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Filing date: **08/16/2019**

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

Proceeding	92063353
Party	Plaintiff The Coca-Cola Company
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Submission	Plaintiff's Notice of Reliance
Filer's Name	Holly H. Saporito
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Signature	/Holly H. Saporito/
Date	08/16/2019
Attachments	Ex. 7 Part 010 Petitioners Notice of Reliance PUBLIC.pdf(3049260 bytes) Ex. 8 Part 001 Petitioners Notice of Reliance PUBLIC Version.pdf(5140962 bytes) Ex. 8 Part 002 Petitioners Notice of Reliance PUBLIC Version.pdf(4778639 bytes) Ex. 8 Part 003 Petitioners Notice of Reliance PUBLIC Version.pdf(5048209 bytes) Ex. 8 Part 004 Petitioners Notice of Reliance PUBLIC Version.pdf(5134245 bytes) Ex. 8 Part 005 Petitioners Notice of Reliance PUBLIC Version.pdf(5058782 bytes) Ex. 8 Part 006 Petitioners Notice of Reliance PUBLIC Version.pdf(1694881 bytes) Ex. 9 Petitioners Notice of ReliancePUBLIC.pdf(5191193 bytes) Ex. 10 Part 1 Petitioners Notice of Reliance PUBLIC.pdf(5691075 bytes)

EXHIBIT 7

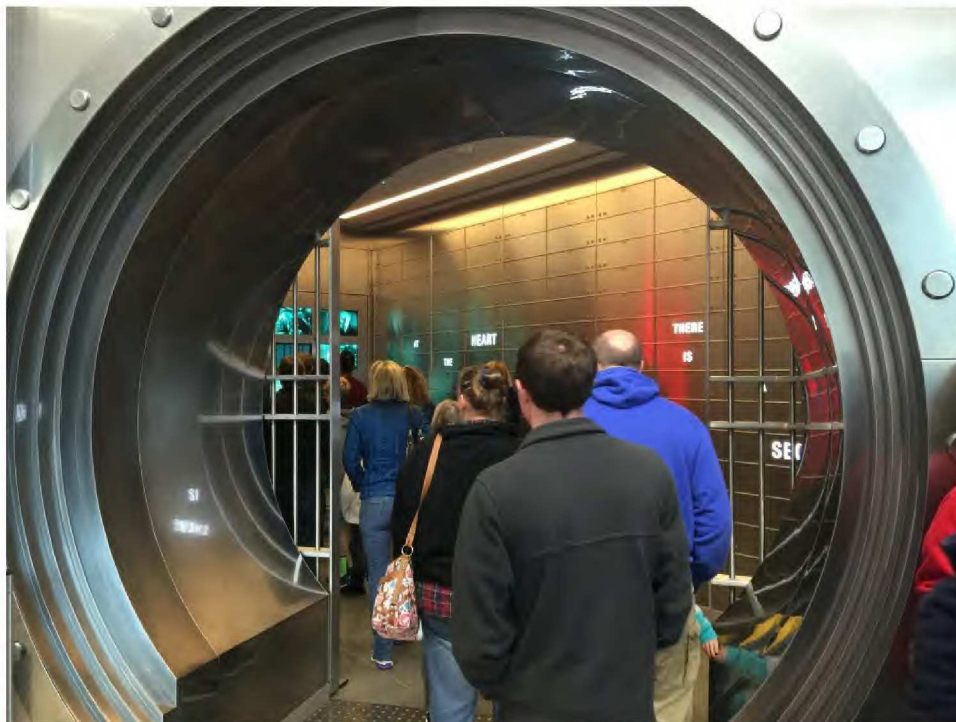
PART 10



Aaron was saying how weird it was that we were alive when some of these were in service. I remember, in the 1980's, machines like this that were then a few decades old, still operating in the small town grocery stores. Heck, I remember when cigarette machines looked sort of like this, had no one watching them, and you put coins into them, pulled a lever, and a packet of cigarettes fell out. Even though I never smoked, I had some extended relatives who did and as an elementary school kid, they'd have me go pick up a pack for them.



The Coca-Cola vault ... For 86 years prior to its move here, it was kept safe in the Sun Trust Bank vault in Atlanta, Georgia. It was also temporarily held in New York City when it was used as collateral on a bank loan, the bankers requiring physical possession in exchange for extending funds.



This is cool but somehow, I think I'd rather see the Sun Trust Bank safe where the actual original recipe was kept for nearly a century. I should try to visit that bank if I get a chance on the way back through town ...



Oooo ... their graphic designer did a really good job on the special effects of the faux security system.



Here we go ...



As we make our way through the Coca-Cola vault, there is all sorts of information on Pemberton's process, the formula, the flavor profile. You can spot my reflection in the magic glass if you look closely. (The special effects were cool. Some of the glass and mirrored surfaces were distorted so that they appeared 3D, or animated, or would change as you shifted your position. It was Walt Disney quality.)



The vault itself, which supposedly contains the original secret Coca-Cola recipe. It's great for mystique but, technically, science is advanced enough today reverse engineering it isn't a problem. It has vanilla, lime, orange oil, lemon oil, coriander oil, cinnamon oil, nutmeg oil, and a few other ingredients. It's the patent and trademark that do the protecting these days, not secrecy. Though the concentrate manufacturing locations – where the real stuff that is sent to the bottlers to mix with carbonated water and sugar – are largely unknown.



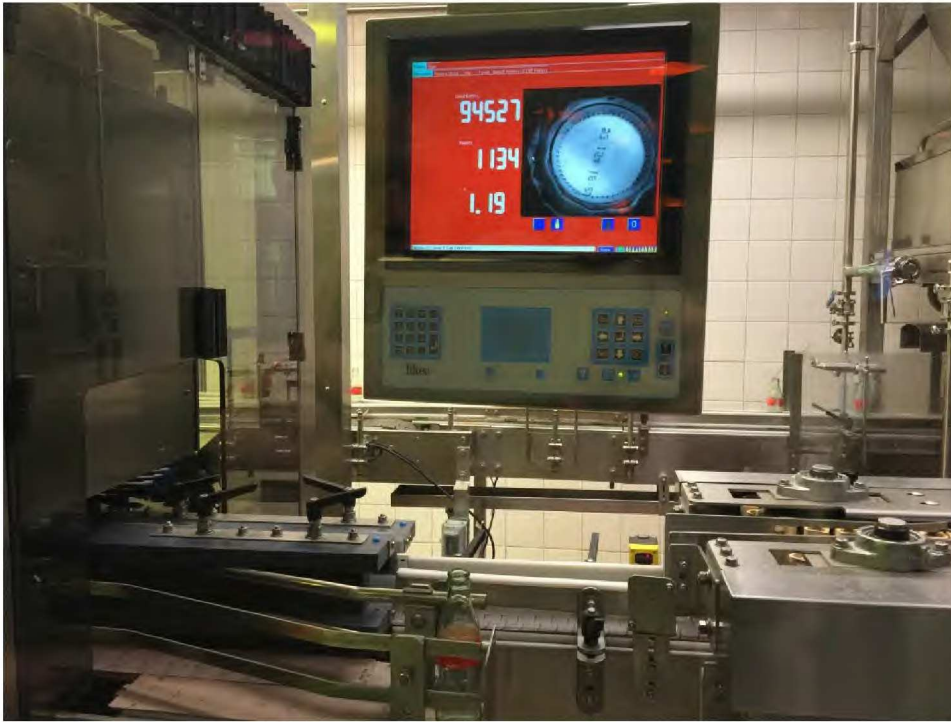
That was a beautiful sight to behold ... We were touring the bottling plant section and it began with a General Electric water treatment setup.



This is what the Coca-Cola Company actually does. It manufactures the syrup concentrate it sells to its franchisees, the bottlers. Though, these days, they own most of the bottlers in North America thanks to a mega-deal that went through in recent years when they bought out their former partners.



The automation was incredible. Everything was slowed down for us. This mini-plant made 20 bottles per minutes so we could see the process with the human eye. Some plants run at a rate of 2,200+ bottles a minute.



A machine automatically checks the integrity and shape of each bottle, rejecting those that aren't up to par.



I like machines. I like machines a lot. Until, at least, they become sentient and try to take over the world.



Automation really has changed the world. This would have required an army of factory workers at one point but now it's almost completely self-running.

Case in point ... look at one of the original carbonated bottling machines from another exhibit:



You had to fill the original Coke bottles and get the pressure just right with a foot pedal.



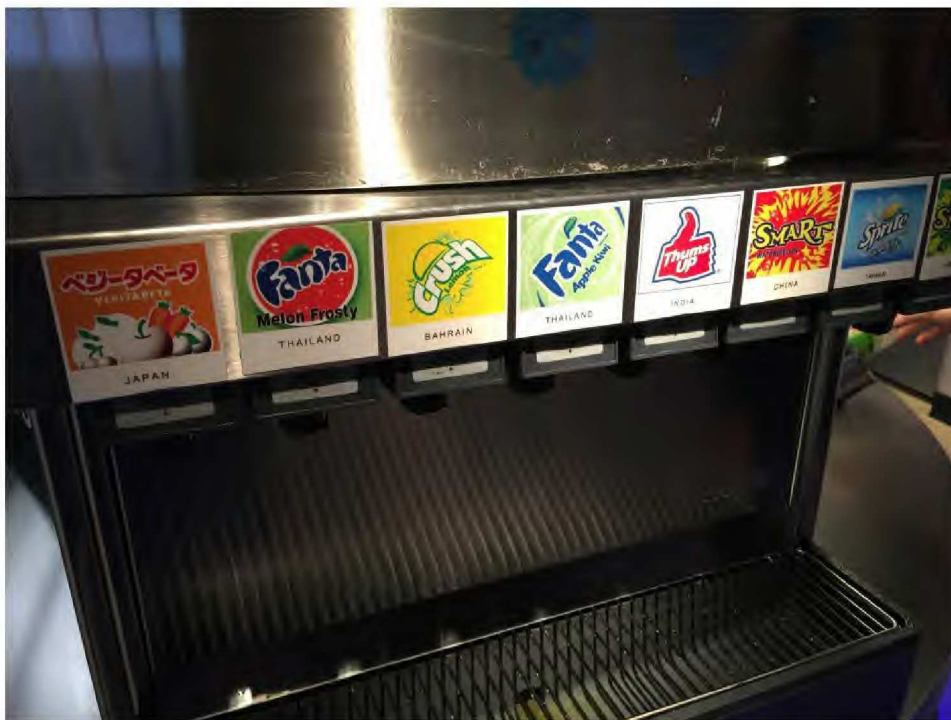
They had a theater where you could watch advertisements from the company's 125 year history from around the world.



We couldn't wait any longer so we headed for the Taste It exhibit, which features 100 different Coca-Cola products from around the world.



Each of those pillars coming down from the ceiling represents a different continent. They are surrounded by soda fountains featuring beverages Coke sells in nations on that continent. Including tap water, Coke now has 3.5% market share of all beverages consumed by humans in any given day. Notice the bottles coming from overhead. They were from the bottling room we saw earlier and you'll get to take one before you leave.



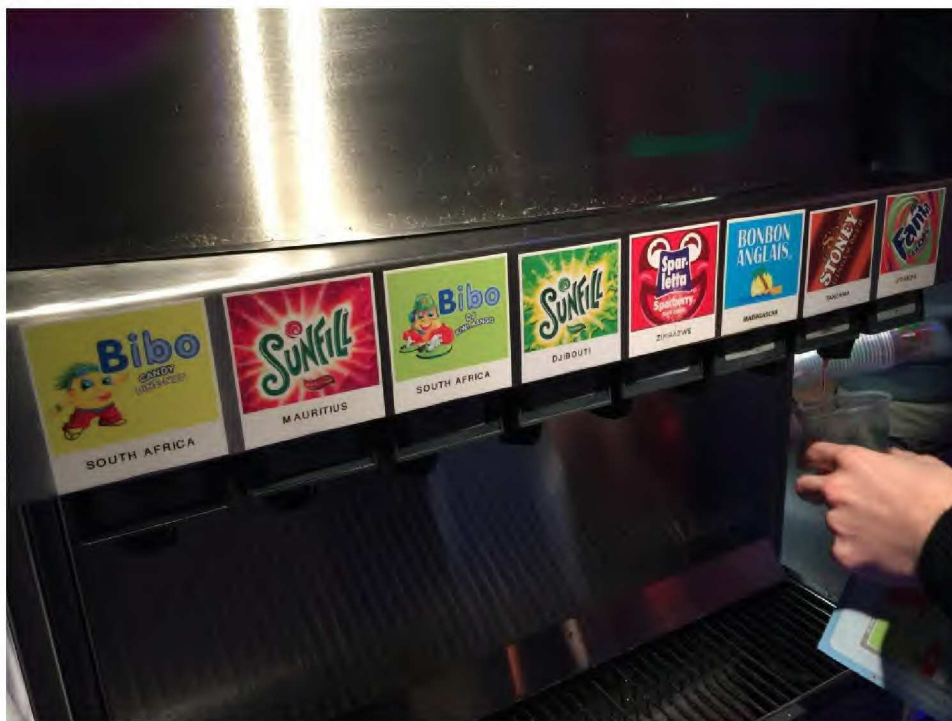
The Asian Coca-Cola brands were probably our favorite. I really like the Japanese Vegetabeta and the Fanta Melon Frosty from Thailand. The Thumbs Up from India was weirdly spiced. I've never had anything quite like it.



The Latin American flavors were okay but there were a few standouts. I really liked the Fuze Tea from Venezuela. Though, at this point, it's not like the sales are doing Coke any good. Chavez destroyed the country's economic so completely and thoroughly, corporate America has basically written the currency off as worthless. It's crazy the same script plays out time after time. A socialist comes to power, confiscates private property under the theory it should be collectively owned, and then the laws of economics kick in and they lose it all. Time after time. Without exception. Why can't they just copy the Nordic model of private market capitalism combined with regulation and tax policies that prioritize investment in human capital? Steve Jobs is always going to be able to run a company like Apple better than some government bureaucrat can. Walt Disney is always going to be better at the startup game than some intern appointed because of his family's political connection. It's the nature of the universe. You ignore it at your own peril.



Europe ... you crazy. Especially Italy. I had it before at the world of Coke in Walt Disney World Epcot but the Beverly beverage? No. You must have a masochistic streak to enjoy that assault on the tongue.



Africa was so sweet! I kind of like Bibo Candy from South Africa. It was like a sugar overload. It wouldn't be something I could have very often but it was akin to a liquid pixie stix.



There was a Coca-Cola freestyle area, too, with plain Coke dispensers in the center. I like the original best, myself.



Later, at the end of the tour, after the tasting room, you see the efforts of the bottling operation and get to take one with you. The bottles were coming out overhead, circling around the tasting floor.



Go ahead and take one ... you paid for it with your price of admission.



When you leave the exhibit, you enter the giant World of Coca-Cola retail store, which has a huge selection of everything from bottle openers to picnic supplies, board games to collectibles, clothing to glassware. It's magnificent.

These were my favorite. We are picking up a bunch on our way back home when we come through Atlanta, again ... or we might order them online, instead, to avoid having to carry them with us.



The Coca-Cola Hutchinson glasses were our favorites. These things are heavy, wonderfully weighted, and an awesome old-school color. They'll be great chilled in the refrigerator and used to serve ice cold Coca-Cola.

I can't ever imagine wanting to work for someone else but being the CEO of The Coca-Cola Company is one of the few exceptions to that rule. I love the business so much, and feel like it is such an important part of history, that it would be almost akin to being a trustee of a great cultural artifact.

[mainbodyad]

Category: My Day In Pictures By Joshua Kennon February 16, 2015

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SM • 2 years ago

Hi Joshua,

Could you please clarify if the Coca-Cola recipe is actually a trade secret or has it been patented? From all the online information I could gather that it was once patented in 1893 but then the patent was never renewed again after its expiration and the proportion of its ingredients still remain a trade secret but your article says it is th patent which still protects the recipe. Could you please confirm? Your inputs would help settle a long term argument with my friends ;) !!

^ | v • Reply • Share >



JB • 3 years ago

Joshua, thank you very much for posting the pictures and sharing your tour with us. I just might have to make a trip to Atlanta one of these days.

^ | v • Reply • Share >



Steven • 3 years ago

Thanks for the post! What an interesting place to visit.

Looking at those robots I do have to wonder about one thing though. I generally buy cokes in a liter bottle from the grocery store, and they are not filled to the same level in each bottle...what is the deal with that? Seems with all their automation the outputs would be identical.

^ | v • Reply • Share >

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tawcan · 3 years ago

— | 🚩

Very cool tour. The only time I went to Atlanta was because our flight out of Raleigh got canceled due to snow storm and we just wanted to get home. Didn't get a chance to tour around Atalanta at all. Would love to check out Coca Cola plant one day.

^ | v · Reply · Share ›



Connelly Barnes · 3 years ago

— | 🚩

The only soft drink I've had in the last many years is Kvass (a Russian soft drink). Generally I don't drink soft drinks, but I am happy to see Joshua and everyone else excited about soft drink companies, and to learn about the great economics of these companies.

^ | v · Reply · Share ›



Heath · 3 years ago

— | 🚩

These pictures look familiar. Oh yes, I was there 24 hrs earlier on the 15th! ...I'm with you on the Beverly.

^ | v · Reply · Share ›



Young Professional · 3 years ago

— | 🚩

Joshua,

I began reading your blog after a friend introduced me to it - it is amazingly informative and fun to read, too! I wanted to ask a question that will hopefully give me and many other young professionals reading this blog some advice. I am in my early 20's and I am working in NYC in finance. I began investing two years ago with advice from my parents financial advisor into two mutual funds with money I had saved from birthday gifts, lemonade stands, and my personal favorite: finding and selling golf balls. I also recently found about 30 shares of KO that my grandparents bought for me about 20 years ago when I was very young. I have about 15K total and am looking for advice in terms of which way I should look to invest for the long-term as a young professional. This blog has given me a ton of insight into the beauty of investing smart and young. I'm just looking for ways to do so!

Thanks!

1 ^ | v · Reply · Share ›



innerscorecard · 3 years ago

— | 🚩

Love that world drinks fountain!



^ | v • Reply • Share >



dave (nestle) • 3 years ago



Hey guys!

If you just keep driving north a bit, I will treat you to a nice lunch. (we have plenty of ice for your beverages of choice also)

Joshua (or anyone), do you happen to know off the top of your head what a Coke share in 1919 (at \$40) had for it's earnings yield? What was the historical 'absolutely safe' investment alternative back then, and what was it yielding?

Thanks!

^ | v • Reply • Share >



Joshua Kennon Moderator → dave (nestle) • 3 years ago



I'm sorry I missed your message! When I saw it we were already on our way down to Florida and I didn't think about it on the way back until I was already home. Maybe someday we'll meet in real life! I appreciate the invite, anyway. We'll take a rain check, haha!

^ | v • Reply • Share >



FratMan → dave (nestle) • 3 years ago



Dave,

Coke had a \$30 million market cap while making \$9.9 million in annual profits so we are talking about a P/E ratio of around 3.

My source is this Motley Fool article:

<http://www.fool.com/investi...>

The U.S. Treasury yield was somewhere around 5% or 5.5% or so.

My source is this Credit Suisse picture which was used in a Wall Street Journal Article.

US Long-Term Real Yields since 1920



see more

4 ^ | v • Reply • Share >

**dave (nestle)** → FratMan • 3 years ago

Hey thanks man!

I wasn't sure of when exactly the treasury bill of today(as we know it) became what it is. War bonds versus treasuries, etc. That P/E of Coke would then have dropped below 2 if the shares were cut in half to \$19.(profits remaining constant?)

Crazy times back then, I guess. Most people probably didn't have alot of financial capital, but the bargains (due to the upcoming decades of American expansion) were outrageous.

