

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/028283

APPLICANT: Dr. August Oetker Nahrungsmittel KG

79028283

CORRESPONDENT ADDRESS:

Rechtsanwälte Dres. Meyer & Möbitz
Lutterstraße 14
33617 Bielefeld FED REP GERMANY

RETURN ADDRESS:

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

MARK: BISTRO

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

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.

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 79/028283

INTERNATIONAL REGISTRATION NO. 0876426 .

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. 15 U.S.C. §1141h(c).

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:

Applicant may respond directly to this provisional refusal Office action, or applicant's attorney may respond on applicant's behalf. However, **the only attorneys who can practice before the USPTO** in trademark matters are as follows:

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state, and**
- (2) **Canadian attorneys who have applied for and received reciprocal recognition by the USPTO under 37 C.F.R. §10.14(c).** Canadian attorneys can only represent Canadian applicants.

37 C.F.R. §10.14; TMEP §602.

Foreign attorneys are *not* permitted to practice before the USPTO, other than properly authorized Canadian attorneys. Preparing a paper, authorizing an amendment to an application, or submitting legal arguments in response to a requirement or refusal constitutes representation of a party in a trademark matter. *A response signed by an unauthorized foreign attorney is considered an incomplete response.* TMEP §§602, 602.03, 603.05.

THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:

LIKELIHOOD OF CONFUSION

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the marks in U.S. Registration Nos. 1448725; 2675305; 2352510; 2610330; 3104456; 3026307; 3048401; 2974035; 3169999; and 3071149 as to be likely to cause confusion, or to cause mistake, or to deceive. TMEP §§1207.01 *et seq.* See the enclosed registrations.

Applicant herein is seeking protection for the term BISTRO alone, with no additional wording. It is thus seeking a broader scope of protection than any of the cited marks may have had against each others' marks. The sole literal element in many of the cited marks is the term BISTRO plus generic or highly descriptive, disclaimed matter. (e.g., BISTRO-SOUPS for soups, goods included by applicant; BISTRO ENTREES for prepared entrees either including the entrees of applicant or entrees closely related to those of the applicant.) Other cited marks include the term BISTRO in prominent fashion as applied to prepared meals.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities.

CONFLICTING EARLIER FILED APPLICATIONS

Although the examining attorney has searched the Office records and has found no similar *registered* mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), the examining attorney encloses information regarding pending Application Serial Nos. 78-589367; 78-744634; 78-764996; 78-765005; 78-816683; and 78-816724. 37 C.F.R. §2.83.

There may be a likelihood of confusion between the applicant's mark and the marks in the above noted applications under Section 2(d) of the Act. The filing dates of the referenced applications precede the applicant's filing date. If one or more of these earlier-filed applications matures into a registration, the examining attorney may refuse registration under Section 2(d).

A similar rationale applies to the above referenced applications as applies to the cited registrations. Note specifically BISTRO CUISINE as applied to frozen prepared entrees overlapping with those of the applicant herein.

ENTITY AND COUNTRY OF ORGANIZATION

The applicant must indicate what type of entity is applying, for example, an individual, partnership, corporation or joint venture. 37 C.F.R. §2.32(a)(3); TMEP §803.03 *et seq.*

Applicant must specify the country under whose laws it is formed and exists. 37 C.F.R. §2.32(a)(3)(ii); TMEP §§803.03(c) and 803.04.

INDEFINITE IDENTIFICATION OF GOODS

The identification of goods is unacceptable as indefinite because it uses broad language. Amendment is required. TMEP §1402.01.

In class 29, the language “namely and/or primarily consisting of” makes little sense, stating, for example, “meals,... namely meat”. “Meat products “ is also indefinite. The language also infers that the goods could consist solely of spices and herbs, an unlikely scenario that would place those specific goods outside of class 29.

Similarly, in class 30, the language “namely as and/or filled baguette-breads, pizzas” makes little sense. Also the language thereafter seems to contradict the language before. For example, pizzas are not made of rolls.

