

**To:** Super Bakery, Incorporated ([webblaw@webblaw.com](mailto:webblaw@webblaw.com))

**Subject:** TRADEMARK APPLICATION NO. 78664774 - GOODY MAN - 4927-051932

**Sent:** 9/27/2006 9:13:45 AM

**Sent As:** ECOM108@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)  
[Attachment - 9](#)  
[Attachment - 10](#)  
[Attachment - 11](#)  
[Attachment - 12](#)  
[Attachment - 13](#)  
[Attachment - 14](#)  
[Attachment - 15](#)  
[Attachment - 16](#)  
[Attachment - 17](#)  
[Attachment - 18](#)  
[Attachment - 19](#)  
[Attachment - 20](#)  
[Attachment - 21](#)  
[Attachment - 22](#)  
[Attachment - 23](#)  
[Attachment - 24](#)  
[Attachment - 25](#)  
[Attachment - 26](#)  
[Attachment - 27](#)  
[Attachment - 28](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/664774

**APPLICANT:** Super Bakery, Incorporated

**\*78664774\***

**CORRESPONDENT ADDRESS:**

JOHN W. MCILVAINE, REG. NO. 34,219  
THE WEBB LAW FIRM  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH, PA 15219-1845

**MARK:** GOODY MAN

**CORRESPONDENT'S REFERENCE/DOCKET NO :** 4927-051932

**CORRESPONDENT EMAIL ADDRESS:**

webblaw@webblaw.com

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**FINAL OFFICE ACTION**

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

**MAILING/E-MAILING DATE INFORMATION:** If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/664774

This letter responds to applicant's communication filed on August 7, 2006. The trademark examining attorney has considered applicant's arguments carefully and found them unpersuasive. For the reasons set forth below, the refusal under Trademark Act Section 2(d), 15 U.S.C. §1052(d), is now made FINAL with respect to U.S. Registration No. 2966225. 37 C.F.R. §2.64(a).

**ARGUMENTS SUPPORTING LIKELIHOOD OF CONFUSION**

The applicant's August 7, 2006 response argues that there is no likelihood of confusion between the instant application and cited registration due to two factors: (1) application owns a previous registration for GOODY MAN, U.S. Registration No. 2930398; and (2) the owner of the cited registration, U.S. Registration No. 2966225 is not using the mark in the United States on packaging for the goods.

1. Applicant's Ownership of A Previous Registration Is Not Dispositive

Although the applicant is the owner of U.S. Registration No. 2930398, GOODY MAN, the ownership of this registration alone is not enough to overcome a likelihood of confusion between the instant application and U.S. Registration No. 2966225, G GOODYMAN. Prior decisions and actions of other trademark examining attorneys in registering different marks are without evidentiary value and are not binding upon the Office. Each case is decided on its own facts, and each mark stands on its own merits. *AMF Inc. v. American Leisure Products, Inc.*, 177 USPQ 268, 269 (C.C.P.A. 1973); *In re International Taste, Inc.*, 53 USPQ2d 1604 (TTAB 2000); *In re Sunmarks Inc.*, 32 USPQ2d 1470 (TTAB 1994); *In re National Novice*

*Hockey League, Inc.*, 222 USPQ 638, 641 (TTAB 1984); *In re Consolidated Foods Corp.*, 200 USPQ 477 (TTAB 1978).

As a result, the applicant's prior registration does not justify allowance of the instant application for registration.

## 2. Registrant's Use is Not at Issue in This Application

Applicant also argues, based on an e-mail it received from someone representing the registrant and its own investigation into the applicant's website, that the registrant has not used the mark in the United States. Essentially, applicant argues that its activities are geographically separate from those of registrant. This argument is not persuasive because applicant seeks a geographically unrestricted registration, and the registration at issue enjoys a presumption of registrant's exclusive right to nationwide use of the registered mark under Section 7(b) of the Trademark Act regardless of its actual extent of use. Trademark Act Section 7(b), 15 U.S.C. §1057(b). See e.g. *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1568, 218 USPQ 390, 393 (Fed. Cir. 1983); *Amcor, Inc. v. Amcor Indus., Inc.*, 210 USPQ 70, 77 (TTAB 1981). Therefore, the geographical extent of applicant's and registrant's activities is not a proper factor for consideration here. *In re Shell Oil Co.*, 26 USPQ2d 1687, 1689-90 (Fed. Cir. 1993); *In re Infinity Broadcasting Corp. of Dallas*, 60 USPQ2d 1214 (TTAB 2001); *In re Appetito Provisions Co. Inc.*, 3 USPQ2d 1553, 1554 n.4 (TTAB 1987).

