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

Proceeding	92044522
Party	Plaintiff Southern Snow Manufacturing, Inc.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Cancellation No. 92044522

Registration No. 2901592

Mark: ORCHID CREAM VANILLA

SOUTHERN SNOW MANUFACTURING, INC.
v.
SNOWIZARD HOLDINGS, INC.

PETITIONER'S SECOND NOTICE OF RELIANCE

Petitioner Southern Snow Manufacturing Co., Inc., submits this Second Notice of Reliance in accord with 37 C.F.R. §2.120, *et seq*., during its period for rebuttal testimony. The following are hereby designated and made part of the record of this case:

1. Pursuant to 37 C.F.R. §2.120(j), Respondent's publication providing instructions for customers to mix their own ORCHID CREAM VANILLA flavor, identified as Exhibit P-71 to the 21 January 2009 deposition of Respondent's principal officer Ronald R. Sciortino, and identified by deponent as being dated prior to 1998 in said deposition at 48:11-14, and possibly dated prior to 1994 or 1995 in said deposition at 42:14, and attached as Appendix W.

2. Pursuant to 37 C.F.R. §2.120(j), Respondent's publication providing instructions for customers to mix their own ORCHID CREAM VANILLA flavor, identified as Exhibit P-72 to the 21 January 2009 deposition of Respondent's principal officer Ronald R. Sciortino, and identified by deponent as being possibly dated prior to 1994 or 1995 in said deposition at 43:2, and attached as Appendix X.

3. Pursuant to 37 C.F.R. §2.120(j), Respondent's publication providing instructions for customers to mix their own ORCHID CREAM VANILLA flavor, identified as Exhibit P-73 to the 21 January 2009 deposition of Respondent's principal

officer Ronald R. Sciortino, and identified by deponent as being dated by its copyright year of 2000 in said deposition at 43:15, and attached as Appendix Y.

Respectfully submitted,

Mark Edw. Andrews
Attorney at Law
Attorney for Petitioners
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CERTIFICATE OF SERVICE

I, Mark Edw. Andrews, certify that I have served a copy of this document on counsel for Respondent in this proceeding by email on this 11th day of March, 2009.

SnoWizard™ SINCE 1937 HOLDINGS, INC.

SNOWIZARD MANUFACTURING, INC.
SNOWIZARD EXTRACTS, INC.
SNOWIZARD SUPPLIES, INC.

SIMPLE SYRUP

To make 1 gallon, dissolve 5 lbs of sugar into 2-1/2 quarts of water. Warm water may be used to accelerate the dissolving of the sugar, however, it is not necessary to boil your simple syrup or heat the water to dissolve the sugar. The warmer the water, the longer the syrup must cool before using.

Simple syrup can be made in a large quantity quickly, efficiently, and with no mess by use of a Mixing Container. Mixing containers come in 10, 20 and 32 gallon sizes complete with lid and pouring spigot.

Depending upon the amount of syrup to be made, first add the proper amount of water to the container, then slowly pour in the sugar while stirring with the paddle. Sodium Benzoate should be added at this time if desired. Stir occasionally until the mixture is clear; about 20 minutes. (Sugar will be very difficult to stir up from the bottom if added before the water.) Add the Citric Acid once the simple syrup is mixed well, and is clear. Stir again after adding.

		(Optional)		
TO MAKE	SUGAR	S.BENZ.	C.ACID	WATER
1 Gallon	5#	1 oz.	.25 oz	2 Quarts 16 oz.
5 Gallons	25#	5 oz.	1.25 oz	3 Gallons, 16 oz.
10 Gallons	50#	10 oz.	2.50 oz	6 Gallons, 32 oz.
15 Gallons	75#	15 oz.	3.75 oz	9 Gallons, 48 oz.
20 Gallons	100#	20 oz.	5.00 oz	12 Gallons, 64 oz.
25 Gallons	125#	25 oz.	6.25 oz	15 Gallons, 80 oz.

FLAVORS

SHAKE ALL FLAVORING EXTRACTS WELL BEFORE USING. To mix flavors, measure 4 ounces of the desired flavoring extract, and pour into a plastic gallon jug. Fill with simple syrup from the spigot of the mixing container, cap and shake well.