The applicant may adopt the following identification, if accurate:

Savory frozen ready-to-serve meals primarily consisting of meat, sausages, poultry and/or poultry parts, processed vegetables and/or fruit, and also containing cheese, spices and herbs; hamburger as meat; soups; all the aforesaid goods not for further processing by other restaurant enterprises. In class 29.

Savory frozen ready-to-serve meals primarily consisting of pizzas or baguette-breads filled with ... [state what the baguettes are filled with], and also containing bread, rolls and dough; all the aforesaid goods not for further processing by other restaurant enterprises. In class 30.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

Note that the applicant may not switch items from one class to another in this application based upon Section 66(a).

If the applicant has any questions about this Office action, please telephone the assigned examining attorney.

/Steven Foster/
Steven Foster, Trademark Attorney
Law Office 106
(571) 272-9318
Fax number for the Law Office: (571) 273-9106

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.

Print: Dec 11, 2006

73518764

TYPED DRAWING

Serial Number
73518764

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
SISTO-SOUPS

Standard Character Mark
No

Registration Number
1448725

Date Registered
1987/07/21

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
VIENNA BEEF LTD. CORPORATION ILLINOIS 2501 NORTH DAMEN AVENUE CHICAGO ILLINOIS 60647

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: SOUPS. First Use: 1984/09/20. First Use In Commerce: 1984/09/20.

Filing Date
1985/01/23

Examining Attorney
UNKNOWN

Attorney of Record
FRED S. LOCKWOOD

Print: Dec 11, 2006

75448547

TYPED DRAWING

Serial Number
75448547

Status
REGISTERED

Word Mark
SISTNO ENTREES

Standard Character Mark
No

Registration Number
2675305

Date Registered
2003/01/14

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
VIENNA BEEF LTD. CORPORATION ILLINOIS 2501 NORTH DAMEN AVENUE CHICAGO
ILLINOIS 60647

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: prepared entrees
consisting primarily of pasta and rice. First Use: 2001/12/12. First
Use In Commerce: 2001/12/12.

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

Filing Date
1998/03/13

Examining Attorney
JOHNSON, DARLENE

Attorney of Record
MALCOLM MCCALEB, JR.

Print: Dec 11, 2006

75448548

DESIGN MARK

Serial Number
75448548

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
BISTRO CHILI

Standard Character Mark
No

Registration Number
2352510

Date Registered
2000/05/23

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
VIENNA BEEF LTD. CORPORATION ILLINOIS 2501 NORTH DAMEN AVENUE CHICAGO ILLINOIS 60647

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: chili. First Use: 1998/09/15. First Use In Commerce: 1998/09/15.

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

Filing Date
1998/03/13

Examining Attorney
JOHNSON, DARLENE

BISTRO CHILI

Print: Dec 11, 2006

75982371

TYPED DRAWING

Serial Number
75982371

Status
REGISTERED

Word Mark
SISTKO ENTREES

Standard Character Mark
No

Registration Number
2610330

Date Registered
2002/08/20

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
VIENNA BEEF LTD. CORPORATION ILLINOIS 2501 NORTH DAMEN AVENUE CHICAGO ILLINOIS 60647

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: prepared entrees consisting primarily of meat, fish, poultry or vegetables. First Use: 2002/02/06. First Use In Commerce: 2000/02/06.

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

Filing Date
1998/03/13

Examining Attorney
JOHNSON, DARLENE

Attorney of Record
MALCOLM MCCALEB, JR.

Print: Dec 11, 2006

76598555

DESIGN MARK

Serial Number
76598555

Status
REGISTERED

Word Mark
BISTRO

Standard Character Mark
Yes

Registration Number
3104456

Date Registered
2006/08/13

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Sargento Foods, Inc. CORPORATION WISCONSIN One Perenickety Place
Plymouth WISCONSIN 53073

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: cheese. First Use:
2004/09/15. First Use In Commerce: 2004/09/15.

