

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

Registration No. 3,037,538  
Issued: January 3, 2006  
For: **CAMPARI**

Westgro Sales, Inc.,  
  
Petitioner,  
  
vs.  
  
Mastronardi Produce, Ltd.,  
  
Registrant.

# 78314145

Cancellation No. 92045971

**DECLARATION OF MARC M.  
GORELNIK IN SUPPORT OF  
WESTGRO'S OPPOSITION TO MOTION  
TO DISMISS FIRST AMENDED  
PETITION FOR CANCELLATION**

I, MARC M. GORELNIK, declare as follows:

1. I am an attorney licensed to practice law in the state of California. I am a member of the law firm of Townsend and Townsend and Crew LLP, counsel for Petitioner Westgro Sales, Inc. ("Petitioner") in this action.

2. I have reviewed certain agreements to which both Petitioner and Respondent are parties. Among these agreements is a letter agreement dated November 27, 2001. Dave Gingrich executed the agreement on behalf of Petitioner Westgro Sales, Inc. ("Westgro"), and Paul Mastronardi executed the agreement on behalf of Respondent Mastronardi Produce, Ltd. ("Mastronardi").



11-13-2007

3. The 2001 agreement is referenced in Paragraph 9 of the First Amended Petition for Cancellation (the "Amended Petition").

4. The preamble to the agreement provides that "Campari tomato seed" will be supplied to Mastronardi "to meet the requirements ... to market this variety of tomato."

5. Paragraph 8 of the 2001 agreement states that "Technical assistance for this variety ... will be provided to Mastronardi produce."

I declare under penalty of perjury that the foregoing is true and correct.


Executed this 9th day of November, 2007, at San Francisco, California.

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

Dated: November 9, 2007

By:




John A. Hughes  
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CERTIFICATE OF MAILING

I hereby certify that the foregoing document is being deposited with the United States Postal Service, on November 9, 2007, as first class mail in an envelope addressed to:

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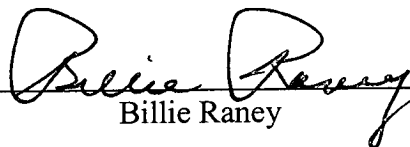
  
Billie Raney

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CERTIFICATE OF SERVICE

I hereby certify that this **DECLARATION OF MARC M. GORELNİK IN SUPPORT OF WESTGRO'S OPPOSITION TO MOTION TO DISMISS FIRST AMENDED PETITION FOR CANCELLATION** is being deposited with the United States Postal Service as first class mail in an envelope on November 9, 2007 addressed to:

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