send email correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the email address provided in this application. I understand that a valid email address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$550 will be submitted with the application, representing payment for 2 class(es).

- 3 -

Declaration

Read the following statements before signing. Acknowledge the statements by signing below.

- **Basis:**

- **If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
 - The mark is in use in commerce on or in connection with the goods/services in the application;
 - The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

- **And/Or**

- **If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature Section:

NOTE: The same person may sign the declaration on behalf of the other joint applicant(s), by merely making identical entries. The USPTO will presume that the one person who has signed was, in fact, authorized to sign on behalf of the other person(s).

Signature: _____
 Signatory's Name: GURPREET ARNEJA
 Signatory's Position: PRESIDENT
 Date Signed: _____

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the declaration language. Do **not** include the entire application, but do ensure that the declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

EMERGE

EXHIBIT D

EMERGE

VEGGIE BURGER PATTIES

A highly nutritional and balanced combination of vegetables, cheese, herbs and spices - a delicious patty served as a snack or in a burger.

APPROX. 8 PIECES

100% Vegetarian

DELICIOUS APPETIZERS

Serve hot with or without your favorite dip, chutney or sauce.



SUGGESTED SERVING / KEEP FROZEN
NET WT. 22.5 oz (640g)

CONFIDENTIAL

EXHIBIT E

*****FILED UNDER SEAL*****

*****CONFIDENTIAL*****

EXHIBIT F

*****FILED UNDER SEAL*****

CONFIDENTIAL

EXHIBIT G

*****FILED UNDER SEAL*****

*****CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY*****

EXHIBIT H

*****FILED UNDER SEAL*****

EXHIBIT I

80 NANAK

NANAK

www.nanakfoods.com



PANEER



VEGGIE BURGER PATTIES

PURE DESI GHEE



100% VEGETARIAN



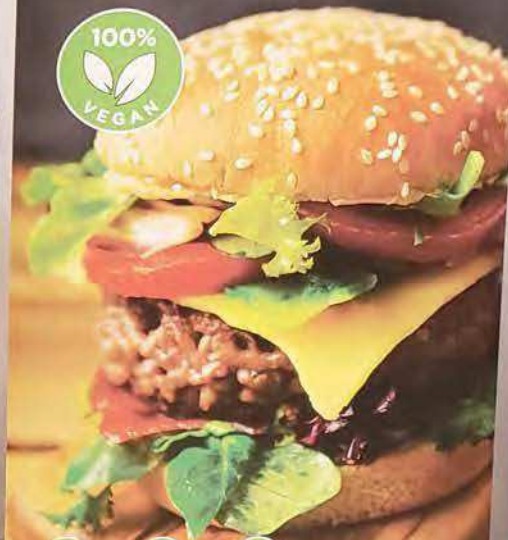
EMERGE

100% PLANT-BASED BURGER

18 GMS OF PLANT-PROTEIN

TASTES BEYOND BELIEF!

FLAVORS | BEEF AND CHICKEN



MADE BY: NANAK FOODS

WISH TASTE COULD T

Experience World in Just M with Nom No

Discover healthy, multi-winning meals and wraps the world, with no added additives or preservatives

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NANAK

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PANEER



VEGGIE BURGER PATTIES

PURE DESI GHEE



100% VEGETARIAN

80

NANAK

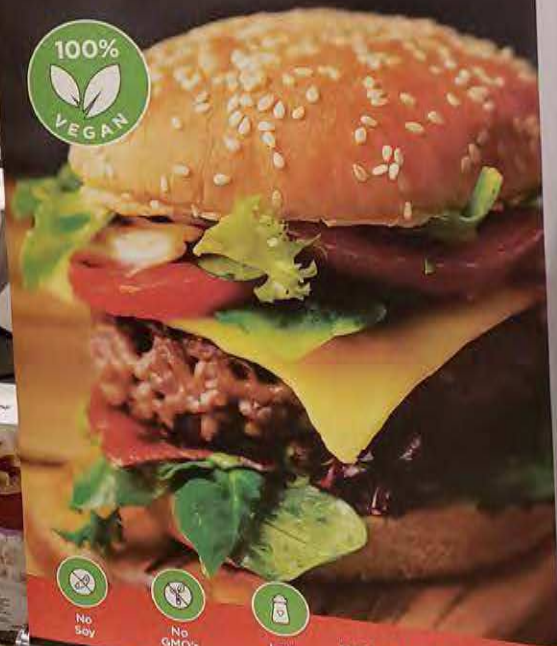
EMERGE

100% PLANT-BASED BURGER

18 GMS OF PLANT-PROTEIN

TASTES BEYOND BELIEF!