Filing Date
2004/06/28

Examining Attorney
WHITAKER-BROWN, TRACY

Attorney of Record
Daniel E. Kattman

BISTRO

Print: Dec 11, 2006

76626506

DESIGN MARK

Serial Number
76626506

Status
REGISTERED

Word Mark
BISTRO SOUPS

Standard Character Mark
No

Registration Number
3026307

Date Registered
2005/12/13

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Vienna Beef Ltd. CORPORATION ILLINOIS 2501 North Damen Avenue Chicago
ILLINOIS 60647

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: soups. First Use:
1984/09/20. First Use In Commerce: 1984/09/20.

Prior Registration(s)
1446725

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

Colors Claimed
The color(s) green, orange, and white is/are claimed as a feature of
the mark.

Part of Mark in Color
The mark consists of the words BISTRO SOUPS, with BISTRO in green
against an orange triangular background outlined in green and SOUPS in

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76626506

white against a green ribbon-type background, outlined in orange.
There are also green design elements above and beneath the word
BISTRO.

Filing Date
2004/12/30

Examining Attorney
ERVIN, INGA

Attorney of Record
Malcolm McCaleb, Jr.



Print: Dec 11, 2006

76628411

DESIGN MARK

Serial Number
76628411

Status
REGISTERED

Word Mark
BISTRO CHILI

Standard Character Mark
No

Registration Number
3048401

Date Registered
2006/01/24

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Vienna Beef Ltd. CORPORATION ILLINOIS 2501 North Damen Avenue Chicago
ILLINOIS 60647

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: chili with meat and
chili with beans, in cans and frozen in bulk. First Use: 2004/10/00.
First Use In Commerce: 2004/10/00.

Prior Registration(s)
1448725

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

Colors Claimed
The color(s) green, orange, white, red and black are claimed as a
feature of the mark.

Part of Mark in Color
The mark consists of the words BISTRO CHILI, with BISTRO in green

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76628411

against an orange triangular background outlined in green and CHILI in white against a green and red ribbon-type background, outlined in orange and black. There are also green design elements positioned above and below the word BISTRO.

Filing Date
2005/01/26

Examining Attorney
DUBOIS, SUSAN LESLIE

Attorney of Record
Malcolm McCaleb, Jr.



Print: Dec 11, 2006

78318980

TYPED DRAWING

Serial Number
78318980

Status
REGISTERED

Word Mark
BISTRO TO-GO

Standard Character Mark
No

Registration Number
2974035

Date Registered
2005/07/19

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
MarketFare Foods, Inc. CORPORATION DELAWARE 2512 E. Magnolia Phoenix
ARIZONA 85034

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: *frozen, prepared
or packaged meals consisting primarily of meat, poultry or vegetables*
[primarily meat, poultry or vegetables]. First Use: 2005/03/18.
First Use In Commerce: 2005/03/18.

Filing Date
2003/10/27

Examining Attorney
BEVERLY, JOSETTE

Attorney of Record
Linda M. Merritt

Print: Dec 11, 2006

78625263

DESIGN MARK

Serial Number
78625263

Status
REGISTERED

Word Mark
BISTRO FRESH

Standard Character Mark
Yes

Registration Number
3169999

Date Registered
2006/11/07

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Bistro Fresh, LLC LTD LIAB CO MAINE 100 East Fork Road Camden MAINE
04843

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Prepared
refrigerated entrees containing meat, poultry, seafood, or vegetables.
First Use: 2006/02/01. First Use In Commerce: 2006/02/01.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Prepared
refrigerated entrees containing rice or pasta. First Use: 2006/02/01.
First Use In Commerce: 2006/02/01.

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

Filing Date
2005/05/09

Examining Attorney

Print: Dec 11, 2006

78625263

KEAM, ALEX

Attorney of Record
Chris A. Casella

Bistro Fresh

Print: Dec 11, 2006

78646987

DESIGN MARK

Serial Number
78646987

Status
REGISTERED

Word Mark
BISTRO SOUPS & CHILI

Standard Character Mark
No

Registration Number
3071149

Date Registered
2006/03/21

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Vienna Beef Ltd. CORPORATION ILLINOIS 2501 North Damen Avenue Chicago
ILLINOIS 60647

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: home-style,
ready-made soups and chili. First Use: 2004/09/01. First Use In
Commerce: 2004/09/01.