PRESERVATIVES

Shelf life of SnoWizard flavoring extracts, when stored properly, is from 24 to 36 months. Shelf life of mixed flavors is approximately 7 to 14 days, depending upon the flavor. To preserve flavors for months, add 1 ounce of SODIUM BENZOATE and 1/4 ounce of CITRIC ACID, per gallon, to the SIMPLE SYRUP when mixing. Add each ingredient separately and mix well. **CAUTION! Do not combine or pour together the citric acid and sodium benzoate as they will solidify.**

CITRIC ACID

To enhance your tropical fruit flavors and give them more zing, add 1/4 to 1 ounce of citric acid to each gallon of mixed flavor. Suggested flavors are: Strawberry, Orange, Mandarin, Tangerine, Pineapple, Lemon-Lime, Lemon, Lime, Hawaiian, Raspberry, Blackberry and Peach.

Over -->

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CREAMY DELIGHTS

CREAM FLAVORS can be made by adding Evaporated Milk or Vanilla Ice Milk mix to your regular flavors. Milk will compliment certain flavors while not being suited for others. Citrus flavors with high acid content are not recommended with milk as the acid may cause the milk to curdle.

When using Evaporated Milk to make your cream flavors, we recommend the use of a quality brand name milk such as Pet or Carnation brand. Generic or store brands may be of lesser quality and have a tendency to curdle easily, especially in certain flavors with a high citric acid content.

Popular flavors commonly made into Cream flavors are:

CHOCOLATE	**CHERRY**	**BANANA**	**ICE CREAM**	**PRALINE**
COCONUT	**PEACH**	**COFFEE**	**STRAWBERRY**	**BRANDY**
BLUEBERRY	**ALMOND**	**VANILLA**	**DREAMSICLE**	**AMARETTO**
SPEARMINT	**NECTAR**	**HAWAIIAN**	**PINA COLODA**	**BUTTERCREAM**

To make Cream Flavors, add 4 ounces of evaporated milk to a 1/5th size serving bottle, fill with mixed flavor and shake well. Cream flavors must be kept refrigerated.

To make 1 Gallon of a Cream Flavor, add 4 ounces of SnoWizard flavoring extract to a 1 gallon jug, 20 to 24 ounces of evaporated milk, and fill with simple syrup. Shake well and refrigerate.

Popular names given to flavors with cream are:

BANANA	-	BANANA BANCHEE	BRANDY	-	BRANDY ALEXANDER
PEACH	-	PEACHES & CREAM	AMARETTO	-	AMARETTO ALEXANDER
PRALINE	-	PRALINES & CREAM	NECTAR	-	PINK LADY
SPEARMINT	-	GRASHOPPER or CREME DE MENTHE	CHOCOLATE	-	CHOCOLATE CREAM, BROWN COW, MOO MOO
WD STRAWBERRY	-	STRAWBERRY SHORTCAKE			

SPECIALITY RECIPES

The following recipes are for 1 gallon quantities. Add the ingredients listed for each flavor to a gallon jug and fill with simple syrup.

WEDDING CAKE

3 ozs	SnoWizard Almond Extract
1 Tlb	SnoWizard Pineapple Extract
24 ozs	Evaporated Milk

CHOCOLATE CREAM

4 cups	Chocolate Flavored Syrup
1 oz	SnoWizard Buttercream Ext.
24 ozs	Evaporated Milk

JUNGLE JUICE

1/2 oz	SnoWizard Almond Extract
2 oz	SnoWizard Hawaiian Extract
1 oz	SnoWizard Pineapple Extract
1 oz	SnoWizard Lemon Extract

PINK LEMONADE

3.5 ozs	SnoWizard Lemon Clear Ext
6 Drops	SnoWizard Cherry Extract
1.5 oz	Citric Acid

MAI TAI

2 ozs	SnoWizard Pineapple Ext.
1 oz	SnoWizard Orange Extract
1 oz	SnoWizard Lemon Extract

ORCHID CREAM VANILLA

4 ozs	SnoWizard Vanilla Extract
2 drops	Blue Food Coloring
2 drops	Red Food Coloring
24 ozs	Evaporated Milk

SnoWizard™
SINCE 1937
HOLDINGS, INC.