Furthermore, a certificate of registration on the Principal Register is *prima facie* evidence of the validity of the registration, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the mark in commerce in connection with the goods specified in the certificate. Collateral attacks on the cited registration, during *ex parte* prosecution, will not be considered. TMEP § 1207(d)(iv); See *In re Dixie Restaurants*, 105 F.3d 1405, 41 USPQ2d 1531 (Fed. Cir. 1997); *Cosmetically Yours, Inc. v. Clairol Inc.*, 424 F.2d 1385, 1387, 165 USPQ 515, 517 (C.C.P.A. 1970); *In re Peebles Inc.* 23 USPQ2d 1795, 1797 n. 5 (TTAB 1992); *In re Pollio Dairy Products Corp.*, 8 USPQ2d 2012, 2014-15 (TTAB 1988).

## 3. Likelihood of Confusion

As a result of the above, the only issue is whether there is a likelihood of confusion between the instant application and U.S. Registration No. 296625. As stated in the first Office Action, the marks are compared in their entireties under a Section 2(d) analysis. Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1987); TMEP §1207.01(b)(viii).

Here, the marks are similar because the literal element of both marks is nearly identical in sound, appearance, and meaning. The applicant's mark is for GOODY MAN, while the registrant's mark is for G THE GOODYMAN, with design. The differences between these two marks are not significant enough to avoid a likelihood of confusion. As the word portion of a mark is dominant over the design portion, the literal portion of the registrant's mark carries greater weight. The addition of the letter "G" and the word "THE" before GOODYMAN in the registrant's is not enough to create a different commercial impression from the applicant's mark. Additionally, the lack of a space between the separate terms GOODY and MAN is not enough to create a different impression. In fact, the dominant features of both marks are the terms GOODY and MAN, with use of the same spelling and pronunciation.

When applicant's mark is compared to a registered mark, "the points of similarity are of greater importance than the points of difference." *Esso Standard Oil Co. v. Sun Oil Co.*, 229 F.2d 37, 40, 108 USPQ 161 (D.C. Cir. 1956) (internal citation omitted).

Similarly, a determination of whether there is a likelihood of confusion is made solely on the basis of the goods identified in the application and registration, without limitations or restrictions that are not reflected therein. *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595 (TTAB 1999). If the cited registration describes the goods broadly and there are no limitations as to their nature, type, channels of trade or classes of purchasers, then it is presumed that the registration encompasses all goods of the type described, that they move in all normal channels of trade, and that they are available to all potential customers. *In re Linkvest S.A.*, 24 USPQ2d 1716 (TTAB 1992); *In re Elbaum*, 211 USPQ 639 (TTAB 1981); TMEP §1207.01(a)(iii).

In the present case, the applicant and registrant's goods are directly competitive with one another. Both the applicant and the registrant are offering bakery goods according to the respective identifications of goods. In fact, the applicant and the registrant overlap the use of cookies, cakes, and donuts. As a result, the goods of the applicant and registrant are similar and directly competitive.

Attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the goods listed therein, namely "cupcakes, marshmallow treats, glazed rings, cookies, donuts, buns, fruit pies, muffins, and snack cakes" and "cookies, cakes, tarts, rice cakes, strudels, donuts, and meat snacks," are of a kind that may emanate from a single source. *See In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-1218 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co., Inc.*, 6 USPQ2d 1467, 1470 at n.6 (TTAB 1988).

**As a result, the refusal under Trademark Act Section 2(d), 15 U.S.C. §1052(d), is now made FINAL with respect to U.S. Registration No. 2966225. 37 C.F.R. §2.64(a).**

### **RESPONDING TO THIS FINAL OFFICE ACTION**

-  
No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant should simply set forth the required changes or statements and request that the Office enter them.