Oh give me just one more 2008/9 cutdown in the equity markets. Then I will be in peace.

^ v • Reply • Share >

**Stegner** • 3 years ago

Oh my gosh. I was in India in 06, I had totally forgotten about Thums Up. I remember drinking it at roadside stalls from glass bottles. The vendors wouldn't let you walk away with it, you had to drink it right there and then hand the bottle back so it could be recycled/refilled. I remember spending a week in a tiny village in Rajastjan; no electricity, one hand operated water pump for the whole village; stone mill to grind grain and yet they STILL had a stall selling coke, sprite etc.. Even though I was totally financially illiterate at the time, I remember marvelling at the penetration of Coke.

Wow. What a rush. Thanks for triggering the memory and thanks for the post, as usual.

PS. Pepsico's Lays chips had some crazy flavours in India too, if my memory serves me correctly.

^ v • Reply • Share >

**Joshua Kennon** Moderator → Stegner • 3 years ago

No problem! I hadn't seen the different potato chips. Personally, for me, Nestle makes all these weird Kit Kat flavors in Asia I want to try so badly (I'm hoping to if we do end up going to Seoul or thereabouts in the next year or two). I mean, look at them!





Investing for Beginners By Joshua Kennon

Since 2001, Joshua Kennon has been the *Investing for Beginners Expert* at About.com. In the going-on two decades since he first published for the network, he has built up a body of work of more than 1,000 articles, essays, and lessons that are available to read for free, covering everything from how to analyze a balance sheet to strategies for portfolio risk reduction. More formally structured

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Joshua Kennon

THOUGHTS ON BUSINESS, POLITICS, AND LIFE

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EXHIBIT 8

PART 1

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

In The Matter of: Registration No. 4,205,598
Mark: THUMS UP
Issued: September 11, 2012

In The Matter of: Registration No. 4,205,597
Mark: LIMCA
Issued: September 11, 2012

THE COCA-COLA COMPANY,

Petitioner,

v.

MEENAXI ENTERPRISE, INC.,

Registrant.

**Cancellation Nos. 92063353 (parent)
92064398**

AFFIDAVIT OF MICHAEL PITTMAN

I, Michael Pittman, hereby state and aver as follows:

1. I am of legal age and competent to testify in this matter. I submit this affidavit in connection with the above-referenced consolidated opposition proceedings.

2. I am the current Marketing Director, Sparkling Brands Platform Innovation for The Coca-Cola Company (“TCCC”). Prior to assuming this role, I was the Senior Brand Manager for Portfolio Strategy & Planning as part of TCCC’s Venturing and Emerging Brands business unit. In connection with these roles, I am very familiar with TCCC’s brands and the company’s efforts with product development in the United States.

Coca-Cola’s Global Brands

3. TCCC was founded in the year 1892 and is headquartered in Atlanta, Georgia. Over a period of more than 130 years since its inception, TCCC has grown steadily and today, it is the

world's largest beverage company, serving more than 1.6 billion consumers each day, in more than 200 countries around the world. TCCC currently offers over 500 brands, numerous of which are famous worldwide, and fifteen (15) of which are billion-dollar brands. Two of the brands in TCCC's global beverage portfolio are the Thums Up and Limca brands.

4. Through its subsidiary Coca-Cola India, TCCC sells its beverage products to consumers in India and Southwest Asia. Its brands are some of the most preferred and most sold beverage products in India, with Thums Up and Limca being among the company's top selling brands in India.

5. Thums Up is a carbonated cola product with a distinctly strong, fizzy, and spicy taste. Through its predecessors-in-interest, TCCC has been selling Thums Up beverages in India since 1977. Thums Up is currently the top selling sparkling beverage in India and is one of the world's best-selling beverages. Thums Up is set to be TCCC's next billion-dollar brand.

6. Samples of TCCC's Thums Up products are shown below and are available at <https://www.coca-colaindia.com/thums-up-brand>.



7. Limca is a lemon-lime flavored carbonated soft drink that is also extremely popular in India. Through its predecessors-in-interest, TCCC has been selling Limca in India since 1971.

Since 1971, Limca has remained unchallenged as India's No.1 Sparkling Drink in the Cloudy Lemon Segment.

8. Samples of TCCC's Limca products are shown below and are available at <https://www.coca-colaindia.com/brands/limca/limca>.



Advertising and Sales of the Thums Up and Limca Brands to U.S. Consumers

9. TCCC advertises its Thums Up and Limca products extensively throughout the world and has invested tremendous time, money, and effort to promote these brands on a widespread basis. As for its advertising and marketing to U.S. consumers, the Thums Up and Limca brands are advertised and marketed via their respective websites and social media platforms as well as by third party retailers who sell Thums Up and Limca in the U.S.

10. Exemplary advertising of Thums Up and Limca to U.S. consumers includes the following:

A. Advertising of Thums Up:

- a) TCCC's websites (*e.g.*, <https://www.worldofcoca-cola.com/explore/explore-inside/explore-taste-it>, <http://www.coca-colacompany.com/brands/thums-up>, and <http://www.coca-colaindia.com/brands/thums-up/thums-up>);
- b) TCCC's Thums Up Facebook page (<https://www.facebook.com/thumsupfan>);
- c) TCCC's Thums Up Twitter account (<https://twitter.com/thumsupofficial?lang=en>); and
- d) TCCC's Thums Up YouTube channel (<http://www.youtube.com/user/ThumsUpOfficial>).

B. Advertising of Limca:

- a) TCCC's websites: (*e.g.*, <http://www.coca-colacompany.com/brands/limca>, <http://www.coca-colaindia.com/limca-brand> and <http://www.coca-colaindia.com/brands/limca/limca>);
- b) TCCC's Limca Facebook page (<https://www.facebook.com/LimcaIndia>); and
- c) TCCC's Limca YouTube channel (<https://www.youtube.com/user/LimcaIndia>).

11. Attached as **Exhibit A** are true and accurate printouts of the foregoing, which were printed on March 19, 2014 and December 4, 2017, and produced as TCCC000085-88, 100-101, 491-93, 500-01, 504-08, 716-17, 732-42, 749-51, 752-758, 985, and 999. TCCC has advertised its Thums Up and Limca brands to consumers over the Internet for more than a decade.

12. Consumers in the U.S. may also visit Coca-Cola India's product websites for TCCC's Thums Up and Limca brands, which are available at <<https://www.coca-colaindia.com/thums-up-brand>> and <<https://www.coca-colaindia.com/limca-brand>>. Attached as **Exhibit B** are true and accurate printouts of the foregoing, which were printed on December 4, 2017, and produced as TCCC000485-87, 488-490, 718-719, 722-23, 759-61, 762-63. These pages describe the Thums Up and Limca products, the target market for these products, product information, and the brands' respective product and marketing histories.

Distribution and Sales of TCCC's Thums Up and Limca Products in the United States

13. It is my understanding that since at least as early as 2005, third parties have imported TCCC's authentic Thums Up and Limca beverage products from countries outside of the U.S. for subsequent resale in the U.S. These authentic products are sold at various points of sale through the U.S., including specialty stores that cater to Indian and Southeast Asian consumers, such as Illinois-based Salwan Trading, Inc.

14. Attached as **Exhibit C** are true and correct printouts of the Salwan Trading, Inc. website from 2011 to 2018, available at <salwantrading.com> and through archive.org, which show TCCC's Thums Up and Limca beverage products available for purchase, produced as TCCC005270-5278.

15. It is my understanding that TCCC's authorized bottlers, through their authorized distributors, have sold and are currently selling authentic TCCC Thums Up and Limca products to retailers and third parties globally. These Thums Up and Limca products are resold by third parties in Indian grocery stores, restaurants, and other retail outlets in the U.S.

16. By way of example, TCCC's authentic Thums Up and Limca products are currently available for sale including at Patel Brothers (<https://www.patelbros.com/>), Cherians International Groceries in (<http://cherians.com/BEVERAGES-COLD-DRINKS/>) and Botiwalla Indian Street Food Grill (<https://www.botiwalla.com/menu>), all of which are located in Atlanta, Georgia.

17. It is my understanding that U.S. consumers may also purchase TCCC's Thums Up and Limca products online through third party retailers, including Amazon. Exemplary websites where consumers may purchase these products include https://www.amazon.com/Thums-Up-Soda/dp/B07RPPVXSH/ref=pd_lpo_sbs_325_t_1?encoding=UTF8&psc=1&refRID=DSH51T

[QFXHJ5W1E3XY59](#)

and

https://www.amazon.com/Limca-Soda-300-ml/dp/B00ZRAUAEE/ref=sr_1_3?keywords=limca&qid=1565623206&s=grocery&sr=1-3.

18. TCCC also offers its Thums Up beverage products in person to consumers at the at the World of Coca-Cola in Atlanta and the Coca-Cola Store Orlando. TCCC has had Thums Up available at the World of Coca-Cola since April of 2013 as part of its “Taste the World” consumer experience. The World of Coca-Cola Atlanta has over 1.2 million annual visitors. In addition, TCCC’s Coca-Cola Store Orlando has had Thums Up available for purchase as an individual beverage or as part of a tasting tray since its opening in approximately July of 2016. Attached as **Exhibit D** are photos of TCCC’s Thums Up product at the World of Coca-Cola and articles describing the product at the World of Coca-Cola, produced as TCCC000435-439, 440-43, 995-998, 5028-29.

19. The concentrate for the Thums Up sold at the World of Coca-Cola Atlanta and Coca-Cola Store Orlando is manufactured in India and thereafter shipped to the United States, where it is made into syrup at TCCC’s Atlanta Syrup Plant located at 3791 Browns Mill Rd SE, Atlanta, GA 30354. Attached as **Exhibit E** is a true and accurate sample record of such a shipment from 2007, produced as TCCC000484.

TCCC’s Thums Up and Limca Brands Are Famous Among Indians and Indian-Americans

20. Given the many number of years which TCCC has been selling its Thums Up and Limca-branded beverage products and the large number of units which have been sold around the world, TCCC considers these brands to have an extremely high degree of consumer recognition and renown not just in India, but to consumers of Indian descent living around the world, including in the United States, who are aware of the fame of these brands in India.

21. It is my understanding that the THUMS UP and LIMCA brands are extremely popular and well-received by consumers in the U.S., particularly Indian-American consumers, due to the fame of the THUMS UP and LIMCA brands in India and throughout the world.

22. There are numerous fan sites and articles published by U.S. consumers familiar with TCCC's THUMS UP and LIMCA brands. The THUMS UP and LIMCA brands have also received extensive media coverage in the United States due to their growing popularity with consumers here. Examples of such fan sites and media coverage include:

- <https://food52.com/blog/19021-don-t-drink-soda-these-two-indian-sodas-might-change-your-mind>
- <https://drinks.seriousseats.com/2013/07/thums-up-india-cola-vs-coke-classic-taste.html>

23. There are numerous specialty stores in the United States which cater to specific ethnic groups. Indian grocers, which sell products from India to consumers in the United States, fall into this category.

24. Ethnic foods have increasingly become sought out by consumers of all backgrounds as they become more exposed to the cuisines of the world through cooking shows, social media and the growing presence of globally influenced foodservice offerings.

25. TCCC is aware of the popularity of its Thums Up and Limca products both globally and with U.S. consumers, particularly Indian-American consumers.

26. It is my understanding that according to the 2010 United States Census, the Asian Indian population in the United States grew from approximately 1.6 million in 2000 to over 2.6 million in 2010, a nearly 60% increase, and is currently one of the fastest growing ethnic groups in the United States. See <https://www.census.gov/library/publications/2012/dec/c2010br-11.html> Further, according to the Pew Research Center, this number has climbed to over 3.8 million as of 2015. See <https://www.pewsocialtrends.org/fact-sheet/asian-americans-indians-in-the-u-s/>.

27. TCCC is aware of these market trends among consumers and plans to sell authentic Thums Up and Limca products through e-commerce websites as well as through its customers and on-premise food service partners.

28. TCCC wants to ensure that any consumer searching for its authentic Thums Up and Limca beverage products get the products that they are familiar with, namely, TCCC's Thums Up and Limca beverage products, not a Thums Up- or Limca-branded beverage produced by a third party.

Registrant's Sales of Thums Up and Limca Products and Harm If Registrant's Infringing Activities Continue

29. I am aware that Meenaxi Enterprises, Inc. ("Meenaxi") has registered THUMS UP and LIMCA in the United States, and that these registrations cover the same goods as those TCCC sells in connection with the marks THUMS UP and LIMCA.

30. Specifically, both Meenaxi and TCCC use the THUMS UP and LIMCA marks in connection with their flavored cola and a lemon-and-lime flavored soft drink, respectively. It is my understanding that these THUMS UP and LIMCA branded products are sold by Meenaxi in the same channels as TCCC's authentic Thums Up and Limca products, including Indian grocery stores and restaurants such as Patel Brothers located in Atlanta, Georgia. Attached as **Exhibit F** are pictures of Meenaxi's THUMS UP and LIMCA products, produced by Meenaxi as MEI0893-896, MEI1155, and MEI1160.

31. Meenaxi has also taken steps to block the importation of TCCC's authentic Thums Up and Limca products into the United States by TCCC authorized importers and resellers. Attached as **Exhibit G** are sample seizure notices issued by U.S. Customs and Border Patrol related to the import of authentic Thums Up and Limca products, produced as TCCC005179-88.


32. If Meenaxi is permitted to retain its registrations for THUMS UP and LIMCA, TCCC will suffer harm to not only sales of THUMS UP- branded and LIMCA-branded products, but also the goodwill we have worked hard to establish in the United States. Having a third party selling THUMS UP and LIMCA-branded products in the United States will no doubt cause consumers to think these are authentic Thums Up and Limca products from TCCC, while TCCC has no control over the quality of the products sold by Meenaxi. For instance, if a consumer were to drink a bottle of Meenaxi's Thums Up product and for some reason get sick, or even simply not like the taste, that consumer would likely associate those negative feelings with TCCC's Thums Up product, hurting our brand and resulting in lost sales in the future.

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

Executed this 14 day of August, 2019


Michael Pittman

Subscribed and sworn to before me
this 14 day of August, 2019.


CAROL C. LYNCH

Notary Public, Gwinnett County

My Commission Expires: _____

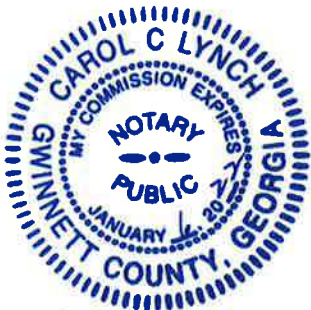




EXHIBIT A

Annexure - Z
Z-1



THUMS UP – TASTE THE THUNDER

THUMS UP IS KNOWN FOR ITS STRONG, FIZZY TASTE AND ITS CONFIDENT, MATURE AND UNIQUELY MASCULINE ATTITUDE. THE BRAND CLEARLY SEEKS TO SEPERATE THE MEN FROM THE BOYS.

VARIETY	
CANS:	300 ml, 330 ml
RGB:	200 ml, 300 ml, 330 ml
PET:	350 ml, 400 ml, 500 ml 600 ml, 1250 ml, 1500 ml 2000 ml, 2250 ml
FOUNTAIN GLASS:	Various



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2-2



THUMS UP – TASTE THE THUNDER

THUMS UP IS KNOWN FOR ITS STRONG, FIZZY TASTE AND ITS CONFIDENT, MATURE AND UNIQUELY MASCULINE ATTITUDE. THE BRAND CLEARLY SEEKS TO SEPERATE THE MEN FROM THE BOYS.

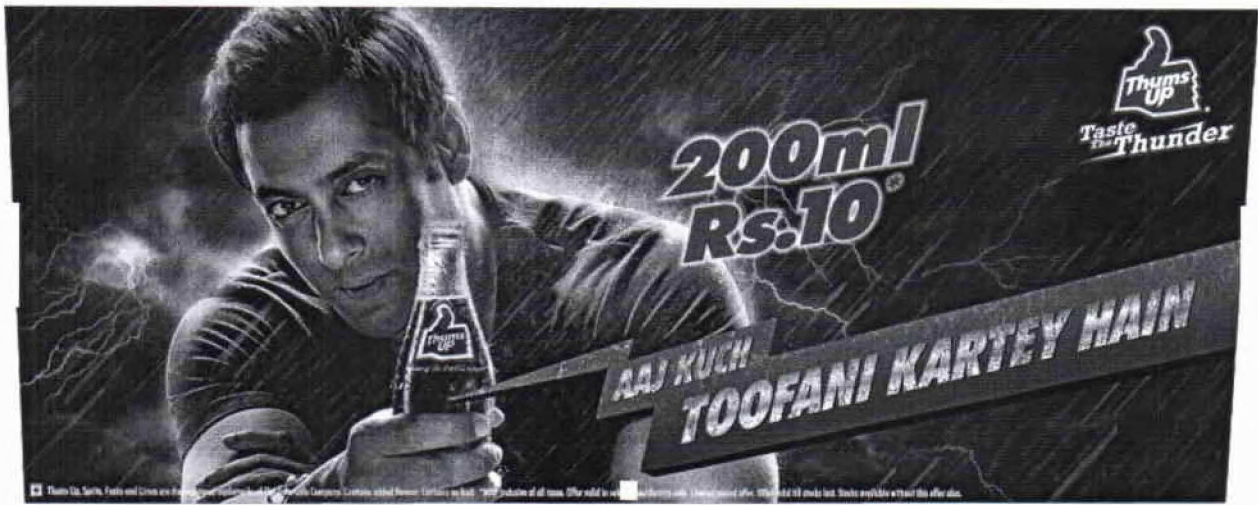
INGREDIENTS
Carbonated Water, Sugar and Acidity Regulator (338).
Contains Permitted Natural Color (150d) & Added Flavours (Natural, Nature-Identical and Artificial Flavouring Substances).
Contains no Fruit.
"CONTAINS CAFFEINE"



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Z-3

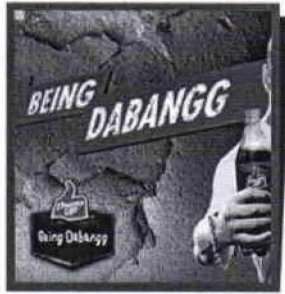


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2-4

Downloads



Wallpaper 1



Wallpaper 2



Wallpaper 3



Wallpaper 4



Wallpaper 5



Wallpaper 6



Wallpaper 7



Wallpaper 8



Wallpaper 9



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Thums Up

Rahul Home 5

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2013

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Founded



Thums Up

1,246,772 likes · 11,546 talking about

Food/Beverages

Check out our official Thums Up YouTube channel at http://www.youtube.com/user/ThumsUpOfficial... You can also follow our Twitter handle @ThumsUpOfficial

About - Suggest an Edit

Photos

Post Photo / Video

Write something on Thums Up's Page...



Thums Up March 13

#ThumsUp ke saath ho gaya #DoosraToofanShuru? http://youtu.be/AYmIBhA7EQU



Like · Comment · Share 342

2,049 people like this.

View previous comments 2 of 81

Dhiraj Kumar Mahesh babu's ad is better 9 minutes ago · Like · 1

Ravi Jogdand आज कुछ लुफानी करते हैं... 8 minutes ago · Like

Write a comment...



Thums Up March 17

Duniya dekh rahi hai #ThumsUp ka doosra #Toofan. Aapne dekha kya? #DoosraToofanShuru http://youtu.be/AYmIBhA7EQU

Fatima Diana likes Places Must Seen's photo

Balayogeshwaran Suyambu Thavasikani likes Manogaran Gopoo's photo.

Manoj Kumar Mankotia was tagged in Hindi and English sayre's photo.

Nanda Jagdev likes Anu Bhardwaj's link on his own Wall.