SNOWIZARD MANUFACTURING, INC.
SNOWIZARD EXTRACTS, INC.
SNOWIZARD SUPPLIES, INC.

The following recipes are for 1 gallon quantities. To make 1 gallon of these flavors, add the ingredients listed for each flavor to a gallon jug, and fill with simple syrup. Shake well.

ORCHID CREAM VANILLA

4 oz	SnoWizard Vanilla Extract
2 drops	Blue Food Coloring
2 drops	Red Food Coloring
24 oz	Evaporated Milk

FUZZY NAVEL *

2 oz	SnoWizard Orange Extract
2 oz	SnoWizard Peach Extract

PINK LEMONADE

4 oz	SnoWizard Lemonade Extract
1 oz	Citric Acid
6 drops	SnoWizard Cherry Extract

SILVER FOX *

3-1/2 oz	SnoWizard White Vanilla Extract
1/2 oz	SnoWizard Almond Extract

WEDDING CAKE 1

4 oz	SnoWizard Almond Extract
1 Tlb	SnoWizard Pineapple Extract
24 oz	Evaporated Milk

WEDDING CAKE 2

3 oz	SnoWizard Coconut Extract
1 oz	SnoWizard Almond Extract
1 Tlb	SnoWizard Pineapple Extract
24 oz	Evaporated Milk

Vanilla ice-milk mix (soft-serve ice milk mix) can be used in place of evaporated milk. This will give your cream flavors a richer taste, without overpowering the flavor as evaporated milk may. It is also about 1/3 the cost of evaporated milk.

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NINJA TURTLE

2 oz	SnoWizard Lime Extract
2 oz	SnoWizard Banana Extract

CHOCOLATE CREAM

4 cups	Chocolate Flavored Syrup
1 oz	SnoWizard Butter Cream Vanilla Extract
24 oz	Evaporated Milk

JUNGLE JUICE

1/2 oz	SnoWizard Almond Extract
2 oz	SnoWizard Hawaiian Extract
1 oz	SnoWizard Pineapple Extract
1 oz	SnoWizard Lemon Extract

MAI TAI

1 oz	SnoWizard Pineapple Extract
1 oz	SnoWizard Orange Extract
2 oz	SnoWizard Passion Fruit Extract

CREME DE MENTHE

3 oz	SnoWizard Peppermint Extract
1 oz	SnoWizard Spearmint Extract
24 oz	Evaporated Milk

KAHLUA

5 oz	SnoWizard Coffee Extract
1 oz	SnoWizard Brandy Extract
1 oz	SnoWizard Vanilla Extract
20 oz	Evaporated Milk

CAPPUCCINO

10 oz	SnoWizard Coffee Extract
20 oz	Evaporated Milk

SNICKERS

2 oz	SnoWizard Chocolate Extract
2 oz	SnoWizard Praline Extract
20 oz	Evaporated Milk

* Top SnoBall With Caramel Topping and Crushed Nuts

LEMON MERINGUE PIE

3 oz	SnoWizard Ice Cream Extract
1 oz	SnoWizard Lemonade Extract
20 oz	Evaporated Milk

SnoWizard flavors can be combined to make other flavors also such as:

Banana-Bubble Gum	Chocolate-Mint
Cherry-Cola	Kiwi-Lime
Cherry-Vanilla	Orange-Pineapple

SPECIALTY RECIPES

ORCHID CREAM VANILLA

4 oz	SnoWizard Vanilla Concentrate
2 drops	Blue Food Coloring
2 drops	Red Food Coloring
24 oz	Evaporated or Vanilla Ice Milk Mix

FUZZY NAVEL

2 oz	SnoWizard Orange Concentrate
2 oz	SnoWizard Peach Concentrate

PINK LEMONADE

4 oz	SnoWizard Lemonade Concentrate
1 oz	Citric Acid
6 drops	SnoWizard Cherry Concentrate