If applicant fails to respond to this final action within six months of the mailing date, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible (37 C.F.R. §2.64(a)); and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class (37 C.F.R. §§2.6(a)(18) and 2.64(a); TMEP §§715.01 and 1501 *et seq.*; TBMP Chapter 1200).

In certain circumstances, a petition to the Director may be filed to review a final action that is limited to procedural issues, pursuant to 37 C.F.R. §2.63(b)(2). 37 C.F.R. §2.64(a). *See* 37 C.F.R. §2.146(b), TMEP §1704, and TBMP Chapter 1201.05 for an explanation of petitionable matters. The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

/Jennifer Li McRobbie/  
Examining Attorney, Law Office 108  
(571) 272-8799 (Direct Dial)  
(571) 273-9108 (Facsimile, official use only.)  
[Jennifer.McRobbie@uspto.gov](mailto:Jennifer.McRobbie@uspto.gov) (informal use only.)

**HOW TO RESPOND TO THIS OFFICE ACTION:**

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

**DESIGN MARK**

**Serial Number**

76155825

**Status**

REGISTERED

**Word Mark**

PLEASANTHILL OVENS

**Standard Character Mark**

No

**Registration Number**

2714153

**Date Registered**

2003/05/06

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Speedway SuperAmerica LLC LTD LIAB CO DELAWARE 500 Speedway Drive Enon  
OHIO 453231056

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: BAKERY GOODS  
INCLUDING COOKIES, MUFFINS, DANISH, BROWNIES, STRUDEL, DONUTS, BARS  
AND BAGELS, AND FRESH AND FROZEN SANDWICHES. First Use: 2001/08/01.  
First Use In Commerce: 2001/08/01.

**Filing Date**

2000/10/30

**Examining Attorney**

BUCHANAN WILL, NORA

**Attorney of Record**

MARK C SCHAFFER

# PLEASANTHILL OVENS

**DESIGN MARK**

**Serial Number**

78224084

**Status**

REGISTERED

**Word Mark**

SUGARPLUM BAKERY & TREATS

**Standard Character Mark**

No

**Registration Number**

2867992

**Date Registered**

2004/07/27

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Faltis, Kelly INDIVIDUAL UNITED STATES c/o Sullivan Law Offices 1650  
N. Lucerne Minden NEVADA 89423

**Owner**

Faltis, Carol INDIVIDUAL UNITED STATES c/o Sullivan Law Offices 1650  
N. Lucerne Minden NEVADA 89423

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: baked goods,  
desserts, foods and beverages, namely cakes, breads, pastries,  
cookies, Danish pastries, croissants, mousses, torts, tarts, cupcakes,  
brownies, cheesecakes, custards, creme brules, quiches, galettes,  
candies, chocolate, ice cream, custard, popcorn, fudge, hot fudge, hot  
caramel, dough, bread bowls, malts, milkshakes, espressos, coffees and  
teas. First Use: 2003/03/17. First Use In Commerce: 2003/03/17.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAKERY & TREATS" APART  
FROM THE MARK AS SHOWN.

**Filing Date**

**Print: Sep 27, 2006**

**78224084**

2003/03/11

**Examining Attorney**  
ALT, JILL C.

**Attorney of Record**  
J. D. Sullivan

SUGARPLUM BAKERY & TREATS

"A DELICIOUS ADVENTURE"

**DESIGN MARK**

**Serial Number**

78316470

**Status**

REGISTERED

**Word Mark**

PLEASANTHILL OVENS BAKED GOODS & SNACKS

**Standard Character Mark**

No

**Registration Number**

2917310

**Date Registered**

2005/01/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Speedway SuperAmerica LLC LTD LIAB CO DELAWARE 500 Speedway Drive Enon  
OHIO 453231056

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: bakery goods  
including cookies, muffins, Danish, brownies, strudel, donuts, bars  
and bagels, and fresh and frozen sandwiches. First Use: 2001/08/01.  
First Use In Commerce: 2001/08/01.

**Prior Registration(s)**

2714153

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE BAKED GOODS & SNACKS  
APART FROM THE MARK AS SHOWN.