Alka Rose Dhiran likes Ashok Kumar's photo.

Pragya Upadhyay was tagged in Kuldeep Pal's photo.

Fatima Diana likes s Up Toofani W... YouTube

Ashwani Kumar Mishra likes Ravi Teja's photo.

Amit Ghai likes Ambalika Banerjee's photo.

Ashwani Kumar Mishra likes Madhuri Dixit - Nene's photo.

MORE FRIENDS (9)

Alka Rose Dhiran Web e This Page See All

Amit Ghai Web Invite

Balayogeshwar... Mobile ay Invite

Fatima Diana Web ay Invite

Nanda Jagdev Mobile Invite

Search

Mukesh Khan posted a photo. 34 minutes ago

Kishan Azmi Thums up men jaan 49 minutes ago

More Posts

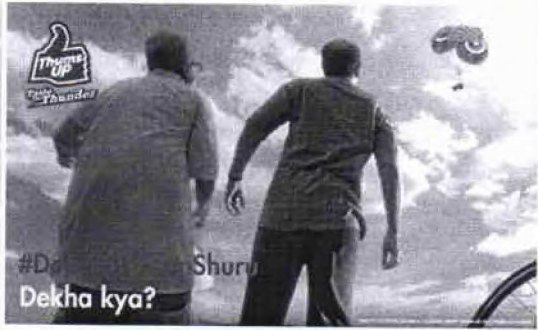
Likes See All

I Love Delhi 4 friends also like this. Like

Thums UP TRUELYMahesh Community Like

Akshay Kumar 14 friends also like this. Like

Indian Cricket Team 21 friends also like this. Like



#DoosraToofanShuru
Dekha kya?

Like · Comment · Share

284 people like this.

View 16 more comments

Rekha Yadav Aaj kuch tofani karta hathums up taste the thunder
22 hours ago · Like

Pappu Sarkar thanks yar...
12 hours ago · Like

Write a comment...

Thums Up
March 15

#ThumsUp ka #DoosraToofanShuru ho chuka hai. Aapne dekha kya? <http://CokeURL.com/azqjy>



Doosra Toofan Dekha Kya?

Like · Comment · Share

538 people like this.

View 21 more comments

Shreya Gupta Its toofani...!!
love u salman
March 16 at 12:09pm · Like

Write a comment...

Thums Up changed their cover photo.
March 13



Ek Toofan Khatam toh
#DoosraToofanShuru

Like · Comment · Share

547 people like this.

View 14 more comments

Anje Kumari Thums up pio or cool rho
March 16 at 11:47am · Like

Write a comment...



India Community Digest
18 friends also like this.

Like



Thums Up
March 16

Hazaron feet ki oonchai par kuch Toofani karne chale
#SalmanKhan. Find out what. #DoosraToofanShuru
<http://youtu.be/AYmlBhA7EQU>



Salman ke sath
#DoosraToofanShuru

Like · Comment · Share

484 people like this.

View 9 more comments

Rekha Yadav aaj kuch tofani karta ha...thums up taste the thunder
March 17 at 10:02am · Like

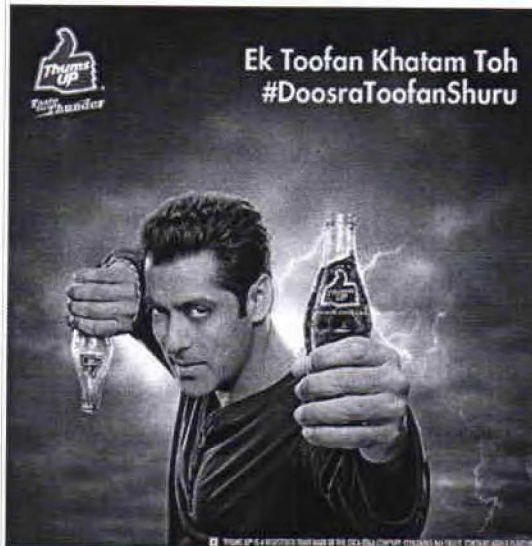
Sushma Singh lovu
March 17 at 12:00pm · Like

Write a comment...



Thums Up
March 14

Meri jaan, ek Toofan khatam to doosra shuru.
#DoosraToofanShuru <http://youtu.be/AYmlBhA7EQU>



Ek Toofan Khatam Toh
#DoosraToofanShuru

Like · Comment · Share

646 people like this.

View 23 more comments

Saurbh Singh how cool.
March 15 at 12:47pm · Like · 1

Partha Debnath welcome
March 16 at 2:27pm · Like

Write a comment...

V-3

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Tweets 116

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Follow

LimcaPiAurPa

@Limca_Official

This is Official Twitter account of Limca.

coca-colaindia.com

Joined August 2017

Tweets Tweets & replies Media



LimcaPiAurPa @Limca_Official · 3h

Life is like a game of dice. It's just a matter of time before you get a six. So game on and Limca piyo guru aur #PhirHoJaShuru! #DiceDay #MondayMotivation



1



LimcaPiAurPa @Limca_Official · 4h

#MondayBlues ho ya pending job-list, Limca piyo guru aur #PhirHoJaShuru! #MondayMotivation



1



LimcaPiAurPa @Limca_Official · Dec 1

Don't bottle stress up, unbottle it with some Limca, take a walk aur #PhirHoJaShuru! #FridayFeeling



1



LimcaPiAurPa @Limca_Official · Dec 1

Time flies. Except when you're waiting for the #weekend to begin. Tab tak ke liye Limca piyo guru aur #PhirHoJaShuru! #FridayFeeling



1



LimcaPiAurPa @Limca_Official · Nov 30

Pending task-list ko khatam kar daal guru, #Limca piyo aur #PhirHoJaShuru! #ThursdayThoughts



1



LimcaPiAurPa @Limca_Official · Nov 30

It's time to bring out the real you, toh Limca ka sip maar guru aur #PhirHoJaShuru! #ThursdayThoughts



1



LimcaPiAurPa @Limca_Official · Nov 29

When life gives you wisdom, take a sip of Lime & Lemoni Limca! #PhirHoJaShuru! #WednesdayWisdom



LimcaPiAurPa @Limca_Official · Nov 29

This (week) too shall pass" she said, when asked about #MidWeekBlues. Toh Limca pi guru aur #PhirHoJaShuru! #WednesdayWisdom



LimcaPiAurPa @Limca_Official · Nov 24

-  **LimcaPiAurPa** (@Limca_Official) · Nov 24
#Weekendvibes: let's get the weekend started with Lime and lemoni Limca! How are you kick starting this weekend? #PhirHoJaShuru
-  
-
-  **LimcaPiAurPa** @Limca_Official · Nov 24
Dear #weekend, don't make me wait anymore. Start already! #PhirHoJaShuru
-   1
-
-  **LimcaPiAurPa** @Limca_Official · Nov 22
Long day at work? Refresh yourself with lemoni Limca aur #PhirHoJaShuru
-  
-
-  **LimcaPiAurPa** @Limca_Official · Nov 22
Be Limca Ready, always! #PhirHoJaShuru
-  
-
-  **LimcaPiAurPa** @Limca_Official · Nov 21
Offer a Limca and say 'Hello' to a new friend. #PhirHoJaShuru #WorldHelloDay
-   1
-
-  **LimcaPiAurPa** @Limca_Official · Nov 15
Aaj ka #PhirHoJaShuru funda - Jab din ho jaaye out of control, bas Limca ki bottle khol!
-   1
-
-  **LimcaPiAurPa** @Limca_Official · Nov 15
Wednesdaay ko wonderful banaane ka shortest tareeka - ek lemony sip!
#PhirHoJaShuru
-  
-
-  **LimcaPiAurPa** @Limca_Official · Nov 10
Friday ko funday banaane ke fundey – Take a lemoni sip every time the wait for the weekend is too much to handle! #PhirHoJaaShuru
-  
-
-  **LimcaPiAurPa** @Limca_Official · Nov 10
Weekend's almost here guru... Jaldi se wrap up your work, sip a Limca aur #PhirHoJaaShuru!
-  
-
-  **LimcaPiAurPa** @Limca_Official · Nov 9
If life gives you lemons today, drink Limca instead. #ThursdayThoughts
#PhirHoJaShuru
-   1
-
-  **LimcaPiAurPa** @Limca_Official · Nov 9
Staying indoors during #DelhiSmog? Refresh yourself with Lime n Lemoni Limca!
#PhirHoJaShuru
-   1
-
-  **LimcaPiAurPa** @Limca_Official · Nov 7
Refresh and restart yourself with Lime n Lemoni Limca. #TuesdayThoughts
#PhirHoJaShuru
-  

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[#النصر_الباطن](#)
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43.9K Tweets

[#NationalCookieDay](#)
16.1K Tweets

[#FelizLunes](#)
43.2K Tweets

[Eurogrupo](#)
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[Mario Centeno](#)
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[Saleh](#)
89.3K Tweets

[Carles Santos](#)

[Arlene Foster](#)
6,826 Tweets

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limca



Jun 09, 2017

Pick of the Week: Limca

Limca's twist in the tale film stands out this week



May 04, 2016

Limca sets up cop chase with a twist, refreshes

Watch the ad film conceptualised by Leo Burnett here



Feb 17, 2016

Soho Square gets Bisleri's new soft drink brands, including 'Spyci' cola and 'Limonata'

Agency currently has in its fold mother brand Bisleri, besides Vedica mountain water and Urzza energy drink from the stable



May 08, 2015

Salman Khan: The brand ambassador

From beverages to bath fittings, there's hardly a category that didn't find Salman Khan's brand appeal attractive enough



Apr 17, 2013

Limca continues to urge youth to aspire for more

WATCH the ad film created by Leo Burnett here



Apr 24, 2012

Kareena Kapoor urges people to go the extra mile in Limca's new TVC

WATCH the TVC created by Leo Burnett here

Show more

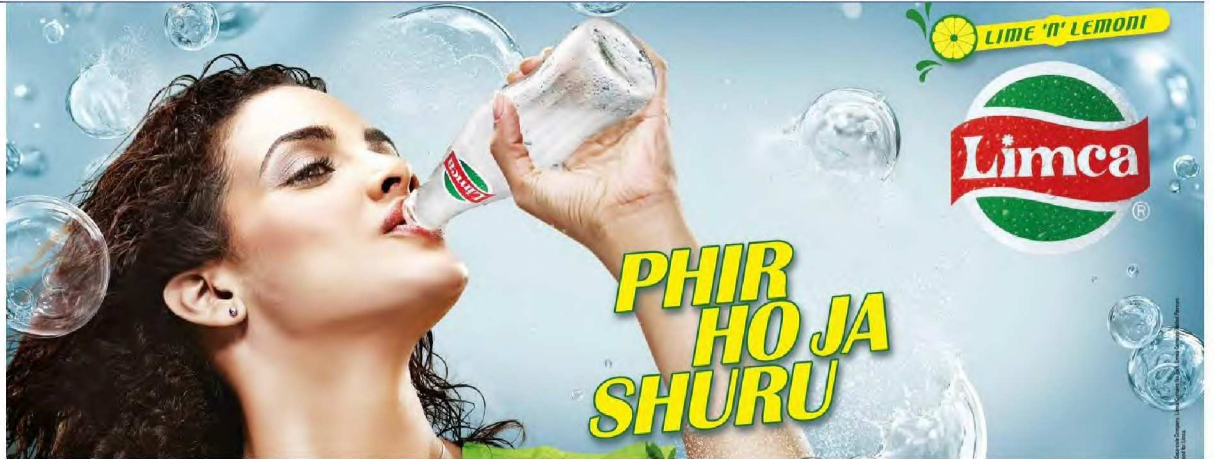
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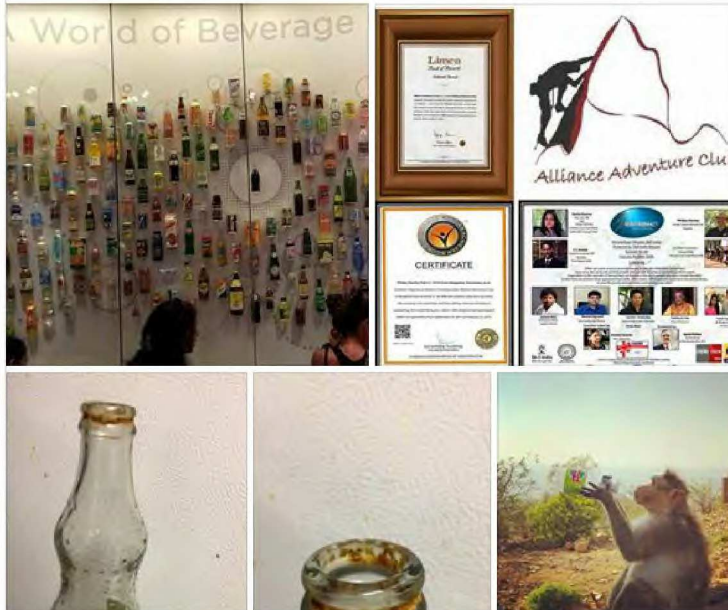
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33,362

Total Likes

34,405

Total Follows

Invite your friends to like LIMCA



Michael Murphy

Invite



Katie McMahon

Invite



Kacey Faberman

Invite

See All Friends

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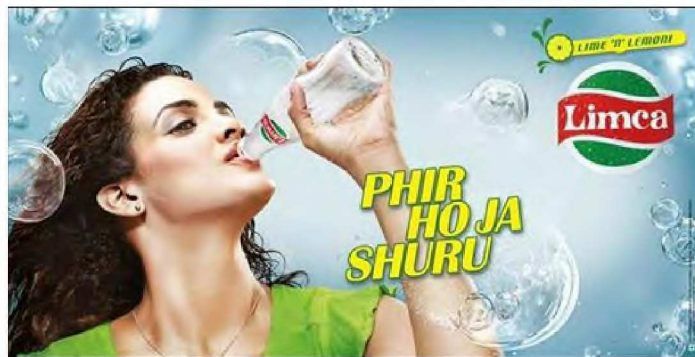
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Public Posts at LIMCA



Sonu Singh added a new photo to LIMCA's Timeline.

October 24 ·



Like Comment Share

3



Write a comment...



Ben G Osha LIMCA

October 6 ·

Say Limca!!.....



Like Comment Share

1



Write a comment...



Ben G Osha LIMCA

October 6 ·

I'm in for limca... A very nice drink to take.... Hmm I feel excited.. Team Ben-Ben G Osha



Like Comment Share

10



Write a comment...



Anil Garg LIMCA

October 4 · Shillong, India ·

गुवाहाटी में भी आखिर दूढ़ ही ली लिमका

See Translation

LIMCA
@LimcaIndia

LIMCA
@LimcaIndia



Like Comment Share

42

Chronological

View 6 more comments



Rashi Dhiman Very nice
Like · Reply · 1 · October 4 at 10:50am



Sonal Narang wow.. u too love limca 🤔👍
Like · Reply · 1 · October 4 at 5:33pm



Write a comment...



Jeffrey Pinto LIMCA
September 15 · Mumbai, India ·

The bottle label says to input the code on the back of label and when I do that I get the following message
Dear Customer, the SMS code you sent has already been availed and we regret to inform you that the voucher code cannot be shared again.
Very cheap gimmick from you guys... Shameful!!!

Like Comment Share



Write a comment...



Deep Purohit LIMCA
August 12 ·

Hi dearest and tastiest LIMCA ,
I am missing the taste of what limca had when i used to have it almost 10 years back.
Now, the taste of limca is not what it was and more of like a detergent.
Please resurrect the previous flavour or atleast have an alternate limca of previous taste.... See More

Like Comment Share



Write a comment...



Jagroop Ghai wrote on LIMCA's timeline — 🥰 looking for love.
July 24 ·

Like Comment Share



Write a comment...

LIMCA
@LimcaIndia

LIMCA was mentioned in a post.



Preet Arora shared GIGABYTE INDIA's photo.
July 23 ·

My next advertising of LIMCA @ #Aorusland.



GIGABYTE INDIA
July 23 ·

Like Page

Like Comment Share

26



Mohit Chavan haath mai ACID 🤢
Like · Reply · July 24 at 1:15am



Himanshu Sharma I look so pissed off lol
Like · Reply · July 25 at 8:45am



Hitesh Soni replied · 1 Reply



Write a comment...

See More

LIMCA
@LimcaIndia

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Thums Up #TasteTheThunder with Tiger Zinda Hai
8,120,648 views • 3 weeks ago



Thums Up #TasteTheThunder
15,223 views • 5 months ago



Thums Up Under The Crown Promo (Telugu)
170,048 views • 7 months ago



Thums Up Under The Crown Promo
341,401 views • 7 months ago



Thums Up - Yeh Toofani Hota Kaun Hai? #RanveerSingh
19,779 views • 8 months ago



Thums Up VEER K2K with Boniface Prabhu
3,714 views • 1 year ago



Thums Up VEER K2K Fact 2
2,326 views • 1 year ago



Thums Up VEER K2K Fact 1
684 views • 1 year ago



Thums Up - Main Hoon Toofani 2016 (Telugu)
3,206 views • 1 year ago



Thums Up - Main Hoon Toofani 2016
2,007,342 views • 1 year ago



Thums Up - Main Hoon Toofani
12,058 views • 1 year ago



Thums Up #ThunderChallenge - Vizag
1,834 views • 1 year ago



Behind the scenes of Thums Up #ThunderChallenge
679 views • 1 year ago



Thums Up #ThunderChallenge - Warangal
285 views • 1 year ago



The spirit of Toofani - The story behind the attitude
2,740 views • 1 year ago



Kuchh aur... woh kya hota hai? - Thums Up Teaser 2015
849,252 views • 1 year ago



Toofani Raastey
4,936 views • 1 year ago



Thums Up 6 Sec Telugu
6,409 views • 2 years ago



Thums Up 6 Sec Tamil
4,408 views • 2 years ago



Thums Up 6 Sec Hindi
4,767 views • 2 years ago



A Tribute to the Real Heroes of India
1,813,047 views · 2 years ago



Thums Up Motion Poster
1,946 views · 2 years ago



ThumsUp Ab Toofan Ayega TVC 2015
548,082 views · 2 years ago



Thums Up Mahesh Babu 2015 TVC
20,796 views · 2 years ago



Thums Up TVC 2015 (Tamil)
267,144 views · 2 years ago



Thums Up Teaser 2015 (Tamil)
5,665 views · 2 years ago



Thums Up launch in Tamil Nadu 2015
794 views · 2 years ago



Thums Up #AbAayegaToofan with Mahesh Babu
15,419 views · 2 years ago



Thums Up #AbAayegaToofan with Salman Khan
75,934 views · 2 years ago



Thums Up #AbAayegaToofan Contest Promo
408,100 views · 2 years ago

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Location: France

Restricted Mode: Off

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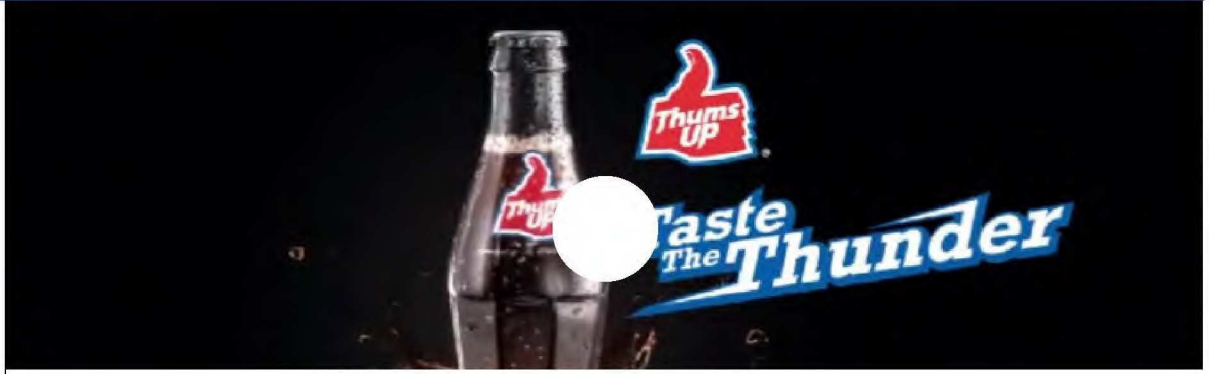
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Videos

Food & Beverage Company

Community

See All

1,381,965 people like this

1,353,993 people follow this

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Typically replies instantly
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www.coca-colaindia.com/our-products

Food & Beverage Company

People

1,381,965 likes

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Food & Beverage Company

PVR ICON PVR ICON
Movie Theater

LIMCA LIMCA
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Thums Up

Salman Khan

Thums Up Under The Crown



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59 5

Happy Birthday Ranveer

Attitude

100 4

67 4

See All

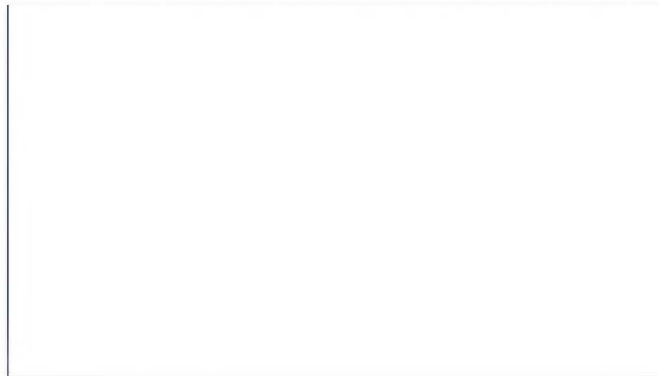
Posts



Thums Up

December 1 at 3:30am ·

A new Charge is in town. Ready to #TakeCharge. #ThumsUpCharged



3.3K Views

Like Comment

Rehma Tarab, Amit Kumar Singh, Naresh Mantha and 125 others like this. Top Comments

86 Shares

View all 4 comments



Thums Up

November 21 at 3:38am ·

India's most-loved cola, now with strong taste and extra Thunder!
Introducing the new #ThumsUpCharged! #MoreThunder



Like Comment

Saiteja Valmiki, Ajay Agarwal, Buddhi Prakash Kumawat and 333 others like this.