Prior Registration(s)
1448725

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "soups" and "chili"
APART FROM THE MARK AS SHOWN.

Colors Claimed
The colors white, green, yellow and black are claimed as a feature of
the mark.

Part of Mark in Color
The mark consists of the word "Bistro" in stylized green letters,

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78646887

surrounded by a diamond-shaped border, the inside of which is yellow and the outer portion is green and white. There is a green design element both above and below the word "Bistro" featuring a white outer edge and a ribbon-like element overlying the bottom portion of the diamond-shaped border with a white outer, black middle and yellow inner outline, within which appears the words "SOUP & CHILI" on a background that fades from green at the left to red at the right.

Filing Date
2005/06/09

Examining Attorney
DUBOIS, SUSAN LESLIE

Attorney of Record
Malcolm McCaleb, Jr.



Print: Dec 11, 2006

78589367

DESIGN MARK

Serial Number
78589367

Status
FIRST EXTENSION - GRANTED

Word Mark
SISTRO FAIRE

Standard Character Mark
Yes

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Culinaire Inc. CORPORATION COLORADO 1111 W. Exposition Avenue Denver
COLORADO 80223

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: FRESH AND FROZEN
PRE-PACKAGED COMPLETE MEALS WITH ENTREE, VEGETABLE, AND STARCH
COMPONENTS CONSISTING OF MEAT, POULTRY, FISH, VEGETABLES, OR A
COMBINATION OF THESE ITEMS; FRESH OR FROZEN PRE-PACKED MEAT, POULTRY,
FISH, AND PROCESSED VEGETABLES; FRESH OR FROZEN PRE-PACKAGED
APPETIZERS, NAMELY, BEAN DIP, BEEF, BACON, CHERSE, CHILLE, CLAMS,
COMPOSTES, CRAB Cakes, CRANBERRY SAUCE, DAIRY-BASED DIPS, EGGPLANT
PARMIGIANA, EGGS, FISH, MEAT, FRUIT-BASED SNACK FOOD, GUACAMOLE, HAM,
HUMMUS, LIVER, PATE, PANCAKES, POTATO-BASED SNACK FOODS, PROCESSED
APPLES, PROCESSED ARTICHOKEs, PROCESSED ASPARAGUS, PROCESSED BEANS,
PROCESSED CABBAGE, PROCESSED MUSHROOMS, PROCESSED PEPPERS, PROCESSED
ONIONS, PROCESSED POTATOES, FISH, PROCESSED VEGETABLES AND FRUITS,
PROCESSED YAMG, SEAFOOD, STEWS, TAHINI, TAPENADES, MEAT-BASED MOUSSE,
POULTRY-BASED MOUSSE, VEGETABLE-BASED MOUSSE, AND VEGETABLE SALADS .

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: FRESH OR FROZEN
PRE-PACKAGED DESSERTS, NAMELY, BAKERY DESSERTS, BLINTZES, CORN
FRITTERS, CREPES, FRUIT MOUSSE, CHOCOLATE MOUSSE, PUDDINGS, DESSERT
SOUFFLES, FRUIT DIPS; PASTIES, PIES FRESH OR FROZEN PRE-PACKAGED
APPETIZERS, NAMELY, BURRITOS, CALZONES, CHIMICHANGA, DOUGH-BASED
POCKETS WITH FILLING CONSISTING PRIMARILY OF MEATS, POULTRY, FISH,
FRUITS, VEGETABLES, CHEESE AND PASTA OR RICE, DUMPLINGS, EGG ROLLS,

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EMPANADAS, ENCHILADAS, FAJITAS, FILO, FISH SANDWICHES, HAMBURGER SANDWICHES, HOAGIES, HUSHPUPPIES, LASAGNA, MACARONI SALAD, MATZO, MEAT PIES, PIEROGIES, PIZZA, POLENTA, POT PIES, POTSTICKERS, QUESADILLAS, QUICHE, RAVIOLI, RISOTTO, SALSA, SANDWICHES, SPRING ROLLS, TAMALES, WON TONS, AND WHEAT-BASED SNACK FOODS.