**Filing Date**

2003/10/21

**Examining Attorney**

BENZMILLER, ANDREW

**Print: Sep 27, 2006**

**78316470**

**Attorney of Record**  
Mark C. Schaffer

# PLEASANTHILL OVENS

BAKED GOODS & SNACKS

**DESIGN MARK**

**Serial Number**

78368167

**Status**

REGISTERED

**Word Mark**

HUMMEL HUMMEL BAKE SHOP

**Standard Character Mark**

Yes

**Registration Number**

3062188

**Date Registered**

2006/02/28

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Hummel-Hummel Baking, Inc. CORPORATION NEW YORK 572 Larkfield Road  
East Northport NEW YORK 11731

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: cakes; crumb cakes;  
pastries; cupcakes; chocolate; cookies; brownies; pies; Danish  
pastries; tortes; tarts; turnovers; donuts; croissants; muffins;  
stollen; breads; rolls and sweetened breads. First Use: 1987/01/01.  
First Use In Commerce: 2000/01/01.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: retail  
bakery shop services. First Use: 1987/01/01. First Use In Commerce:  
2000/01/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAKE SHOP" APART FROM  
THE MARK AS SHOWN.

**Filing Date**

2004/02/13

**Print: Sep 27, 2006**

**78368167**

**Examining Attorney**

BUONGIORNO, CHRISTOPHER

**Attorney of Record**

Patricia A. Wilczynski

# HUMMEL HUMMEL BAKE SHOP

**DESIGN MARK**

**Serial Number**

78368173

**Status**

REGISTERED

**Word Mark**

HOME OF THE ORIGINAL PIZZA CRUMB

**Standard Character Mark**

Yes

**Registration Number**

3003767

**Date Registered**

2005/10/04

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Hummel-Hummel Baking, Inc. CORPORATION NEW YORK 572 Larkfield Road  
East Northport NEW YORK 11731

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: Cakes; pastries;  
cupcakes; chocolate; cookies; brownies; pies; danishes; tortes; tarts;  
turnovers, namely, fruit pies; donuts; croissants; muffins; stollen;  
breads; rolls; sweetened breads and bakery goods for consumption on or  
off the premises. First Use: 1987/01/01. First Use In Commerce:  
2000/01/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORIGINAL and CRUMB"  
APART FROM THE MARK AS SHOWN.

**Filing Date**

2004/02/13

**Examining Attorney**

SMITH, BRIDGETT

**Print: Sep 27, 2006**

**78368173**

**Attorney of Record**

Patricia A. Wilczynski

HOME OF THE  
ORIGINAL PIZZA  
CRUMB

**DESIGN MARK**

**Serial Number**

78418128

**Status**

REGISTERED

**Word Mark**

COUNTRY HOME

**Standard Character Mark**

Yes

**Registration Number**

3001339

**Date Registered**

2005/09/27

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

J&J Snack Foods Corp. CORPORATION NEW JERSEY 6000 Central Highway  
Pennsauken NEW JERSEY 08109

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: baked goods, namely, partially prebaked and frozen bread and rolls, coffee cakes, Danish pastries and buns, doughnuts, fruit puffs, fruit turnovers, fruit tarts, fruit pies, cookies, croissants; and finished baked goods, namely, layer cakes, cupcakes, doughnuts, cheese cakes, sheet cakes, éclairs, puff shells and brownies. First Use: 1952/02/01. First Use In Commerce: 1952/07/26.

**Prior Registration(s)**

1335741

**Filing Date**

2004/05/13

**Examining Attorney**

GAST, PAUL FRANCIS

**Print: Sep 27, 2006**

**78418128**

**Attorney of Record**

J. Rodman Steele, Jr.

# COUNTRY HOME

**TYPED DRAWING**

**Serial Number**

75677074

**Status**

REGISTERED

**Word Mark**

RITCH & FAMOUS

**Standard Character Mark**

No

**Registration Number**

2843307

**Date Registered**

2004/05/18

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

International Hasco Trading Company Limited CORPORATION CANADA 10405 -  
178 Street Edmonton, Alberta CANADA T5S 1R5

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: foods and bakery products, namely, pastries, cookies, pies, tarts, cakes, pastry squares, doughnuts, breads, buns, scones, muffins and bagels; gift baskets containing these food items. First Use: 1997/10/04. First Use In Commerce: 2001/11/00.