133 Shares

View all 19 comments

See All

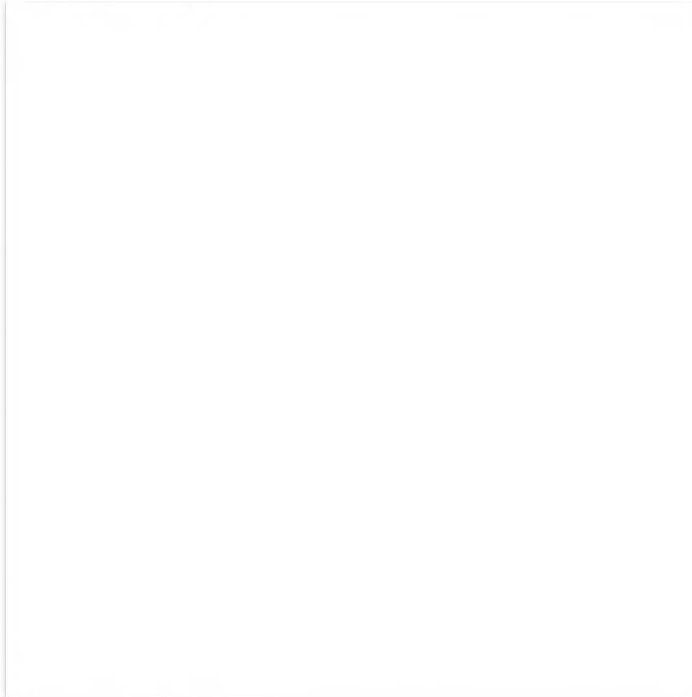
Posts



Thums Up

November 16 at 10:30pm ·

It has taken over the skies. Soon it will run through the streets. Are you ready to #TakeCharge ?



1.3K Views

Like Comment

Ajay Agarwal, Shruti Chakraborty, Naresh Muthakunta and 51 others like this.

1 Share

Rajesh Jain My favorite



November 18 at 3:18am



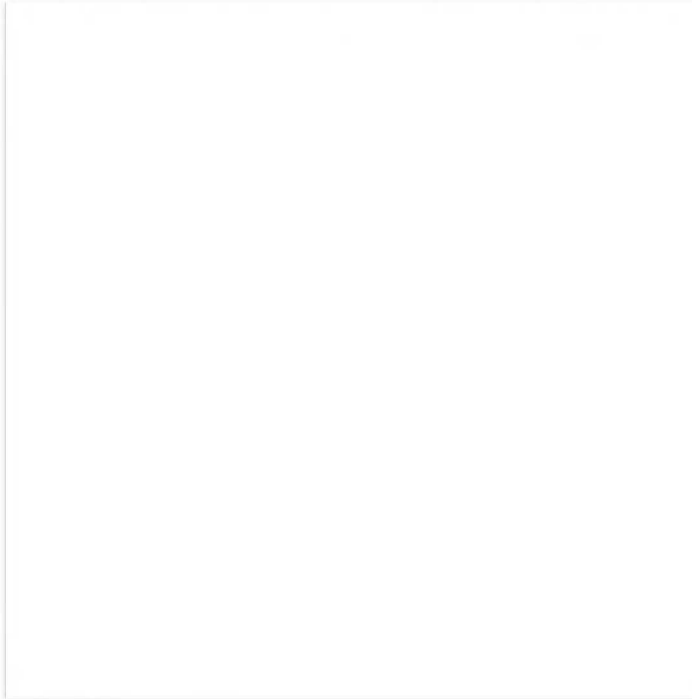
Raja Sekhar Hemant Banduchode
November 16 at 10:35pm



Thums Up

November 16 at 4:29am ·

There's a new wave of thunder coming, can you feel it? #TakeCharge



1.5K Views

Like

Comment

Ajay Agarwal, Buddhi Prakash Kumawat, Naresh Muthakunta and 44 others like this.

3 Shares



Thums Up

September 29 ·

Dust, storm, dirt or dunes. I ride on. #MainHoonToofani



Like

Comment

Ajay Agarwal, Prashant Srivastava, Venigalla Venkatesh Dhfm and 76 others like this.

3 Shares



Thums Up

September 27 ·

Badhte ka naam toofani. #MainHoonToofani



Like

Comment

Ajay Agarwal, Prashant Srivastava, Venigalla Venkatesh Dhfm and 59 others like this.

Top Comments



Irshad Bepari No Salman Bhai No Tuffani

September 27 at 9:32pm



Mehtab Khan Very good

September 28 at 9:05am

View 1 more comment



Thums Up

September 24 ·

Scale the heights. #MainHoonToofani



Like

Comment

Ajay Agarwal, Saleem Sk Nihal, Venigalla Venkatesh Dhfm and 80 others like this.

Top Comments

4 Shares



Sharda Shankar Dwivedi Amazing Thumsup
September 26 at 9:39am



Thums Up
September 21 ·

I make my own way. #MainHoonToofani



Like Comment

Ajay Agarwal, Saleem Sk Nihal, Jayesh Rathod and 83 others like this. [Top Comments](#)

2 Shares



Arjun Singh

October 9 at 8:55am



Santosh Ravat

October 6 at 10:59am

[View 3 more comments](#)



Thums Up
September 19 ·

Wahi jazbaa, naya andaaz. #MainHoonToofani



Like Comment

Ajay Agarwal, Jayesh Rathod, Md Sàimùnùzzàrààn and 93 others like this. Top Comments

1 Share

-  **Mhussain Patav** Superb
September 19 at 10:05pm
-  **Suman Kanchan** wow.... 😊
September 22 at 8:54am

View 1 more comment

Album **Toofani Gang in Kolkata**

 **Thums Up** added 21 new photos from September 18 to the album: **Toofani Gang in Kolkata**.
September 18 · · ·

Kolkata got a taste of thunder as the Thums Up Toofani Gang crew auditioned Toofani individuals and recruited two new members to India's most happening troupe.



Toofani Gang in Kolkata
21 Photos

Like Comment

Buddhi Prakash Kumawat, Mo Kaif Khan, Sartaj Shah and 137 others like this. Top Comments

2 Shares

 **Mhussain Patav** Toofani
September 23 at 12:26am

 **Abdul Khaliq AK**



November 14 at 12:59am

[View 2 more comments](#)

 **Thums Up**
September 18 ·

We don't stop when the sun goes down. #MainHoonToofani



[Like](#) [Comment](#)

Ajay Agarwal, Anji Palivela, Md Saimunuzzaman and 67 others like this. Top Comments

2 Shares

 **Amit Kumar**

September 19 at 9:18am

 **Thums Up**
September 15 ·

Victory is the only thing that matters. #MainHoonToofani

EXHIBIT 8

PART 2



Like Comment

Md Saimunuzzaman, Devi Chad, Bijay Ray and 75 others like this.

1 Share



Thums Up
September 12 ·

Ye Banda Hai Toofani



Like Comment

Saleem Sk Nihal, Devi Chad, Bijay Ray and 66 others like this.

2 Shares



Thums Up
September 9 ·

That feeling... of being on top of the world. #MainHoonToofani



Like Comment

Saleem Sk Nihal, Devi Chad, Bijay Ray and 61 others like this. Top Comments

2 Shares



Rajesh Verma You drive all the kinds of marketing but don't know whether anybody there to manage it. Just bought the thums up which had offer of paytm cash back. After sending the code the reply came that the offer is ended. It's not about the money of cash back. But it about the integrity of the company in organizing and managing the marketing
November 19 at 2:28am



Thums Up

September 7 ·

To take a plunge is to live. #MainHoonToofani



Like Comment

Devi Chad, Bijay Ray, Sartaj Shah and 49 others like this. Top Comments

2 Shares



Annapurna Kumari Nice pic
October 10 at 9:16am



Thums Up

August 16 ·

Pump up your attitude. #MainHoonToofani Tag your toofani friends.



Like Comment

Saleem Sk Nihal, Anji Palivela, Bijay Ray and 76 others like this. Top Comments

3 Shares



1 · August 17 at 4:23am

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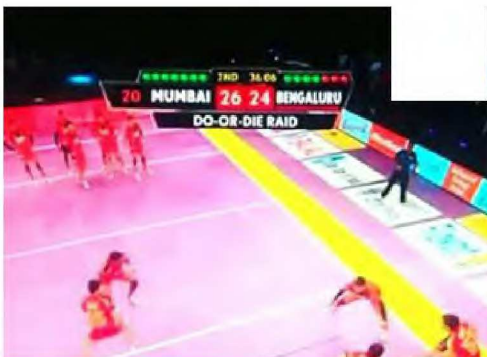
thumsupofficial

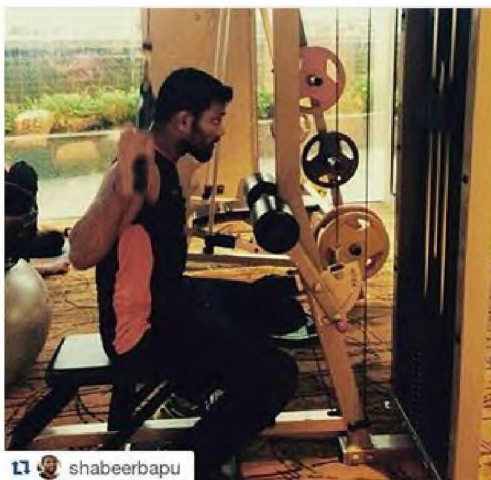
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Thums Up Thums Up is an iconic brand in India. It is known for its strong, fizzy taste and its confident, mature and uniquely masculine attitude.

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Thums Up

@ThumsUpOfficial

The official Twitter handle for Thums Up

India

coca-colaindia.com

Joined June 2012

451 Photos and videos



Tweets Tweets & replies Media



Thums Up @ThumsUpOfficial · 3h

A week of work and tons of things to do or a toofani week ahead? What's it going to be for you? #TasteTheThunder #MondayMotivation



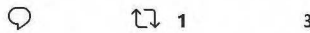
Thums Up @ThumsUpOfficial · 4h

Jo toofani hote hain, woh Monday se nahi darte. #TasteTheThunder #MondayMotivation



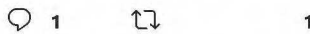
Thums Up @ThumsUpOfficial · Dec 1

Thunder is...The will and persistence to chase your dreams #TasteTheThunder



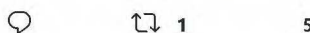
Thums Up @ThumsUpOfficial · Dec 1

Weekend pe kuch toofani karte hain! #TasteTheThunder



Thums Up @ThumsUpOfficial · Dec 1

A new Charge is in town. Ready to #TakeCharge. #ThumsUpCharged





Thums Up @ThumsUpOfficial · Nov 30

Being toofani for 40 years... do you remember all the taglines? spr.ly/6013DEuJ5
#Toofani #TBT #ThrowbackThursday

	Can You Name all the Thums Up Taglines Over 40 Y... coca-colaindia.com
--	--

1 2



Thums Up @ThumsUpOfficial · Nov 29

Aaj kaunsa toofan jagaya? #TasteTheThunder

1



Thums Up @ThumsUpOfficial · Nov 29

Toofanon se ladne ki taaqat rakhte hain, woh jo toofanon ko khud mein paate hain...toofani kehlate hain #TasteTheThunder

1 3



Thums Up @ThumsUpOfficial · Nov 24

Plans to sab banate hain, magar Toofani unhe kar jaate hain. #TasteTheThunder #weekend

1 3



Thums Up @ThumsUpOfficial · Nov 24

Plans to sab banate hain, magar Toofani unhe kar jaate hain. #TasteTheThunder #weekend.

1



Thums Up @ThumsUpOfficial · Nov 24

#weekendvibes are in the air. Let's #TasteTheThunder!

1 1



Thums Up @ThumsUpOfficial · Nov 22

Midweek madness? #TasteTheThunder to bring out the thunder in you. #WednesdayWisdom

2



Thums Up @ThumsUpOfficial · Nov 22

What's your thunder statement?

69% Toofani nahi thamte

31% Never say never

13 votes • Final results

1 1



Thums Up @ThumsUpOfficial · Nov 21

Say 'Hello' to the thunder within. #TasteTheThunder #WorldHelloDay

1 1



Thums Up @ThumsUpOfficial · Nov 21

What gets your 'toofani' going? #TuesdayThoughts #TasteTheThunder

50% Late night bike ride

50% Early morning cyclothon

4 votes • Final results



Thums Up @ThumsUpOfficial · Nov 21

Keeping up with the "toofani spirit". #ThumsUpCharged; the first ever variant of Thums Up, packed with even #MoreThunder!



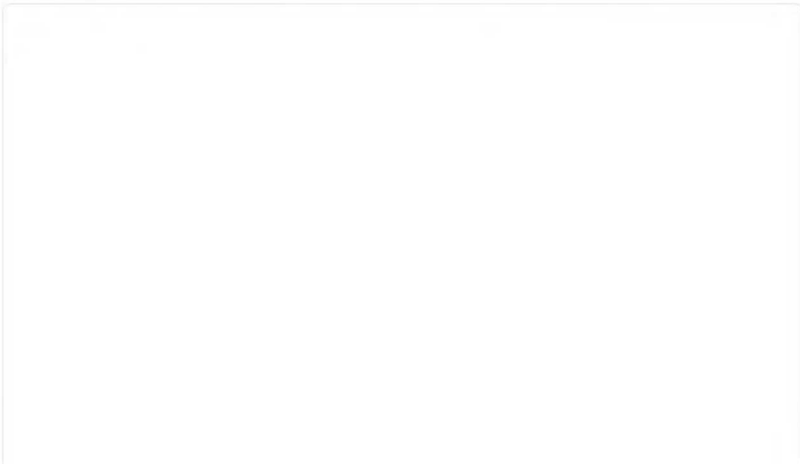
Thums Up @ThumsUpOfficial · Nov 21

India's most-loved cola, now with strong taste and extra Thunder! Introducing the new #ThumsUpCharged! #MoreThunder



Thums Up @ThumsUpOfficial · Nov 16

It has taken over the skies. Soon it will run through the streets. Are you ready to #TakeCharge ?



1 3



Thums Up @ThumsUpOfficial · Nov 16

There's a new wave of thunder coming, can you feel it? #TakeCharge

2



Thums Up @ThumsUpOfficial · Nov 15

Aaj Toofani Thunder taste kiya kya? #TasteTheThunder

1



Thums Up @ThumsUpOfficial · Nov 15

#WowsomeWednesday hai...aaj kuch #toofani kiya kya? Share your stories here.

1



Thums Up @ThumsUpOfficial · Nov 10

Friday ke din ka ek ek pal, weekend par aane waley toofan ka ishaara hai.
#TasteTheThunder












1



Thums Up @ThumsUpOfficial · Nov 10

#TasteTheThunder today to make way for a terrific weekend.