Filing Date
2005/03/17

Examining Attorney
FINK, GINA

Attorney of Record
CHRISTOPHER J. DAY

Bistro Faire

Print: Dec 11, 2006

78744634

DESIGN MARK

Serial Number
78744634

Status
NOTICE OF ALLOWANCE - ISSUED

Word Mark
BISTRO CUISINE

Standard Character Mark
Yes

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
MSN Corporation DBA Budd Foods, Inc. CORPORATION MASSACHUSETTS 431
Somerville St. Manchester NEW HAMPSHIRE 03103

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: FROZEN PREPARED
FOODS, NAMELY, MEALS CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR
VEGETABLES.

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

Filing Date
2005/11/01

Examining Attorney
CHHINA, KARAN

Attorney of Record
Heather E. Belmont

BISTRO CUISINE

Print: Dec 11, 2006

78764986

DESIGN MARK

Serial Number
78764986

Status
NOTICE OF ALLOWANCE - ISSUED

Word Mark
BISTRO BURGER

Standard Character Mark
Yes

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
FoodTech International, Inc. CORPORATION DELAWARE 26 Kendall Street
New Haven CONNECTICUT 06512

Goods/Services
Class Status -- ACTIVE, IC 029, US 046, G & S: Vegetable-based
meat substitutes and vegetable-based entrees and snacks.

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

Filing Date
2005/12/01

Examining Attorney
MILTON, PRISCILLA

Attorney of Record
Robert J. Metzler II

BISTRO BURGER

Print: Dec 11, 2006

78765005

Issue: Jan 2, 2007

DESIGN MARK

Serial Number
78765005

Status
PUBLICATION/ISSUE REVIEW COMPLETE

Word Mark
SISTRO AU NATUREL

Standard Character Mark
Yes

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
FoodTech International, Inc. CORPORATION DELAWARE 26 Kendall Street
New Haven CONNECTICUT 06512

Goods/Services
Class Status -- ACTIVE, IC 029, US 046, G & S: Vegetable-based
meat substitutes and vegetable-based entrees and snacks.

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE AU NATUREL APART FROM
THE MARK AS SHOWN.

Translation Statement
The English translation of the word AU NATUREL in the mark is NATURAL.

Filing Date
2005/12/01

Examining Attorney
MILTON, PRISCILLA

Attorney of Record
Robert J. Metzler II

BISTRO AU NATUREL

Print: Dec 11, 2006	78816683	Issue: Jan 2, 2007
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DESIGN MARK

Serial Number
78816683

Status
PUBLISHED FOR OPPOSITION

Word Mark
SISTRO DELUXE

Standard Character Mark
Yes

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Kraft Foods Holdings, Inc. CORPORATION DELAWARE Three Lakes Drive
Northfield ILLINOIS 60093

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Packaged entrees
consisting primarily of pasta or rice.

Filing Date
2006/02/16

Examining Attorney
MISTER, KATINA

Attorney of Record
Maureen R. Smith

BISTRO DELUXE

Print: Dec 11, 2006	78816724	Issue: Jan 2, 2007
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DESIGN MARK

Serial Number
78816724

Status
PUBLISHED FOR OPPOSITION

Word Mark
SISTRO DELUXE

Standard Character Mark
No

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner
Kraft Foods Holdings, Inc. CORPORATION DELAWARE Three Lakes Drive
Northfield ILLINOIS 60093

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Packaged entrees
consisting primarily of pasta or rice.

Filing Date
2006/02/16

Examining Attorney
MISTER, KATINA

Attorney of Record
Maureen R. Smith

*Bistro
Deluxe*