FLAVORS | BEEF AND CHICKEN



No Soy



No GMO's



Low Sodium

MADE BY: NANAK FOODS



EXHIBIT J

EMERGE

PLANT-BASED BEEFLESS BURGER

MADE IN A MEAT FREE FACILITY

HIGH PROTEIN
20g in 113g

VEGAN

NO SOY

4 x 113g PATTIES

NET WT. 16 oz (454g) KEEP FROZEN



HIGH PROTEIN

VEGAN

NO SOY

EMERGE
PLANT-BASED BEEFLESS BURGER
MADE IN A MEAT FREE FACILITY

4 x 113g PATTIES

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EMERGE

PLANT-BASED MEATLESS MEATBALL

MADE IN A MEAT FREE FACILITY

HIGH PROTEIN
18g in 100g

VEGAN

NO SOY



HIGH PROTEIN

VEGAN

NO SOY

EMERGE
PLANT-BASED MEATLESS MEATBALL
MADE IN A MEAT FREE FACILITY

16 PIECES APPROX.

NET WT. 400 g (14 oz)

KEEP FROZEN & REHEAT THOROUGHLY

*ADJUST TO SERVING SIZE BASED ON YOUR NEEDS

16 PIECES APPROX.

EMERGE

PLANT-BASED VEGAN CRABLESS CAKE

MADE IN A MEAT FREE FACILITY

VEGAN

NO
SOY

6 x 65 g CAKES

NET WT. 400 g (14 oz) KEEP FROZEN FOR BEST QUALITY



VEGAN

NO
SOY

EMERGE

PLANT-BASED
VEGAN CRABLESS CAKE
MADE IN A MEAT FREE FACILITY

6 x 65 g
CAKES

SUGGESTED SERVING SIZE: 1 CAKE WITH 1/2 CUP VEGETABLES

EMERGE

PLANT-BASED CHICKENLESS BURGER

MADE IN A MEAT FREE FACILITY

HIGH PROTEIN
20g in 113g

VEGAN

NO SOY

4 x 113g PATTIES

NET WT. 454 g (16 oz)

NET WT. 200g (7.05oz)



HIGH PROTEIN

VEGAN

NO SOY

EMERGE

PLANT-BASED CHICKENLESS BURGER

MADE IN A MEAT FREE FACILITY

4 x 113g PATTIES

RECIPES, COOKING & STORAGE INFORMATION

EMERGE

PLANT-BASED BEEFLESS BURGER

MADE IN A MEAT FREE FACILITY

HIGH PROTEIN
20g in 113g

VEGAN

NO SOY

4 x 113g PATTIES
NET WT. 454 g (16 oz)

SEE FRONT PANEL FOR DETAILS



HIGH PROTEIN

VEGAN

NO SOY

EMERGE
PLANT-BASED BEEFLESS BURGER

MADE IN A MEAT FREE FACILITY

4 x 113g PATTIES

NO SOY, SOY ALLERGEN INFORMATION ON BACK PANEL

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "Trial Testimony of Gurpreet Arneja Submitted on Behalf of Opposers" has been served on applicant's counsel by forwarding a copy *via* electronic mail on this 25th day of January, 2021, to applicant's attorneys of record, William P. Atkins, Esq. [william.atkins@pillsburylaw.com], Laura C. Gustafson, Esq. [laura.gustafson@pillsburylaw.com], Sam E. Iverson, Esq. [sam.iverson@pillsburylaw.com] of Pillsbury Winthrop Shaw Pittman LLP.

/Michael Pampalone/
Michael Pampalone