1

- **Thums Up** @ThumsUpOfficial · Nov 9
#ThursdayThoughts Drink up, you've got thunder in you. #TasteTheThunder
🗨️ ↻
- **Thums Up** @ThumsUpOfficial · Nov 7
What gets your thunder on?
- skydiving
- mountaineering
#TasteTheThunder
🗨️ ↻
- **Thums Up** @ThumsUpOfficial · Nov 7
Get your thunder back this Tuesday with Thums Up. #TasteTheThunder
🗨️ ↻ 1
- **Thums Up** @ThumsUpOfficial · Nov 6
#TasteTheThunder today, a little extra motivation to get the week started.
🗨️ ↻ 1
- **Thums Up** @ThumsUpOfficial · Nov 6
Everyday is a motivation if you are motivated from within. #TasteTheThunder
🗨️ ↻ 2
- **Thums Up** @ThumsUpOfficial · Nov 3
#TasteTheThunder and feel the toofani rush within.
🗨️ 1 ↻ 3 7
- **Thums Up** @ThumsUpOfficial · Nov 3
#TasteTheThunder for a toofani weekend.
🗨️ ↻
- **Thums Up** @ThumsUpOfficial · Nov 1
#TasteTheThunder tonight and feel the thunder run through you!
🗨️ ↻
- **Thums Up** @ThumsUpOfficial · Nov 1
.#TasteTheThunder to feel alive & kickin' on a #WowsomeWednesday.
🗨️ ↻
- **Thums Up** @ThumsUpOfficial · Oct 30
Thunder sirf asmaan mein nahi, har dil mein hota hai. #MondayMotivation
#TasteTheThunder
🗨️ ↻
- **Thums Up** @ThumsUpOfficial · Oct 30
Aim, act, achieve. Ye hi hai Thums Up attitude. #MondayMotivation
#TasteTheThunder
🗨️ ↻
- **Thums Up** @ThumsUpOfficial · Oct 27
Those of us who #TasteTheThunder live every day like a new challenge.
🗨️ ↻
- **Thums Up** @ThumsUpOfficial · Oct 27
We can feel a thundering #weekend knocking on the door, and you?
#TasteTheThunder

#TasteTheThunder



Thums Up @ThumsUpOfficial · Oct 26

Thums Up has remained as thunderous since the last 40 years! #TBT #TasteTheThunder



Thums Up @ThumsUpOfficial · Oct 26

Feel the thunder, when you #TasteTheThunder. #ThursdayThunder



Thums Up @ThumsUpOfficial · Oct 25

Today, we raise our Thums Up to celebrate the thunder that lives in all of us. #WednesdayWisdom #TasteTheThunder



Thums Up @ThumsUpOfficial · Oct 25

Bottoms Up, Thums Up. #WackyWednesday #TasteTheThunder



1

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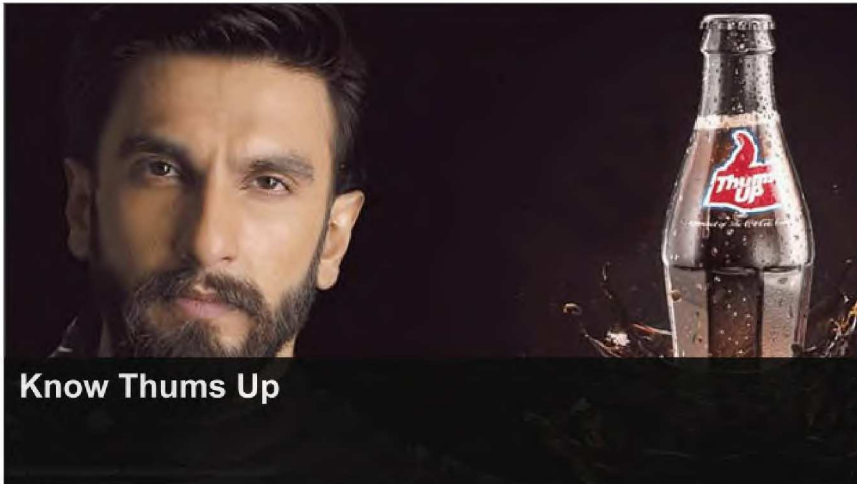
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THUMS UP



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Understand the Label



Product Information

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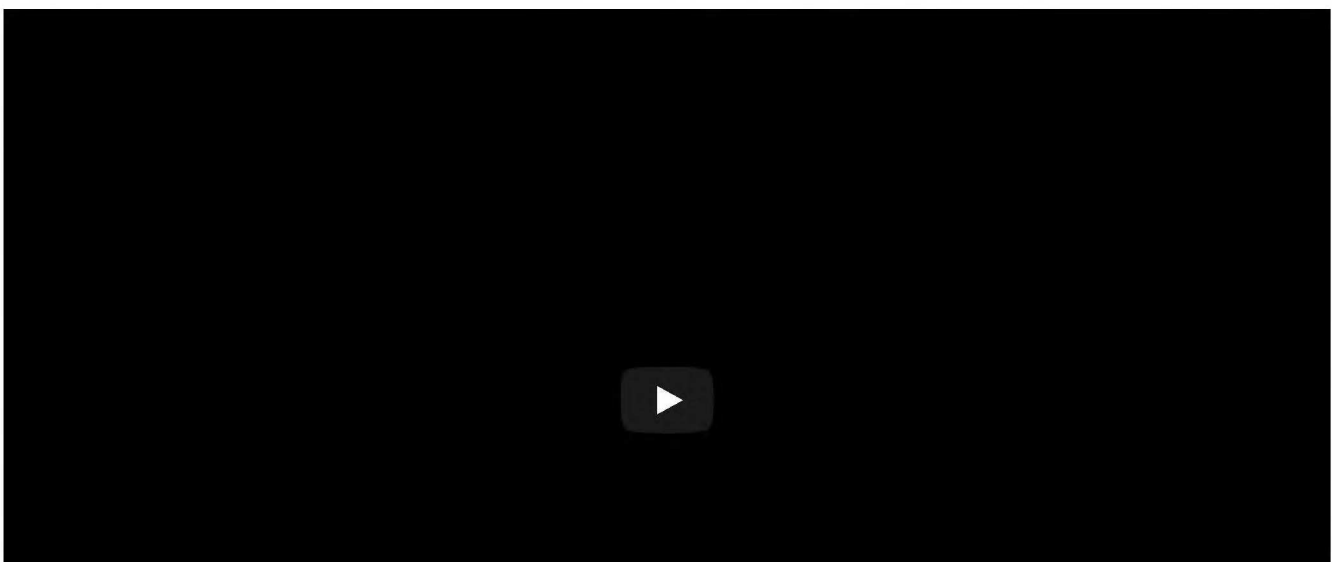
40 Years of Toofani Action



"If They Don't Have Thums Up, I Won't..."



Can You Name all the Thums Up Taglines...



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The Coca-Cola Company (NYSE: KO) is the world's largest beverage company, offering over 500 brands to people in more than 200 countries. Of our 21 billion-dollar brands, 19 are available in lower- or no-sugar options to help people moderate their consumption of added sugar. In addition to our namesake Coca-Cola drinks, some of our leading brands around the world include: AdeS soy-based beverages, Ayataka green tea, Dasani waters, Del Valle juices and nectars, Fanta, Georgia coffee, Gold Peak teas and coffees, Honest Tea, Minute Maid juices, Powerade sports drinks, Simply juices, smartwater, Sprite, vitaminwater, and Zico coconut water. At Coca-Cola, we're serious about making positive contributions to the world. That starts with reducing sugar in our drinks and continuing to introduce new ones with added benefits. It also means continuously working to reduce our environmental impact, creating rewarding careers for our associates and bringing economic opportunity wherever we operate. Together with our bottling partners, we employ more than 700,000 people around the world.

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EXHIBIT B

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Product Information - Limca

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LIMCA'S FRESHNESS IS LIKE NO OTHER- 'LIME N LEMONI' Born in 1971, Limca has remained unchallenged as the No.1 sparkling drink in the cloudy lemon segment. The success formula is the sharp fizz and lemoni bite combined with the single-minded proposition of the brand as the provider of "Freshness."

INGREDIENTS:

CARBONATED WATER, SUGAR, ACIDITY REGULATORS (330, 331), STABILIZERS (414, 471), PRESERVATIVE (221). CONTAINS ADDED FLAVOURS (NATURAL & NATURE- IDENTICAL FLAVOURING SUBSTANCES (LEMON FLAVOUR)).

ANOTHER SIP



Journey Staff

Hard Working Crew For the Right Brew

Ritika Verma

Schweppes –Serving Effervescence Since 1783

Journey Staff

Get That Extra Burst of Energy!

Nutritional Information

Per	100 ml
Energy	44kcal
Carbohydrates	11g
Sugar	11g
Protein	0g
Fat	0g

Pack Sizes Available

Cans: 180 ml, 300 ml, 330ml

RGB: 200 ml, 300 ml, 330 ml

PET: 250 ml, 300ml, 400 ml, 600 ml,
750 ml, 1250 ml, 1500 ml, 1750 ml,
2000 ml, 2250 ml

Fountain Glass: Various Sizes

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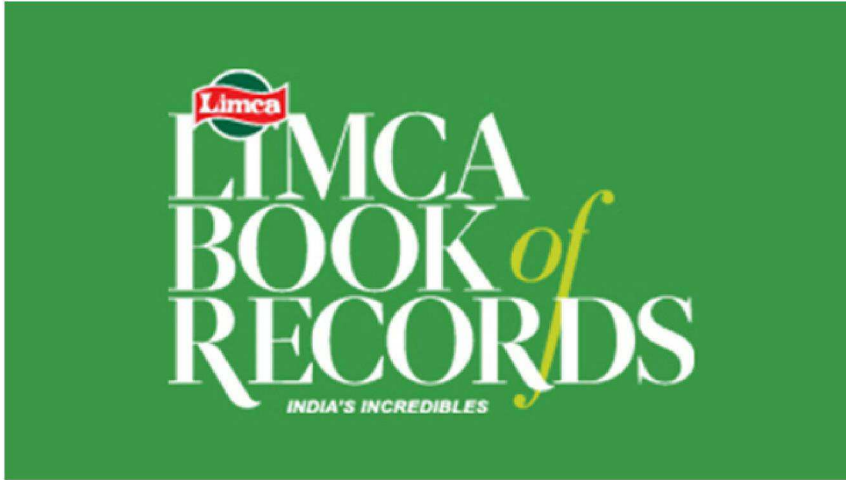
HOME > CHOICES > RELATED STORIES > RECORDS THAT REACHED PEOPLE THROUGH THE RADIO

Records that Reached People Though the Radio

By: **Journey Staff** | 17/10/2017

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Journey Staff
Champions Who Thrived Across Air, Land and Water

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'Minute Maid Juices Taste like the Fruit Itself'

Journey Staff
'Seedhi Baat, No Bakwaas' Leaves Campuses in Splits

Radio speaks the languages of the masses. In a country like India with so many languages, radio reaches is one of the most effective means for broadcasting messages of change.

Limca Book of Records has chronicled some of these changes and events, which have a uniqueness of their own. For example, when over seven million people give a missed call for radio driven entertainment on their mobile or a music marathon of rare musical instruments across 15 cities takes place, it speaks about the power of radio as a medium.

Here are some interesting records around the radio from the archives of Limca Book of Records.

Most missed calls by a toll free number

The Kan Khajura Tesan (KKT) team of Hindustan Unilever Ltd initiated a 120 hr activity all over the country including the Andaman & Nicobar Islands, which started at 00.01 am on August 13, 2014 and completed by 11.59 pm on August 17, 2014. During the period, 72,32,612 missed calls were received. The activity was in continuance of another activity of the same name wherein the consumer was required to give a missed call to 1800-30-000-123, to receive a call back from Kan Khajura Tesan,



EXHIBIT 8

PART 3

a free mobile radio entertainment channel. Kan Khajura Tesan, with pre-programmed content that consisted of popular local music, HUL advertising spots, jokes and an RJ to host the show, literally translates to 'ear worm radio channel'. This initiative was first piloted in Bihar and Jharkhand on Oct 3, 2013 and then extended all across India on April 1, 2014. The activity won three golds at Cannes in June 2014.

Most letters about a radio programme

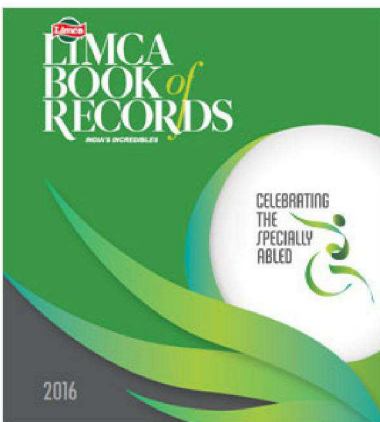


Dr Aravind Nilkanth Navare (76) of Pune, Maharashtra has been writing a postcard to his son Ajit Aravind Navare in Mumbai every day about Chintan, a programme broadcast on All India Radio (Pune Centre) daily at 6.40 am. The first letter was written on March 30, 2001. Aravind has completed 4,820 letters to his son as of May 31, 2015. Ajit has kept all the letters, a perusal of which would be quite a good read, even today. Incidentally, this is the 12th time since 2005 that this record is mentioned in Limca

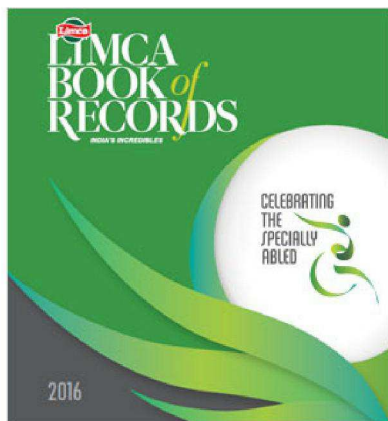
Book of Records!

Most pledges taken on air in a day

Under the aegis of the Rajasthan Government National Health Mission's Save the Girl Child programme, 3,95,695 people all over the State took an oath to Save the Girl Child, which was aired on AIR, Jaipur on Dec 21, 2014. Of these, 2,35,000 took the oath at the same spot – Swarn Jayanti Stadium, Jhunjhunu. The activity was the brainchild of Rajendra Rathore (Minister of Medical Health & Family Welfare, Govt of Rajasthan) and CM & HO and Chief Medical Officer, Dr Satyanarayan Dholpuria and his Department of Medical Health at Jhunjhunu, Rajasthan.



When 2,224 people sang together live for radio



At Delhi Public School (DPS), Bengaluru North, Karnataka, 2,224 students of the school along with teachers and other staff sang live on Red FM 93.5 at 8.30 am on August 15, 2014. Red FM 93.5 and DPS organised the event at a single venue to mark Independence Day. The song sung was Hum Honge Kamyab.

Music Marathon on musical instruments

To celebrate World Music Day (on June 21) MY FM 94.3 of Dainik Bhaskar Group executed My Music Marathon across 15 cities on June 21, 2014. The spotlight was on musical instruments and classical rare instrument players were invited to play and were honoured at the event. The event, subtitled *Mile Sur Mera Tumhara*, which was covered live on air also featured instruments like Algoze and Pakhawaj. Music celebrities like Pandit Vishwa Mohan Bhatt, Ravindra Upadhyay, Ali Brothers, Rapperiya Balam, violinist Gulzar Hussain and Meru Nights Group were among those who graced the event.



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TODAY IT IS ONE OF THE LARGEST SELLING SOFT DRINK BRAND IN INDIA. Originally introduced in 1977, Thums Up was acquired by The Coca-Cola company in 1993

Nutrients

Ingredients & Choices

Typical Values per 100mL

Energy 40 kcal

Carbohydrates 10 g

Sugar 10 g

Protein 0 g

Fat 0 g

* Percent Daily Values are based on a 2,000 calorie diet.

PRODUCT SAFETY & QUALITY

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THUMS UP



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Understand the Label



Product Information

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40 Years of Toofani Action



"If They Don't Have Thums Up, I Won't"



Can You Name all the Thums Up Taglines

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Know Thums Up

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HISTORY

In 1977 the Chauhan brothers, Ramesh Chauhan and Prakash Chauhan, along with then CEO Shanu Vakil, launched Thums Up, adding to their portfolio of older brands Limca and Gold Spot. Thums Up also introduced a larger 300 ml (10 US fl oz) bottle, branded "MahaCola" vis-a-vis the original size of 250 ml (8.5 US fl oz), and the name gained popularity in smaller towns where "Maha Cola" and Thums Up became synonymous. In 1993 Coca-Cola bought Parle and at that time Thums Up was a market leader.

LAUNCH

Originally introduced in 1977, Thums Up was acquired by The Coca-Cola Company in 1993.

TAGLINES

- 1977-1980
 - Happy days are here again
 - Thums Up makes it great
- 1980s
 - Taste the thunder
- 1996-98
 - I want my thunder
- 1999
 - Taste the thunder
- 2001
 - Grow up to Thums Up challenge

2001 *chance*

2002 *Toofani thanda*

2003-2011 *Taste the thunder*

2012-2015 *Aaj kuch toofani karte hain*

2016 ONWARDS *Main hoon toofani*

With Thums Up being one of the strongest cola beverages, Taste the Thunder, has been an almost consistent part of its communication over the years

ORIGIN OF THE NAME

Parle Bisleri came up with the name in 1978. In India, FMCG products are not allowed to use dictionary words as product names, so they dropped the 'b.' To fit the brand name on the crown and on the bottle, as only a certain number of letters can be fit, letter 'b' was dropped.

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If They Don't Have Thums Up, I Won't Take Any Other Cola: **Ranveer Singh**

By: **Journey Staff** | 15/05/2017

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If you're reading this, chances are that you've probably grown up watching Akshay Kumar or Salman Khan running, leaping, surfing, or even jumping from a plane in the pursuit for Thums Up. Cut to Ranveer Singh showing similar daredevilry, only this time to save a little girl from a plunging school bus. Over the years, there has been a shift with the communication line changing from 'Taste the Thunder' to 'Aaj Kuch Toofani Kartey Hain' to the latest 'Main Hoon Toofani.'

Former Vice President Marketing and Commercial, Coca-Cola, Debabrata Mukherjee, explains the shift. "We moved to Main Hoon Toofani very recently...when you say the fire, the thunder is within and it resonates with people." While the new TVC may have seen some emotion added to the action, what remains common and constant in all the films is the strength of character and the drive that only a Thums Up loyalist has. This thunderous or 'toofani' passion is what pushes Thums Up drinkers to do something special. After all, it is a widely known fact that Thums Up drinkers rarely settle for anything else. Not even Ranveer himself!

"If I go out, I ask for Thums Up and if they don't have it, I won't take any other Cola," declares Ranveer Singh. Getting nostalgic, he adds, "Taste the Thunder" was the first tagline I would say as a child; it sounded so cool!" For several decades now, Thums Up's strong taste that packs a punch has defined an aspect of its drinker's personality as well. These people have tasted the thunder and will have it no other way. And Thums Up's communication has evolved with the times to resonate with its audience over the years.

Ranveer Singh may be the biggest icon for the youth today but he echoes the sentiment of those who've grown up in the 90s perfectly when he says, "The attitude

ANOTHER SIP



Journey Staff

Minute Maid Perfect Fruit to Whip Up
Fresh Choice for Indian Consumer

Journey Staff

With Great Taste, Come Great Offers!

Can You Name all the Thums Up
Taglines Over 40 Years?

EXHIBIT 8

PART 4

of Thums Up resonates with me more than any other. Everything it stands for is organically part of this thing that's referred to as my persona. Every time there was a gear shift in the messaging, it has always resonated with me more and more." It also explains why Thums Up continues to enjoy a strong preference and a steady second spot in the highest selling FMCG spot in the country.

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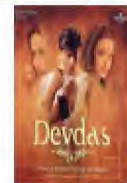
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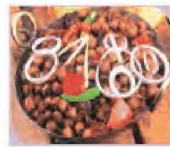


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We proudly distribute MDH Products. MDH is known for its distinct taste, super taste, & naturally rich flavor.

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EXHIBIT D

FRONT PAGE > STORIES > TASTE TEST: TOP 5 DRINKS I TRIED AT THE WORLD OF COCA-COLA

Taste Test: Top 5 Drinks I Tried at the World of Coca-Cola

By: **Witt Wells** | Sep 20, 2016

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The ["Taste It!" room](#) has, in many ways, transcended the reputation of the [World of Coca-Cola](#).

I knew what [Beverly](#) was before I ever set eyes on the place. (*And if you don't know what Beverly is, I'll get to that.*) For many of the fans waiting outside one of downtown Atlanta's most popular tourist destinations, a chance to try beverages from The Coca-Cola Company's global portfolio is the main reason they're standing in the longest line in Pemberton Place.

For those of you not in the know, the "Taste It!" room features a diverse array of more than 100 beverages made by The Coca-Cola Company around the world. There are five tasting stations arranged geographically – Africa, Asia, Europe, Latin America and North America – and each offers sparkling and still beverages to sample that are unique to that region. From Bibo Candy Pine-Nut (Africa) to Guaraná Kuat (Brazil) to Fanta Melon Frosty (Thailand), your taste buds can take a round-the-world journey in a matter of minutes.

And I did just that.

It's all a blur, to be honest. The next thing I knew, I'm in the middle of my second round, comparing tastes with my coworkers. And that's not even taking into account the six Coca-Cola Freestyle machines in the back corner of the room, which each have three times as many choices as all of the international options combined. And, of course, they save the best for last; everyone is handed a complimentary Coke in a contour glass bottle on their way out.

ANOTHER SIP



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So that's what this post is: a roadmap to help you make the most of your "Taste It!" room experience. I know from personal experience that Madagascar's Bonbon Anglais tastes a lot better going down than it does mixing with Korea's Minute Maid Joy and 50 others while you wait in line at a crowded gift shop.

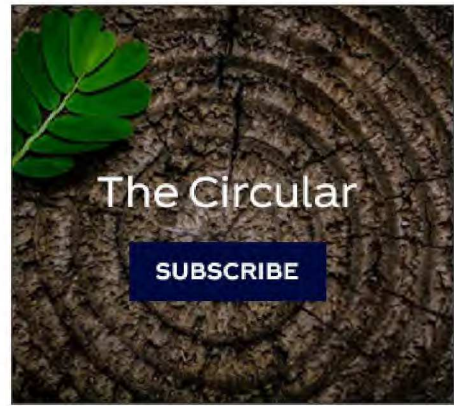
You're welcome.