**Foreign Country Name**

CANADA

**Foreign Priority**

FOREIGN PRIORITY CLAIMED

**Foreign Application Number**

892697

**Foreign Filing Date**

1998/10/07

**Print: Sep 27, 2006**

**75677074**

**Filing Date**

1999/04/07

**Examining Attorney**

CHHINA, KARAN

**Attorney of Record**

KEN J PEDERSEN

**DESIGN MARK**

**Serial Number**

75760963

**Status**

REGISTERED

**Word Mark**

MAINWAY FRESH BAKERY

**Standard Character Mark**

No

**Registration Number**

2545721

**Date Registered**

2002/03/12

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Irving Oil Corporation CORPORATION MAINE 700 Main Avenue Bangor MAINE  
044023513

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: Fruit based snack  
foods, namely, fruit sticks and fruit trellis. First Use: 1999/07/00.  
First Use In Commerce: 1999/07/00.

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: Puff pastry, tarts,  
brownies, nanaimo bars, squares, cakes, cupcakes, eclairs, pies,  
banana bread, breads, breadsticks, bagels, buns, rolls, muffins, tea  
biscuits, croissants, turnovers, strudels, Danish pastries, cinnamon  
buns, hot cross buns, donuts, cookies, apple fritters. First Use:  
1999/07/00. First Use In Commerce: 1999/07/00.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail  
bakery shops. First Use: 1999/07/00. First Use In Commerce:  
1999/07/00.

**Print: Sep 27, 2006**

**75760963**

**Prior Registration(s)**

0216861;2168060;2168062;2186348

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FRESH BAKERY" APART FROM THE MARK AS SHOWN.

**Filing Date**

1999/07/22

**Examining Attorney**

GRAY, CAROLYN

**Attorney of Record**

B. Parker Livingston, Jr.

**FRESH**  
**Bakery**



**DESIGN MARK**

**Serial Number**

75773039

**Status**

REGISTERED

**Word Mark**

LES FRIANDISES

**Standard Character Mark**

No

**Registration Number**

2459147

**Date Registered**

2001/06/12

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Kahn, Jean INDIVIDUAL UNITED STATES 1060 Park Avenue New York NEW YORK  
10128

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: Pastries and  
desserts, namely cakes, pies, tarts, cookies, brownies, mouses,  
muffins, scones, croissants, turnovers and sticky buns. First Use:  
1986/02/00. First Use In Commerce: 1986/02/00.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: restaurant  
services. First Use: 1986/02/00. First Use In Commerce: 1986/02/00.

**Section 2f Statement**

2(F) ENTIRE MARK

**Translation Statement**

The English translation of the mark is "Little Things".

**Filing Date**

1999/08/11

**Print: Sep 27, 2006**

**75773039**

**Examining Attorney**  
FRONT, MITCHELL

**Attorney of Record**  
Peter T. Wakiyama

# **LES FRIANDISES**

**DESIGN MARK**

**Serial Number**

75978153

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

THE CHOCOLATE GODDESS

**Standard Character Mark**

No

**Registration Number**

2319901

**Date Registered**

2000/02/15

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

CHOCOLATE GODDESS, INC., THE CORPORATION NEW YORK 111 Main Street Cold Spring Harbor NEW YORK 11724

**Name Change**

BY ASSIGNMENT; BY ASSIGNMENT

**Original Owner**

Esatto, Barbara INDIVIDUAL Centerport NEW YORK 11721

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: breads, pastries, bakery goods; cakes; pies; brownies; buns; chocolate; candy; chocolate candy; cookies; custards; candy decoration for cakes; petit fours; sweetmeats; tarts. First Use: 1998/08/22. First Use In Commerce: 1998/12/30.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHOCOLATE" APART FROM THE MARK AS SHOWN.

**Filing Date**

**Print: Sep 27, 2006**

**75978153**

1997/07/09

**Examining Attorney**  
JOHNSON, DARLENE

**Attorney of Record**  
Keith A. Weltsch

# **THE CHOCOLATE GODDESS**