APPLE PIE

4 oz	SnoWizard Golden Apple Concent.
1/4 oz	SnoWizard Cinnamon Concentrate

NINJA TURTLE

2 oz	SnoWizard Lime Concentrate
2 oz	SnoWizard Banana Concentrate

CHOCOLATE CREAM

4 cups	Chocolate Flavored Syrup
1 oz	SnoWizard Buttercream Vanilla
24 oz	Evaporated or Vanilla Ice MilkMix

JUNGLE JUICE

1/2 oz	SnoWizard Almond Concentrate
2 oz	SnoWizard Hawaiian Concentrate
1 oz	SnoWizard Pineapple Concentrate
1 oz	SnoWizard Lemon Concentrate

MAI TAI

1 oz	SnoWizard Pineapple Concentrate
1 oz	SnoWizard Orange Concentrate
2 oz	SnoWizard Passion Fruit Concen.

CREME DE MENTHE

3 oz	SnoWizard Peppermint Concentrate
1 oz	SnoWizard Spearmint Concentrate
24 oz	Evaporated or Vanilla Ice Milk Mix

KAHLUA

5 oz	SnoWizard Coffee Concentrate
1 oz	SnoWizard Brandy Concentrate
1 oz	SnoWizard Vanilla Concentrate
24 oz	Evaporated or Vanilla Ice Milk Mix

LEMON MERINGUE PIE

3 oz	SnoWizard Ice Cream Concentrate
1 oz	SnoWizard Lemonade Concentrate
24 oz	Evaporated or Vanilla Ice Milk Mix

SNICKERS

2 oz	SnoWizard Chocolate Concentrate
2 oz	SnoWizard Praline Concentrate
24 oz	Evaporated or Vanilla Ice Milk Mix

* Top SnoBall With Caramel Topping and crushed Nuts

CAPPUCCINO

10 oz	SnoWizard Coffee Concentrate
20 oz	Evaporated or Vanilla Ice Milk Mix

SnoWizard flavors can also be combined to make flavors such as:

Banana-Bubble Gum	Chocolate-Mint
Cherry-Cola	Kiwi-Lime
Cherry-Vanilla	Orange-Pineapple
Strawberry-Banana	Strawberry-Kiwi

Use your imagination to create your own flavor combinations.

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SPECIAL COMBINATIONS

The following recipes are for 1 gallon quantities. To make 1 gallon of these flavors, add the ingredients listed for each flavor to a gallon jug and fill with simple syrup. Shake well.

DAIQUIRIS

Make any of your favorite Daiquiris such as Banana, Peach, Raspberry, Strawberry, etc.

3-1/2 oz	SnoWizard Daiquiri Concentrate
1/2 oz	SnoWizard Concentrate of Flavor Desired

CHEESECAKES *

Make any variety of Cheesecake such as Amaretto, Blueberry, Cherry, etc.

3-1/2 oz	SnoWizard Creole Cream Cheese Concentrate
1/2 oz	SnoWizard Concentrate of Flavor Desired

WINE COOLERS

Make refreshing Wine Coolers in delicious fruity flavors such as Blueberry, Blackberry, Cherry, Peach, Raspberry, Strawberry, etc.

3-1/2 oz	SnoWizard Wine Cooler Concentrate
1/2 oz	SnoWizard Concentrate of Flavor Desired

COLADAS*

Create your own Colada Flavor by adding Strawberry, Cherry, Banana, Peach, etc.

3 oz	SnoWizard Pina Colada Concentrate
1 oz	SnoWizard Concentrate of Desired Flavor

MARGARITAS

Make different flavored Margaritas by adding Strawberry, Peach, Cherry, etc.

3 oz	SnoWizard Margarita Concentrate
1 oz	SnoWizard Concentrate of Desired Flavor

CUSTARDS*

Make any type of Custard flavor such as Coconut, Lemon, Rum, Vanilla, etc.

3 oz	*SnoWizard Custard Concentrate*
1 oz	*SnoWizard Concentrate of Desired Flavor*

SOURS

Make any of your favorite "sours" such as Sour Grape, Sour Cherry, etc.

5 oz	*Citric Acid*
4 oz	*SnoWizard Concentrate of Desired Flavor*

- *Denotes recipe that is also great as a cream flavor.*

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