5. Beverly (Italy)

I'm a proud member of the "everybody gets a trophy" generation, but even as an 8-year-old, receiving a fifth- or sixth-place ribbon at a Saturday afternoon chess tournament felt mostly like a pity prize. This is not a pity prize. Beverly is definitely the least delicious drink in the room, but it's also the most famous (infamous?), and it adds an exciting buzz to the European lineup. Beverly also has a bit of a disadvantage in that it was never meant to be a tasty treat. It hit the Italian market in 1969 as an aperitif, a palate-cleanser of sorts to be consumed before meals and to aid digestion. It's bitter with a pretty unpleasant aftertaste, but every once in a while you'll hear it gain another fan as someone foils their friend's prank with an "Oh, I actually kinda like that one!" Part of the fun of tasting Beverly is to imagine people halfway across the globe routinely enjoying it. But most people aren't aware that Beverly was discontinued in 2009 and lives on exclusively in the "Taste It!" room. As I approached Beverly and the seven other drinks next to it, a young man walked away with a face full of regret and no words other than: "Europe was a mistake." So thank you, Beverly, for at least being a mistake worth tricking your friends into making.

"Taste it!" and React at the World of Coca-Cola



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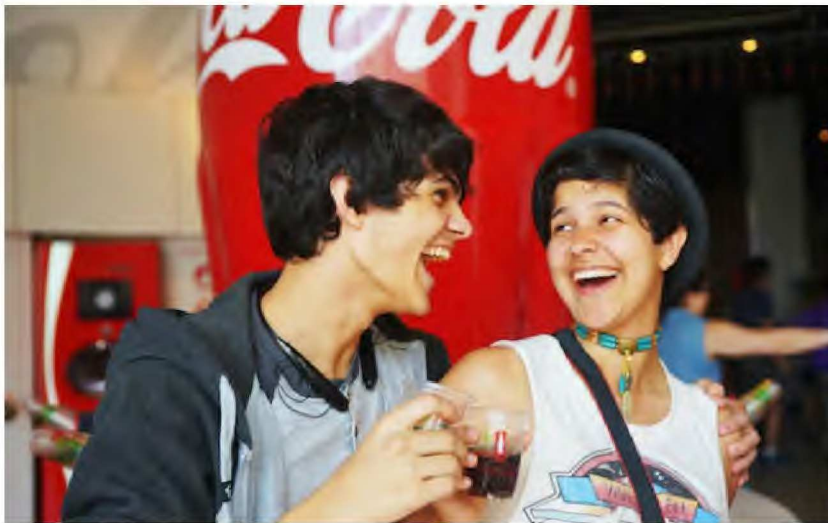


4. Vitaminwater XXX (North America)

Full disclosure: this is my favorite Coca-Cola product, and it's featured in the North America section of the "Taste It!" room, so I considered it fair game for this list. I love to drink "the kind of xxx you can consume in front of your mother," according to the bottle. It's a smooth, acai-blueberry-pomegranate blend and a nice contrast to the exotic global flavors that can be a bit overbearing to the average American taste bud.

3. Thums Up (India)

Most people's reaction to trying Thums Up is to say that it tastes like Coca-Cola. In fact, the two actually competed in India in the early-'90s. Coca-Cola left the Indian market in 1977 but [returned 17 years later](#) for a three-way cola war with its primary competitor and Thums Up, an upstart cola that had risen to nationwide popularity in Coca-Cola's absence. Coca-Cola eventually acquired Thums Up, which remains a hugely popular drink in India marketed as a "manly" beverage: one of its TV ads features its brand ambassador, famous Indian actor Salman Khan, impressing an attractive woman by casually driving an all-terrain vehicle out of an airplane and parachuting to a convenience store that sells Thums Up. Pretty cool stuff. I compared it to classic Coke at the "Taste It!" room and enjoyed the extra spice of India's macho-cola. Definitely try it if you're looking for a Coca-Cola with a subtle kick that may give you superpowers.



2. Fanta Exotic (Uganda)

As far as the "Taste It!" room goes, Africa has a pretty strong argument for being the home of the best sparkling soft drinks, and if you're tasting them in order, there may not be a more delicious triple-whammy than the aforementioned Bonbon Anglais from Madagascar, Tanzania's Stoney, and Uganda's Fanta Exotic. Of those three, and probably the whole room, Fanta Exotic is by far the most flavorful...maybe excessively so. A lot of people think it's too sweet. The thing is, when you're three continents down at the "Taste It!" room and closing out your fourth, any taste shocking enough to make you forget how full you are is a blessing. It's the last selection in the Africa section and the only drink in the room I saw someone lick off the back of their hand.

1. Lemon Crush (Bahrain)

If you happen to be at the "Taste It!" room during peak hours, it will probably take you awhile to try everything. Each continent's station usually features one group trip

of 20 or so folks jockeying for position, one group of teenagers pleading with their friends to stop drinking whatever he or she is drinking and "Go try Beverly!", and at least one older couple just trying to work their way in. In one such situation, I stood and waited with an elderly man for a few minutes as we waited for the traffic to clear. Then we each took a sample of Lemon Crush at the same time and nodded to each other in approval. It's probably the tarest-tasting drink at "Taste It!" which for me is a major plus. Apparently it was for that guy too.

Net-net: Even when it's a packed house, the World of Coca-Cola "Taste It!" room is worth the trip. Your taste buds will thank you.

Witt Wells is an intern at The Coca-Cola Company.

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Try 100+ Coca-Cola Beverages

Treat your taste buds to a trip around the world! At World of Coca-Cola in Atlanta you can taste more than 100 international and domestic beverages made by The Coca-Cola Company.

Coca-Cola Tasting

One area in Taste It! is dedicated to the Coca-Cola family of brands and includes:

- Coca-Cola
- Diet Coke
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The centerpiece of this area is a giant Coca-Cola bottle. You will also find six **Coca-Cola Freestyle Machines** with over 100 different beverage choices in one single dispenser—everything from well-known favorites to those that are exclusive to Coca-Cola Freestyle.

Beverages From Around the World

Of course Coca-Cola has always been and will always be the most popular beverage we offer at World of Coca-Cola, but it's not all. There are five tasting stations arranged geographically – Africa, Asia, Europe, Latin America, and North America. Each station offers different beverages to sample that are unique to that region.

Try Something New!

The Selection Process

All the beverages in Taste It! are carefully selected from numerous offerings around the world. We carefully consider the diversity of our beverage categories and brands, their unique flavor profiles and a broad geographic mix. The selection is routinely evaluated to identify new opportunities that would complement the existing offerings.

In addition to our most popular international brands, we also feature regional domestic favorites such as Barq's Red Crème soda, Surge and Tab that are not widely available in all areas across the United States.

Popular Beverage Choices

Curious about what kinds of unique beverage choices are available in Taste It? Here's a little bit about eight of our most popular beverages available at World of Coca-Cola.

- **Beverly.** Introduced in Italy in 1969, Beverly is a non-alcoholic aperitif that is typically consumed before meals. Because of its distinctive taste, it is one of our most popular, must-try drinks.
- **Sparletta Sparberry.** This beverage, launched in 1955, tastes like raspberry cream soda and is available exclusively in several countries across central and southern Africa.
- **Bibo Candy Pine-Nut.** This African favorite is part of a fruit-flavored line of drinks. Bibo Pine-Nut tastes of pineapple and coconut.
- **Thums Up.** Featuring the taste of a strong cola with a spicy bite, Thums Up is the best-selling soft drink brand in India and the first beverage from that country to be available in Taste It! Because of its strong taste, Thums Up is often viewed as a mature, masculine drink with the "Taste of Thunder."
- **Fanta Pineapple.** This sparkling beverage from Greece imparts a sweet and juicy pineapple taste. The pineapple (commonly known to Grecians as "ananás") is quite a treat for Europeans, often imported from tropical regions.
- **Inca Kola.** Created in Peru in 1935, Inca Kola is a golden yellow sparkling beverage with a sweet, fruity taste that many compare to liquid bubblegum. Chefs often incorporate the beverage into signature Peruvian dishes through traditional gourmet cooking.
- **Guaraná Kuat.** Introduced in Brazil in 1997, the beverage was named after an Amazonian Indian sun god. Guaraná Kuat (pronounced "Kwatch") tastes of fruity guaraná berries, similar to ginger ale with a mild berry twist.

So what are you waiting for? Come, sip, mix and savor to your heart's delight!

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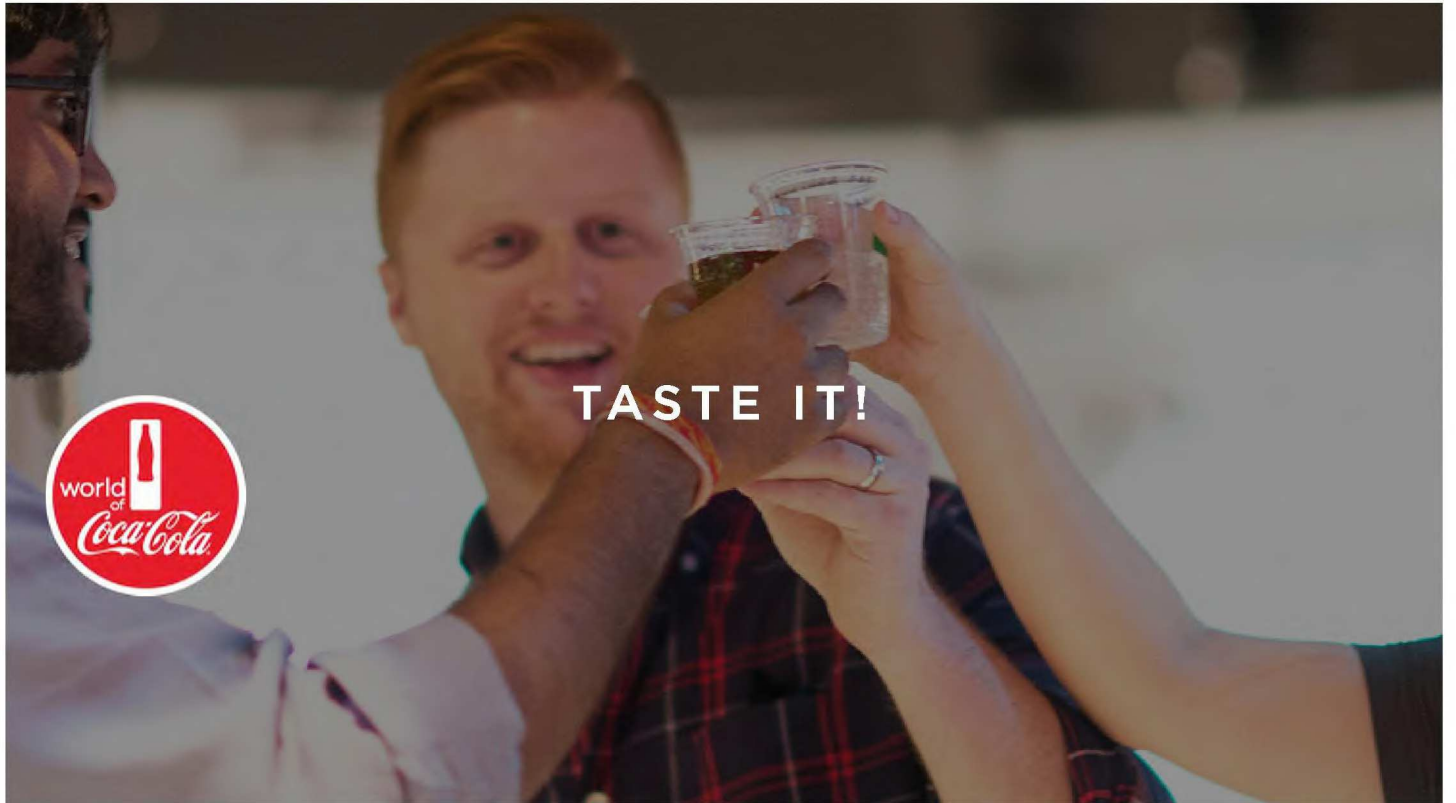
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Try Something New!

At our Sampling Bar, you can taste recently introduced beverages which we are featuring for a limited time.

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- **Fanta Melon Frosty.** With the taste of sweet melon, this refreshing sparkling beverage is beloved in Thailand's sunny, tropical climate.

So what are you waiting for? Come, sip, mix and savor to your heart's delight!

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PART 5

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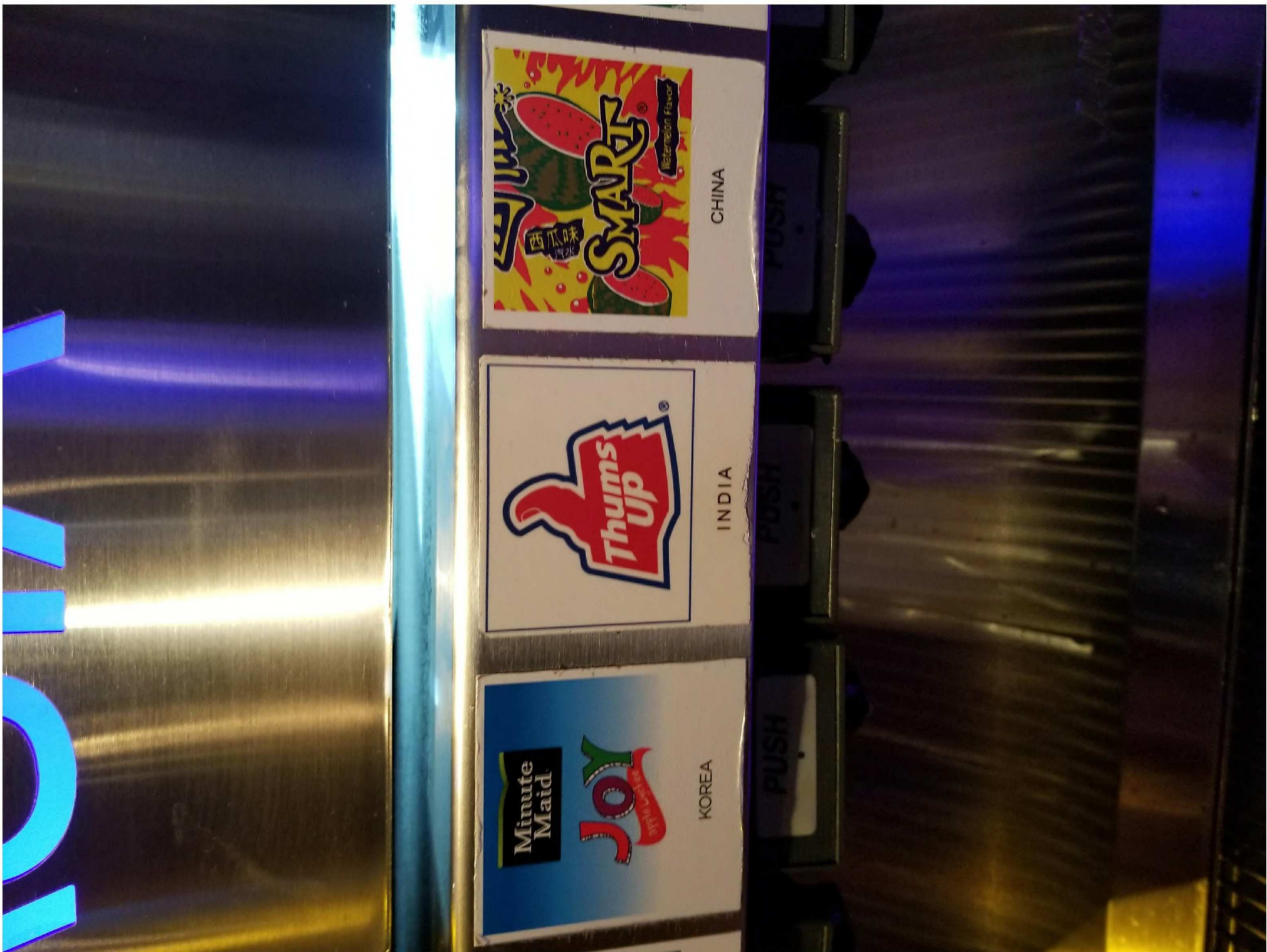
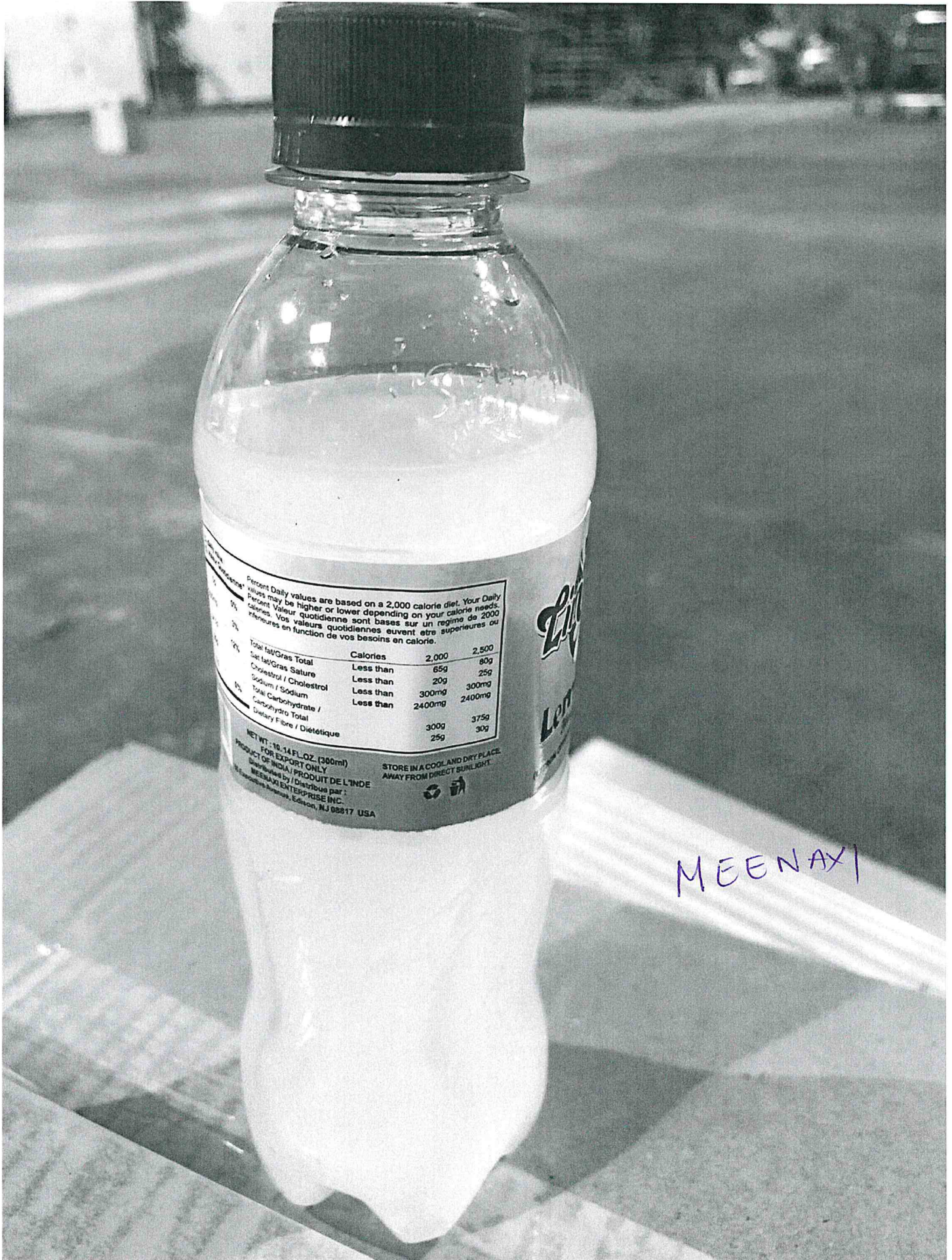


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	Calories	2,000	2,500
Total Fat/Gras Total	Less than	65g	80g
Sat Fat/Gras Saturate	Less than	20g	25g
Cholesterol / Cholestrol	Less than	300mg	300mg
Sodium / Sodium	Less than	2400mg	2400mg
Total Carbohydrate / Carbohydrate Total		300g	375g
Dietary Fibre / Diétiétique		25g	30g

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MEENAXI



Nutrition Facts

Servings per container 1
 Serving size / 1
 Portion: 300ml / 10.14 fl.oz

Calories / Calories
 per serving **126**

Date of Packing : Aug / 2017
 Date de l'emballage :
 Batch Number : KJ0817
 Numéro de lot :
 Best Before : 12 Month From Date Of Manufacture
 Meilleur Avant : 12 Mois De Date De Fabrication

Amount per serving /
 Quantite par portion

% daily value /
 % Valeur Quotidienne

	0g	0%
Total fats / Lipides	355mg	71%
Sodium/ Sodium	34.5g	71%
Total Carbohydrate / Glucides	30g	7%
Sugar / Sucre	0g	0%
Protein / Protéine		



MEENAXI



MEENAXI

Nutrition Facts

Servings per container 1
 Serving size / 1
 Portion: 300ml / 10. 14 fl.oz

**Calories /
 Calories** **126**
 per serving

Amount per serving / Quantite par portion	% daily value / % Valeur Quotidienne*
Total fats / Lipides	0g 0%
Sodium/ Sodium	355mg 3%
Total Carbohydrate / Glucides	34.5g 12%
Sugar / Sucre	30g
Protein / Protéine	0g 0%

Percent Daily values are based on a 2,000 calorie diet. Your Daily values may be higher or lower depending on your calorie needs. Percent Valeur quotidienne sont bases sur un regime de 2000 calories. Vos valeurs quotidiennes euvent etre superieures ou inferieures en fonction de vos besoins en calorie.

