

ESTTA Tracking number: **ESTTA494788**

Filing date: **09/17/2012**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Golden Grain Company
Granted to Date of previous extension	09/16/2012
Address	555 Monroe Street Chicago, IL 60661 UNITED STATES

Attorney information	Jeanette S. Zimmer PepsiCo, Inc. 7701 Legacy Drive, Mail Stop 3A-421 Plano, TX 75024 UNITED STATES trademarks@pepsico.com
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Applicant Information

Application No	85441203	Publication date	03/20/2012
Opposition Filing Date	09/17/2012	Opposition Period Ends	09/16/2012
Applicant	West Coast Warmbloods 11433 Cemetery Road SE Yelm, WA 98597 UNITED STATES		

Goods/Services Affected by Opposition

Class 031. First Use: 2011/07/20 First Use In Commerce: 2011/09/01
All goods and services in the class are opposed, namely: Edible horse treats

Grounds for Opposition


False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	684132	Application Date	04/28/1958
Registration Date	08/25/1959	Foreign Priority Date	NONE
Word Mark	RICE-A-RONI		

Design Mark	RICE-A-RONI		
Description of Mark	NONE		
Goods/Services	Class U046 (International Class 030). First use: First Use: 1957/12/11 First Use In Commerce: 1957/12/11 PREPARED PACKAGED RICE AND VERMICELLI DINNER		

U.S. Registration No.	1272046	Application Date	10/14/1982
Registration Date	03/27/1984	Foreign Priority Date	NONE

Word Mark	RICE A RONI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1981/09/00 First Use In Commerce: 1981/09/00 Partly Prepared Packaged Rice and Rice and Vermicelli Dinner		

U.S. Registration No.	1590101	Application Date	08/21/1989
Registration Date	04/03/1990	Foreign Priority Date	NONE

Word Mark	RICE-A-RONI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1957/12/11 First Use In Commerce: 1957/12/11 [STUFFING MIX CONTAINING BREAD;] RICE; NOODLES; ALIMENTARY PASTE; AND PREPARED AND PARTLY PREPARED MIXES CONSISTING PRIMARILY OF ALIMENTARY PASTE, RICE, OR RICE AND ALIMENTARY PASTE		

U.S. Registration No.	1593258	Application Date	08/03/1989
Registration Date	04/24/1990	Foreign Priority Date	NONE
Word Mark	RICE-A-RONI THE SAN FRANCISCO TREAT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1959/00/00 First Use In Commerce: 1959/00/00 PARTLY PREPARED PACKAGED RICE, AND RICE AND VERMICELLI DINNERS

U.S. Registration No.	1593285	Application Date	09/14/1989
Registration Date	04/24/1990	Foreign Priority Date	NONE

Word Mark	THE SAN FRANCISCO TREAT RICE A RONI
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 030. First use: First Use: 1989/05/01 First Use In Commerce: 1989/05/01 RICE; NOODLES; ALIMENTARY PASTE; PREPARED AND PARTLY PREPARED MIXES CONSISTING PRIMARILY OF RICE, ALIMENTARY PASTE, NOODLES, OR RICE AND ALIMENTARY PASTE
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U.S. Registration No.	3301607	Application Date	03/12/2007
Registration Date	10/02/2007	Foreign Priority Date	NONE

Word Mark	RICE-A-RONI
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 030. First use: First Use: 2006/12/31 First Use In Commerce: 2006/12/31 Rice based side dishes
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Attachments	72050478#TMSN.gif (1 page)(bytes) 73400803#TMSN.gif (1 page)(bytes) 73825326#TMSN.gif (1 page)(bytes) 77128525#TMSN.jpeg (1 page)(bytes) NOO RICE A PONY.pdf (5 pages)(762400 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jeanette S. Zimmer/
Name	Jeanette S. Zimmer
Date	09/17/2012

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

In the Matter of Application

Mark : RICE-A-PONY
Applicant : West Coast Warmbloods
Serial No : 85/441,203
Filed : October 6, 2011
Published in the
Official Gazette : March 20, 2012

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: GOLDEN GRAIN COMPANY, :
: :
: Opposer, :
: :
: vs. : Opposition No. _____
: :
: WEST COAST WARMBLOODS :
: :
: Applicant. :
: :
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NOTICE OF OPPOSITION

Opposer, Golden Grain Company (“Opposer”), a California corporation, located and doing business at 555 West Monroe Street, Chicago, Illinois 60661, believes that it will be damaged by the registration of United States Trademark Application Serial No. 85/441,203, filed on October 6, 2011, in the name of West Coast Warmbloods (“Applicant”) for the mark RICE-A-PONY based on use of the mark in connection with “[c]dible horse treats” in International Class 031 and, having been previously granted an extension of time to oppose, hereby opposes the foregoing application.

The specific grounds for this Opposition are as follows:

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