

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

EDEN FOODS, INC.)	
)	
Opposer,)	Opposition No. 91151474
)	
v.)	Serial No. 75873814
)	Mark: EDEN GARDEN
THOMAS BRENKWITZ)	Published: 27 Nov 2001
D/B/A BRENKWITZ FARMS,)	
)	
Applicant.)	
_____)	

APPLICANT'S NOTICE OF FILING CERTIFIED TRANSCRIPT
OF TESTIMONY DEPOSITION OF JOHN BUFFINGTON

Applicant Thomas Brenkwitz, by counsel undersigned, hereby gives notice pursuant to Trademark Rule of Practice 2.125(c), 37 CFR 2,125(c), that he has caused to be filed with the Trademark Trial and Appeal Board one sealed and certified transcript of the testimony deposition of John Buffington dated 30 June 2004 and exhibits thereto, corrected and signed by the witness.

Respectfully submitted,

Thomas Brenkwitz

By 


C. Todd Kennedy, Esq.
1315 33rd Avenue
San Francisco CA 94122

Attorney for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on 29 July, 2004, he served a copy of the foregoing Applicant's Notice of Filing Certified Transcript of Testimony Deposition of John Buffington, with the Transcript, on Opposer's counsel of record by depositing it, first-class mail, postage prepaid, with the United States Postal Service addressed as follows:

J. Timothy Hobbs
Wiley Rein & Fielding LLP
1776 K Street NW
Washington DC 20006



C. Todd Kennedy

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

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EDEN FOODS, INC.,

Opposer,

vs.

Opposition No. 91151474

THOMAS BRENKWITZ,
D/B/A BRENKWITZ FARMS,

Serial No 75873814
Mark: Eden Garden
Published: 27 Nov 2001

Applicant.

Deposition of

JOHN M. BUFFINGTON

Wednesday, June 30, 2004

Job No. 1519RD

Reported by: Ruth E. Diederich, RPR, CSR
CSR No. 4952

ORIGINAL



RUTH E. DIEDERICH, RPR, CSR

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A P P E A R A N C E S

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JOHN M. BUFFINGTON

Wednesday, June 30, 2004

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Exhibits	Description	Page
Opposer's Exhibits:		
A	A document entitled "Applicant's Further Response to Opposer's First Request for Production of Documents and Things."	5
B	A current website home page of Brenkwitz Farm.	5
Applicant's Exhibits:		
13	A document entitled "Notice of Testimony Deposition."	4
14	An image reproduction of a carton from Eden Garden.	28
15	A catalog from Eden Organic.	32

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