	Calories	2,000	2,500
Total fat/Gras Total	Less than	65g	80g
Sat fat/Gras Sature	Less than	20g	25g
Cholestrol / Cholestrol	Less than	300mg	300mg
Sodium / Sodium	Less than	2400mg	2400mg
Total Carbohydrate / Carbohydro Total		300g	375g
Dietary Fibre / Diététique		25g	30g

Date of Packing : June / 2017
 Date de l'emballage
 Batch Number : B-5
 Nume'ro de lot
 Best Before : 12 Month From Date Of Manufacture
 Meilleur Avant : 12 Mois De Date De Fabrication



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 ARTIFICIAL FLAVORING
 SUBSTANCES).**

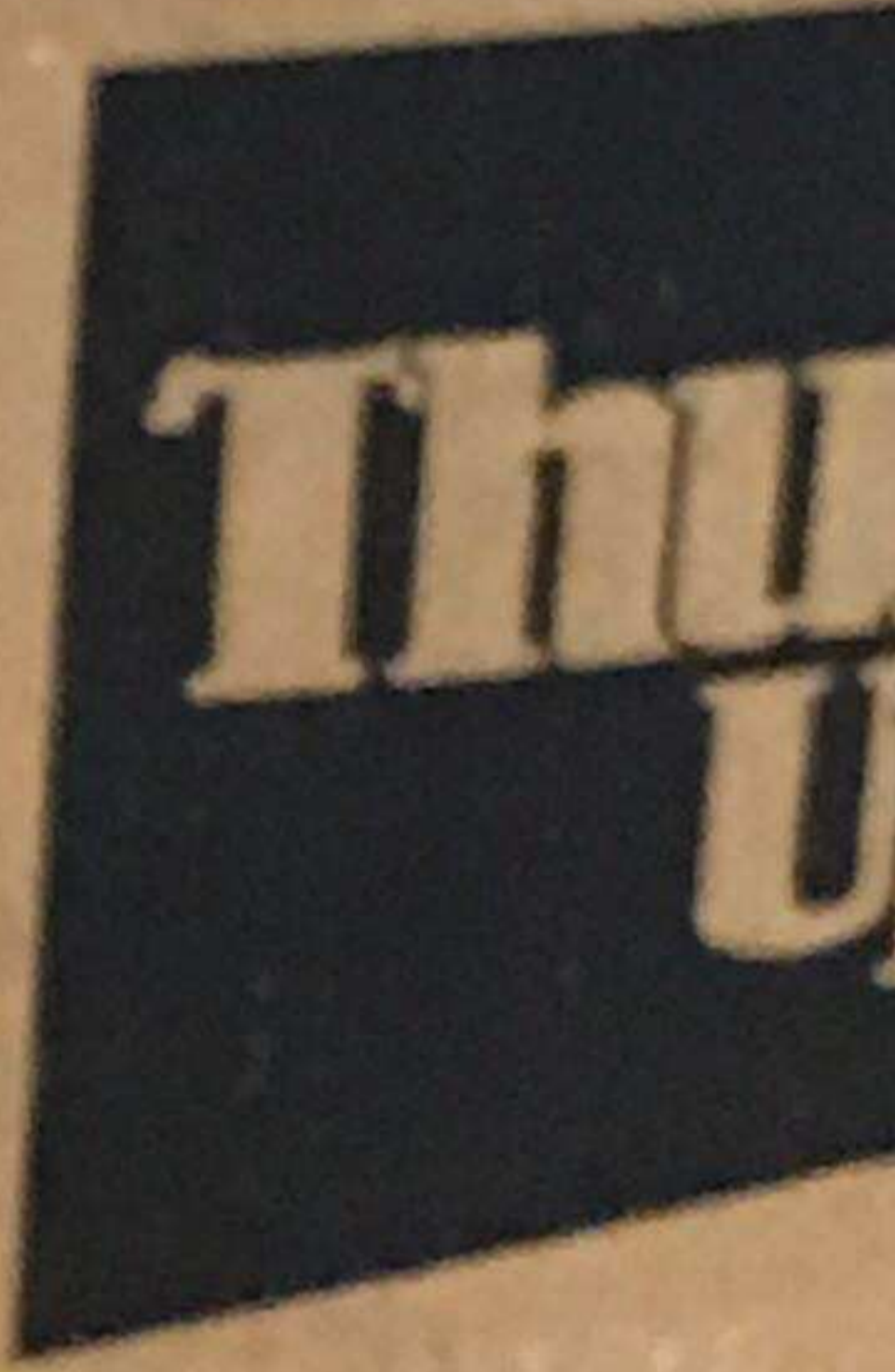
INGRÉDIENT :
 Eau Gzéifiée, Sucre, Acide Citrique, Acide
 Malique, Conservateurs de classe I, II
 (Benzoate de sodium, Métabisulfite de
 Potassium).
**CONTIEN UN ADDÉ [JALJEERA]
 ARÔMES)(SUBSTANCES NATURELLES
 ET NATURELLES IDENTIQUES ET
 ARTIFICIELLES)**



Thums Up[®]
Jeera Masala Soda
(CUMIN CONDIMENT UN SODA)

Nutrition Facts	
Per 100 mL	
Total Energy	2300
Total Fat	90g
Total Sugar	35g
Total Protein	300mg
Total Sodium	2400mg
Total Calcium	970g
Total Phosphorus	30g

INGREDIENTS
Carbonated Water
Candy
Potassium Benzoate
CONTAINS
(NATURAL AND
ARTIFICIAL FLAVORS)
INGREDIENTS
Eau Carbonatée
Malibu Condiment
de Jeera Masala
CONTIENT
(ARÔMES NATURELS
ET ARTIFICIELS)





Thums Up[®]
Jeera Masala Soda
(CUMIN CONDIMENT UN SODA)

MEENAXI

EXHIBIT G



One East Bay Street
Savannah, Ga 31401

U.S. Customs and
Border Protection

May 23, 2018

Grace Imports Inc.
2430 Mountain Industrial Boulevard
Tucker, Georgia 30084

Re: Case Number 2018-1703-0000213-01

Dear Sir/Madam:

This is to notify you that U.S. Customs and Border Protection (“CBP”) seized the property described below at the Port of Savannah, Georgia on May 4, 2018:

600 each (25 cartons) Limca Soda Cans, \$448.25 (TMK 12-01299)
2,400 each (100 cartons) Thums Up Soda Cans, \$1,763.00 (TMK 12-01308)

The appraised domestic value of the property is \$2,211.25.

The property was seized and is subject to forfeiture under the provisions of 19 U.S.C. § 1526(e), which prohibits the importation of merchandise bearing a counterfeit trademark that is both registered with the Patent and Trademark Office (“PTO”) and recorded with Customs and Border Protection. The seized property contains markings which are substantially indistinguishable from and, therefore, bear a counterfeit design/word/mark as indicated below. Customs and Border Protection Regulations provide that any article imported into the United States bearing a counterfeit trademark shall be seized and, in the absence of the written consent of the trademark owner, forfeited for violation of the Customs laws. Listed above is a description of the seized property and listed below is the description of the trademark and the name and address of the trademark owner.

Description of Trademark: Limca Word Mark
Customs and Border Protection Recordation Number: TMK 12-01299
U. S. Patent & Trademark Office Registration Number: 4,205,597

Description of Trademark: Thums Up Word Mark
Customs and Border Protection Recordation Number: TMK 12-01308
U. S. Patent & Trademark Office Registration Number: 4,205,598

Trademark Representative Name: Mr. Malathi Sundarraj
Trademark Representative Address: 86 Executive Avenue
Edison New Jersey 08817

The facts available to CBP indicate that you might have an interest in the seized property. The purpose of this letter is to advise you of the options available to you concerning this seizure. An important document – an “Election of Proceedings” form - is enclosed with this letter. You must

EXHIBIT 8

PART 6

choose one of the options outlined below, indicate your choice on the “Election of Proceedings” form, and return it and any other necessary documents to CBP within the allotted time frame.

Should you choose to abandon the property, you must still complete the “Election of Proceedings” form and return it to CBP.

Your options are as follows:

1. **Petition:** You may file a petition with this office within 30 days from the date of this letter in accordance with title 19 United States Code (U.S.C.), section 1618 (19 U.S.C. §1618) and title 19, Code of Federal Regulations (C.F.R.), section 171.1 and 171.2 (19 C.F.R. §§ 171.1, 171.2), seeking remission of the forfeiture. The petition does not need to be in any specific form, but it must describe the property involved, identify the date and place of the seizure, include all the facts and circumstances which you believe warrant relief from forfeiture, and must include proof of your interest in or claim to the property. Examples of proof of interest include but are not limited to a car title, loan agreement, or documentation of the source of funds. If you choose this option, you must check **Box 1** on the “Election of Proceedings” form.

By completing Box 1 on the “Election of Proceedings” form, you are requesting administrative processing of your case by CBP. You are requesting that CBP refrain from beginning forfeiture proceedings while your petition is pending, or that CBP halt administrative forfeiture proceedings, if they have already commenced. However, if CBP has already referred the matter to the United States Attorney’s Office for the institution of judicial forfeiture proceedings, your petition will be forwarded to the United States Attorney for consideration.

If you are dissatisfied with the petition decision (initial petition or supplemental petition), you will have an additional 60 days from the date of the initial petition decision, or 60 days from the date of the supplemental petition decision, or such other time as specified by the Fines, Penalties and Forfeitures Officer to file a claim to the property, along with the required cost bond, requesting referral of the matter to the U.S. Attorney’s Office for judicial action.

If you do not act within these time frames, CBP may forfeit the property to the United States as authorized by law.

At any point prior to the forfeiture of the property, you may request a referral to the U.S. Attorney by filing a claim and cost bond. *Please see section 4 of this letter for information on how to file a claim and cost bond.* If you take such action after filing a petition for relief, your pending petition will be withdrawn from consideration.

2. **Offer in Compromise:** At any time prior to forfeiture, you may file an offer in compromise in accordance with title 19, U.S.C., section 1617 (19 U.S.C. § 1617) and title 19, C.F.R., sections 161.5 and 171.31 (19 C.F.R. §§ 161.5, 171.31). The offer must specifically state that you are making it under the provisions of 19 U.S.C. § 1617. If you are offering money in settlement of the case, you must include payment (bank draft, cashier's check or certified check, drawn on a U.S. financial institution, and made payable to CBP) in the amount of your offer. CBP may only consider the amount of your offer and will return the full offer if it is rejected. *This option may serve to delay the case.*

If you choose this option, you must check **Box 2** on the "Election of Proceedings" form.

If you choose to submit an offer in compromise and are dissatisfied with the offer decision, you will have an additional 30 days from the date of the offer decision to file a claim and bond requesting a referral for judicial action. If you do not act within the additional 30 days, the property may be forfeited to the United States.

You may also request a referral for judicial action at any point prior to the issuance of the offer in compromise decision. *Please see section 4 of this letter for information on how to file a claim and cost bond.* If you take such action, your petition or offer will be considered to have been withdrawn.

If, upon receipt of your offer, the matter has already been referred to the United States Attorney for the institution of judicial forfeiture proceedings, your offer will be forwarded to the United States Attorney for consideration as an offer of settlement in the judicial case, as appropriate.

3. **Abandon:** You may abandon the property or state that you have no claim or interest in it. If you choose this option, you should check **Box 3** on the "Election of Proceedings" form. The Government may proceed with forfeiture proceedings, or address claims from other parties concerning the property, without further involving you.
4. **Court Action:** You may request to have this matter referred to the United States Attorney for institution of judicial forfeiture proceedings by notifying the office identified in this letter, in writing, that you do not intend to file a petition or offer in compromise with CBP or post the value of the merchandise to obtain its release on payment (see below). If you choose this option, you should check **Box 4** on the "Election of Proceedings" form.

If you chose this option you must submit to CBP (at the address provided at the end of this letter) a claim and cost bond in the penal sum of \$5,000 or 10 percent of the value of the claimed property, whichever is less, but in no case shall the amount of the bond be less than \$250.00.

If you file the claim and bond, the case will be referred promptly to the appropriate United States Attorney for the institution of judicial proceedings in Federal court to forfeit the seized property in accordance with title 19, U.S.C., section 1608 (19 U.S.C. § 1608) and title 19, C.F.R., section 162.47 (19 C.F.R. § 162.47). You may then file a petition for relief with the Department of Justice pursuant to title 28, C.F.R., part 9 (28 C.F.R. pt. 9). Failure to submit a bond with the claim will render the request for judicial proceedings incomplete, and therefore, defective. This means that the case will NOT be referred to the appropriate United States Attorney.

If you wish the Government to seek judicial forfeiture proceedings but cannot afford to post the bond, you should contact the Fines, Penalties & Forfeitures Officer or Asset Forfeiture Officer of CBP (where applicable) so that CBP can make a determination of your financial ability to pay the bond. If a determination of inability to pay is made, the cost of the bond may be waived in its entirety. The case will be referred promptly and you may then file a petition for relief with the Department of Justice pursuant to title 28, C.F.R., part 9 (28 C.F.R. pt. 9).

5. **Take no action:** If you take no action, CBP may seek to forfeit the property. In order to obtain forfeiture, CBP must publish a notice of seizure and intent to forfeit for 30 consecutive days, and after that time the Government acquires full title to the seized property. The first notice will be posted on or about 30 days from the date of this letter.

For property appraised in excess of \$5,000, CBP will post notice seizure and intent to forfeit on the internet at www.forfeiture.gov for 30 consecutive days.

For property appraised at \$5,000 or less, CBP will post notice of seizure and intent to forfeit in a conspicuous place accessible to the public at the customhouse or Border Patrol sector office (where appropriate) nearest the place of seizure as well as on the internet at www.forfeiture.gov for 30 consecutive days.

Release on Payment: If the seized merchandise is not, by law, prohibited from entry into the commerce of the United States, you may, within 30 days of this letter, submit an offer to pay the full appraised domestic value of the seized property accompanied by the full payment (bank draft, cashier's check or certified check, drawn on a U.S. financial institution, and made payable to CBP) or an irrevocable letter of credit in accordance with title 19, U.S.C., section 1614 (19 U.S.C. § 1614) and title 19, C.F.R., section 162.44 (19 C.F.R. § 162.44).

If CBP accepts your offer to substitute release of the seized property on payment, the property will be immediately released, and the payment or letter of credit will be substituted for the seized property. You may still submit a petition, offer in compromise, or file a claim and cost bond requesting that the matter be referred to the U.S. Attorney's Office and you must check the appropriate box on the "Election of Proceedings" form. The decision letter on your offer will provide you with the time frames for those options.

If, upon receipt of your offer, the matter has already been referred to the U.S. Attorney's Office for the institution of judicial forfeiture proceedings, your offer will be forwarded to the U.S. Attorney for consideration.

Holder of a lien or security interest: If you are a holder of a lien or security interest and you do not file a request for court action (option 4 above), you may avail yourself of any of the other options listed. No relief will be granted to you until after forfeiture, unless your petition, offer or request is accompanied by an agreement to hold the United States, its officers and employees harmless, and a release from the registered owner and/or person from whom the property was seized.

No matter which box you check on the enclosed "Election of Proceedings" form, you should sign, date and return the form, along with any petition, offer in compromise, or request for judicial forfeiture proceedings if those documents are necessary to support the option you choose. *If you did not receive this form, please call the telephone number below.*

All accompanying documents, including supporting documents, must be in the English language or accompanied by an English language translation, and submitted in duplicate.

In addition to the seizure and forfeiture liability, you may be liable for a civil penalty in this matter. If you are liable for a civil penalty, details on the civil penalty are in the attached letter; or, if not attached, are being prepared and will be mailed shortly.

All correspondence should be addressed to U.S. Customs and Border Protection, Attention: Fines, Penalties & Forfeitures Office, One East Bay Street, Savannah, Georgia 31401.

Should further information be required, contact the Fines, Penalties and Forfeitures Office at 912-447-9440 or CBP.Sav-FPF@dhs.gov. Inquiries should reference the case number.

Sincerely,



Tracey Marquez
Tracey Marquez
Fines, Penalties and Forfeitures Officer

Enclosures: Election of Proceedings- Non-CAFRA Form

ELECTION OF PROCEEDINGS- NON CAFRA FORM

NOTE: PLEASE READ THE LETTER “NOTICE OF SEIZURE AND INFORMATION FOR CLAIMANTS” BEFORE YOU FILL OUT THIS FORM. THIS FORM SHOULD BE COMPLETED AND RETURNED TO U.S. CUSTOMS AND BORDER PROTECTION (CBP) AT Fines, Penalties & Forfeitures Office, One East Bay Street, Savannah, Georgia 31401.

I understand that property in which I have an interest has been seized by U.S. Customs and Border Protection Service (“CBP”) under Case Number 2018-1703-0000213-01.

Check ONLY ONE of the five following choices:

- 1. I REQUEST THAT CBP CONSIDER MY PETITION ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED.** My petition is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by title 19, United States Code (U.S.C.), section 1607 (19 U.S.C. § 1607) and title 19, Code of Federal Regulations (C.F.R.), section 162.45 (19 C.F.R. § 162.45), or (2) have the case immediately referred to the U.S. Attorney for court action, as provided by title 19, U.S.C., section 1608 (19 U.S.C. § 1608) and title 19 C.F.R., section 162.47 (19 C.F.R. § 162.47). If administrative forfeiture has begun, it will be stopped until my petition is considered. However, I understand that *at any time* I can request, in writing, that you begin administrative forfeiture proceedings, and you will continue to consider my petition. I also understand that *at any time* I can file a claim and bond with CBP and CBP’s consideration of my petition will stop and the case will be sent to the United States Attorney’s Office for court action.
- 2. I REQUEST THAT CBP CONSIDER MY OFFER IN COMPROMISE ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED.** My offer is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by title 19, U.S.C., section 1607 (19 U.S.C. § 1607) and title 19, C.F.R., section 162.45 (19 C.F.R. § 162.45), or (2) have the case immediate referred to the U.S. Attorney for court action, as provided by title 19, U.S.C., section 1608 (19 U.S.C. § 1608) and title 19, C.F.R., section 162.47 (19 C.F.R. § 162.47). If administrative forfeiture has begun, it will be stopped until my offer is considered. However, I understand that *while my offer is under consideration* I can request, in writing, that CBP begin administrative forfeiture proceedings, and CBP will continue to consider my offer. I also understand that *while my offer is under consideration* I can file a claim and cost bond with CBP and CBP’s consideration of my offer will stop and the case will be sent to the U.S. Attorney’s Office for court action.
- 3. I ABANDON THE PROPERTY AND I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY.** Please immediately begin publication of the notice of seizure and intent to forfeit. I abandon any claim or interest in the property.
- 4. I REQUEST THAT CBP SEND MY CASE FOR COURT ACTION.** Please immediately refer the case to the U.S. Attorney’s Office for the institution of judicial forfeiture proceedings. I am filing/will file a claim and bond with CBP.
- 5. I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY.** Please immediately begin publication of the notice of seizure and intent to forfeit the property, and consider any petition or offer in compromise which I may timely file. I understand that within thirty (30) days of the first publication of the notice, I can request that CBP send the case to the U.S. Attorney’s Office for institution of judicial forfeiture proceedings.

Name (Print)

Date

Signature

Name (Print)

Date

Signature

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
SAVANNAH, GEORGIA

Detention Number: 20181703000212

NOTICE OF DETENTION

Port Code: 1703

Port Name: SAVANNAH, GA

Date of Detention: 06/01/2018

MBOL#: OOLU2602280120 CONTAINER#: OOLU1957490 ENTRY#: H67/1534162

Broker/Importer: AGRA SVCS BROKERAGE CO/GRACE IMPORTS INC

Description of Merchandise: THUMS UP DRINKS

Reason for Detention: IPR DETERMINATION

Tests or Inquiries to be conducted: N/A

Additional Information/Action Requested of Importer: In accordance with 19 C.F.R. 133.21, U.S. Customs and Border Protection (CBP) may provide information appearing on, and unredacted samples of, products and their packaging and labels, or photographs of such products, packaging, and labels to the right holder of a trademark suspected of being counterfeited to obtain assistance with determining whether the detained merchandise bears a counterfeit mark. You may provide to CBP within seven days (excluding weekends and holidays) from the date of this notice evidence to demonstrate the authenticity of the marks appearing on or comprising the merchandise. CBP will not release information appearing on, and unredacted samples of, products and their packaging and labels, or photographs of such products, packaging, and labels to the trademark owner during this seven day period. If you do not provide adequate evidence to enable CBP to determine the authenticity of the marks appearing on or comprising the merchandise within seven days, CBP may release information appearing on, and unredacted samples of, products and their packaging and labels, or photographs of such products, packaging and labels to the trade mark holder.

If you have pertinent evidence that you want to provide to CBP, please contact the detaining officer or team by phone or email. When contacting CBP via phone or email, please reference the detention number located in the upper right hand corner of this notice.

Requested by (Date): 7 BUSINESS DAYS FROM DATE ABOVE

Name of Detaining Officer: CBPO Spano Cargo Processing Team joshua.spano@dhs.gov

U.S. Customs - Point of Contact & Phone #: (P) 912-966-0557 (F) 912-966-7492

Additional Remarks: The above merchandise is currently located at GPA, Whse 27 Garden City, GA. Container OOLU1957490 with THUMS UP DRINKS is inventoried on CBP form 6051D # 1886841 under MBOL OOLU2602280120

Shipments may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/broker requests a longer detention period through the Area/ District Director.

Agreement to Redeliver Merchandise: If merchandise is released conditionally from Customs custody to the principal before all required evidence is produced, before its quantity and value are determined, or before its right of admission into the U.S. is determined, the principal agrees to redeliver timely, on demand by Customs, the merchandise released if it fails to comply with the laws or regulations governing admission into the U.S.

(Section 113.62 (d) (1) Customs Regulations)

TCCC005185

Effective Date: 11/29/2012
 CBP Recordation Expiration Date:
 12/11/2022
 USPTO Registration Expiration
 Date: 9/11/2022

Trademark

Customs Recordation Number: TMK 12-01299

Title	LIMCA
Product	IC 032. Concentrates, syrups or powders used in the preparation of soft drinks; Soft drinks, namely, sodas.
Description	The trademark is a standard character mark of the word "Limca".
Owner Name	Meenaxi Enterprise, Inc.
Gray Market Importations Restricted	NO
U.S. Patent and Trademark Office Registration Number	4205597
Firm Contact Name	Law Offices of Suraj Chivukula, LLC / Law Firm of Record Malathi Sundarraj 86 Executive Ave Edison, New Jersey, 08817
Phone	(917) 330-0345

Effective Date: 11/29/2012
CBP Recordation Expiration Date:
12/11/2022
USPTO Registration Expiration
Date: 9/11/2022

Trademark**Customs Recordation Number: TMK 12-01308**

Title	THUMS UP
Product	IC 032. : Colas; Concentrates, syrups or powders used in the preparation of soft drinks; Soft drinks, namely, sodas.
Description	WORD MARK - THUMS UP
Owner Name	Meenaxi Enterpise, Inc.
Gray Market Importations Restricted	NO
U.S. Patent and Trademark Office Registration Number	4205598
Firm	Law Offices of Suraj Chivukula, LLC / Law Firm of Record
Contact Name	Malathi Sundarraj 86 Executive Ave Edison, New Jersey, 08817
Phone	(917) 330-0345

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
SAVANNAH, GEORGIA

Detention Number: 20181703000256

NOTICE OF DETENTION

Port Code: 1703

Port Name: SAVANNAH, GA

Date of Detention: 08/07/2018

MBOL#: OOLU2606118930 CONTAINER#: OOLU0456261 ENTRY#: H67/15394044

Broker/Importer: AGRA SVCS BROKERAGE CO/GRACE IMPORTS INC

Description of Merchandise: TURMERIC GROUND VIRGINIA SPICE SODA

Reason for Detention: IPR DETERMINATION

Tests or Inquiries to be conducted:

Additional Information/Action Requested of Importer: Letters of authorization for use of "Thums Up" and "Limca" soda.

Requested by (Date): 9/07/2018

CBP has up to 30 days from the date of this notice to make a determination.

Name of Detaining Officer: CBPO ASARO

U.S. Customs - Point of Contact & Phone #: (P) 912-966-0557 (F) 912-966-7492

Additional Remarks: The above merchandise is currently located at GPA, Whse 27 Garden City, GA. Container: OOLU0456261 with is TURMERIC GROUND VIRGINIA SPICE SODA inventoried on CBP form 6051D # 1886871 under MBOL: OOLU2606118930.

Shipments may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/broker requests a longer detention period through the Area/ District Director.

Agreement to Redeliver Merchandise: If merchandise is released conditionally from Customs custody to the principal before all required evidence is produced, before its quantity and value are determined, or before its right of admission into the U.S. is determined, the principal agrees to redeliver timely, on demand by Customs, the merchandise released if it fails to comply with the laws or regulations governing admission into the U.S.

(Section 113.62 (d) (1) Customs Regulations)

TCCC005188

EXHIBIT 9

ESTTA Tracking number: **ESTTA549955**

Filing date: **07/23/2013**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Piruz A. Khambatta		
Entity	Individual	Citizenship	INDIA
Address	Rasna House, Opp. Atlanta Gulbai Tekra Ahmedabad, Gujarat State, INDIA		

Attorney information	Alexander Lazouski Lazouski & Associates LLC 157 Third Avenue, Suite 2C Westwood, NJ 07675 UNITED STATES info@lzlawoffice.com Phone:2016455616		
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Registration Subject to Cancellation

Registration No	4292450	Registration date	02/19/2013
Registrant	Meenaxi Enterprise, Inc. 2500B Hamilton Boulevard South Plainfield, NJ 07080 UNITED STATES		

Goods/Services Subject to Cancellation


<p>Class 032. First Use: 2012/01/02 First Use In Commerce: 2012/01/02 All goods and services in the class are cancelled, namely: Bottled artesian water; Bottled drinking water; Coffee-flavored soft drink; Cola drinks; Colas; Concentrates and powders used in the preparation of energy drinks and fruit-flavored beverages; Concentrates for making fruit drinks; Concentrates, syrups or powders for making soft drinks or tea-flavored beverages; Concentrates, syrups or powders used in the preparation of soft drinks; Concentrates, syrups or powders used in the preparation of sports and energy drinks; Distilled drinking water; Drinking water with vitamins; Drinking waters; Energy drinks; Energy drinks enhanced with vitamins; Flavored bottled water; Flavored enhanced water; Fruit drinks and fruit juices; Fruit flavored soft drinks; Fruit flavoured drinks; Fruit-based beverages; Fruit-based soft drinks flavored with tea; Fruit-flavored beverages; Isotonic drinks; Isotonic non-alcoholic drinks; Mineral and carbonated waters; Mixed fruit juice; Non-alcoholic drinks, namely, energy shots; Pop; Powders used in the preparation of fruit-based beverages; Powders used in the preparation of isotonic sports drinks and sports beverages; Preparations for making beverages, namely, energy drinks; Purified bottled drinking water; Soft drinks; Soft drinks flavored with tea; Soft drinks, namely, sodas; Soft drinks, namely, carbonated beverages; Sparkling water; Sports drinks; Sports drinks containing electrolytes; Sports drinks enhanced with vitamins; Sports drinks, namely, energy drinks; Sports drinks, namely, performance drinks; Sports drinks, namely, recovery drinks; Spring water; Syrups for making fruit-flavored drinks; Syrups for making soft drinks; Water beverages</p>
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Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Design Mark			
Goods/Services	beverages and processed food		
U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
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Goods/Services	beverages and processed food
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U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
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Design Mark	
Goods/Services	beverages and processed food

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RASNA		
Goods/Services	beverages and processed food		

Attachments	RASNA 1.jpg RASNA 2.jpg RASNA 3.jpg PETITION FOR CANCELLATION.pdf(158062 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	/asl/
Name	Alexander Lazouski
Date	07/23/2013

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

Piruz A. Khambatta,

Petitioner,

v.

Cancellation No.:
Registration No.: 4,292,450
Mark: RASNA Stylized

Meenaxi Enterprise, Inc.,

Respondent.

PETITION FOR CANCELLATION

Petitioner, Piruz A. Khambatta, an Indian citizen at Rasna House, Opp. Atlanta, Gulbai Tekra, Ahmedabad, Gujarat State, India (“Petitioner”), believes that it will be damaged by continued registration of Registration No. 4,292,450 for the mark RASNA Stylized (“Respondent’s Mark”) by Meenaxi Enterprise, Inc., (“Respondent”), and hereby petitions to cancel same on the basis of (1) priority and likelihood of confusion with Petitioner’s RASNA Marks (“Petitioner’s Marks”); (2) continued registration of the mark of Registration No. 4,292,450 is diluting the distinctiveness of Petitioner’s Marks by tarnishing the marks and by blurring the distinctiveness of the marks; and(3) Respondent willfully and knowingly perpetrated a fraud in connection with the Registration Serial No. 4,292,450, which resulted in its registration.

As grounds for the cancellation, it is alleged that:

1. Petitioner is the largest manufacturer and exporter of beverages and processed food (“Petitioner’s Goods”) from Indian to various countries, including the U.S. As of 2009, Petitioner held close to 93% of market share in the soft drinks and as of 2011, Petitioner had a turnover of US\$60 million worldwide.
2. In connection with Petitioner’s Goods, Petitioner adopted the trademark RASNA in the following forms:



3. Petitioner utilizes the RASNA brand throughout the world as one of its flagship trademarks and the RASNA brand is widely recognized as representing premium quality beverages and processed food products.

4. Petitioner has extensively and continuously used “RASNA” as a trademark since at least as early as 1978 and in commerce throughout the United States since at least as early as 1995 in connection with Petitioner’s Goods.

5. Consumers seeking products have come to associate the term RASNA when used in connection with such goods with Petitioner’s famous brand, in view of the use of the term RASNA by Petitioner for more than 16 years in the US market.

6. Petitioner owns common law rights in the Petitioner’s Marks. These common law rights cover Petitioner’s Goods.

7. Petitioner’s Goods featuring Petitioner’s Marks are subject to nationwide promotion. Additionally, Petitioner’s Goods are featured through the Petitioner’s website at www.rasnainternational.com. Petitioner’s “RASNA” brand goods are sold through third party realtors located around the country.

8. As a result of the quality of Petitioner’s Goods, and the considerable effort Petitioner has expended in promoting its Goods under the Petitioner’s Marks, Petitioner’s Goods have met with highly favorable acceptance. The Petitioner’s Marks have become a well-known symbol of the goodwill and rights associated with the mark.

9. On information and belief, Respondent, Meenaxi Enterprise, Inc., is a New Jersey corporation with an address of 2500B Hamilton Boulevard, South Plainfield, New Jersey 07080.

10. Notwithstanding Petitioner’s extensive prior use of Petitioner’s Marks, on August 24, 2012, Respondent filed Application Serial No. 85/711,774 for the mark RASNA Stylized, as shown below:



11. Respondent's mark matured into registration on February 19, 2013 under U.S. Registration Number 4,292,450 and covers "bottled artesian water; Bottled drinking water; Coffee-flavored soft drink; Cola drinks; Colas; Concentrates and powders used in the preparation of energy drinks and fruit-flavored beverages; Concentrates for making fruit drinks; Concentrates, syrups or powders for making soft drinks or tea-flavored beverages; Concentrates, syrups or powders used in the preparation of soft drinks; Concentrates, syrups or powders used in the preparation of sports and energy drinks; Distilled drinking water; Drinking water with vitamins; Drinking waters; Energy drinks; Energy drinks enhanced with vitamins; Flavored bottled water; Flavored enhanced water; Fruit drinks and fruit juices; Fruit flavored soft drinks; Fruit flavoured drinks; Fruit-based beverages; Fruit-based soft drinks flavored with tea; Fruit-flavored beverages; Isotonic drinks; Isotonic non-alcoholic drinks; Mineral and carbonated waters; Mixed fruit juice; Non-alcoholic drinks, namely, energy shots; Pop; Powders used in the preparation of fruit-based beverages; Powders used in the preparation of isotonic sports drinks and sports beverages; Preparations for making beverages, namely, energy drinks; Purified bottled drinking water; Soft drinks; Soft drinks flavored with tea; Soft drinks, namely, sodas; Soft drinks, namely, carbonated beverages; Sparkling water; Sports drinks; Sports drinks containing electrolytes; Sports drinks enhanced with vitamins; Sports drinks, namely, energy drinks; Sports drinks, namely, performance drinks; Sports drinks, namely, recovery drinks; Spring water; Syrups for making fruit-flavored drinks; Syrups for making soft drinks; Water beverages" ("Respondent's Goods") in International class 30 and was filed on 1(A) basis claiming use of Respondent's mark in commerce in connection with Respondent's Goods as early as January 2, 2012.

12. Petitioner has started using Petitioner's Marks in commerce in connection with Petitioner's Goods significantly prior to Respondent's filing date of Respondent's Mark or alleged date of first use of Respondent's Mark.

13. Respondent's Mark is identical to Petitioner's Marks, including the size, stylized font, and the letters' outlining. Further, Respondent's Goods and Petitioner's Goods are substantially similar and related, marketed to and purchased by the same class of purchasers, and sold through the same channels of trade.

14. In view of misappropriation of Petitioner's Mark by the Respondent, purchasers are likely to mistakenly assume that the goods in Respondent's Mark originate from, are sponsored by or are in some way associated with Petitioner. The mark in Respondent's Registration No. 4,292,450 is identical to one of the versions of the Petitioner's Marks as to be likely to cause confusion, or to cause mistake or to deceive. Such would cause substantial harm to Petitioner, its RASNA brand and Petitioner's reputation.

15. Petitioner's Marks are famous trademarks, are inherently distinctive, and have developed goodwill and a good reputation exclusive to Petitioner. Continued registration of Respondent's Registration will dilute the distinctiveness of Petitioner's RASNA Mark by tarnishing the Mark and by blurring the distinctiveness of the Mark.

16. Given the identity in the logo marks (see below) and the strength of Petitioner's Marks, it is clear that Respondent adopted Petitioner's Mark with the intent of trading upon the goodwill and reputation of Petitioner, thus demonstrating bad faith.



Petitioner



Respondent

17. Upon information and belief, Respondent has a history and pattern of adopting well-known brands in the US owned by third parties, trying to register such brands in the US with the intent of trading upon the goodwill and reputation of the rightful owners of such brands, thus demonstrating bad faith.

18. Accordingly, Petitioner is likely to be damaged by registration of the mark of Respondent's Registration No. 4,292,450.

19. Moreover, on August 24, 2012, while filing Application Serial No. 85/711,774, Respondent via its authorized representative, knowingly made a fraudulent statement wherein it claimed “The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. §1051(a), as amended.” and “The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.”

20. Upon information and belief, Respondent did not use Respondent Mark in commerce in connection with all the goods covered by the Registration No. 4,292,450 during the filing of the Respondent's mark.

21. Upon information and belief, Respondent used a picture of Petitioner's Goods to support 1 (A) basis of registration of Respondent's Mark.

22. Upon information and belief, Respondent does not currently use Respondent mark in commerce in connection with all of the goods covered by the Registration No. 4,292,450.

23. Respondent knowingly made a false, material misrepresentation of fact in connection with Registration No. 4,292,450 during the filing of the Respondent mark.

24. The USPTO relied on the false and fraudulent declaration when it acknowledged the filing of the Application Serial No. 85/711,774 (Registration No. 4,292,450) and allowed it to be registered.

25. As a result, Respondent willfully and knowingly perpetrated a fraud in connection with the Registration No. 4,292,450.

26. Respondent was not entitled to Registration of the Application Serial No. 85/711,774 (Registration No. 4,292,450) as Respondent knowingly committed fraud when it filed the Application Serial No. 85/711,774 (Registration No. 4,292,450).

WHEREFORE, Petitioner prays that the mark of Registration No. 4,292,450 be cancelled, and that this Petition be sustained in favor of Petitioner.

Petitioner has complied with the requirements for filing the petition to the Director by submission of the \$300 petition fee filed herewith.

Respectfully submitted,



Date: July 23, 2013

Alexander S. Lazouski
Lazouski & Associates LLC
157 Third Avenue, Suite 2C
Westwood, NJ 07675
(201) 645-5616

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation has been served on Respondent's counsel by mailing said copy on July 23, 2013 via First Class Mail, postage prepaid to:

Suraj Chivukula, Esq.
Law Offices of Suraj Chivukula, LLC
536 New Brunswick Rd
Somerset, New Jersey 08873-1658
United States

Date: July 23, 2013



Alexander S. Lazouski

ESTTA Tracking number: **ESTTA545138**

Filing date: **06/26/2013**

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	LAXMI SNACKS PVT. LTD.
Granted to Date of previous extension	06/26/2013
Address	11-12, Anand Industrial Estate Borsad Chokdi ANAND, Gujarat State, 388001 INDIA
Attorney information	Alexander Lazouski Lazouski & Associates LLC 157 Third Avenue, Suite 2C Westwood, NJ 07675 UNITED STATES al@lzlawoffice.com Phone:201-645-5616

Applicant Information

Application No	85711780	Publication date	02/26/2013
Opposition Filing Date	06/26/2013	Opposition Period Ends	06/26/2013
Applicant	Meenaxi Enterprise, Inc. 2500B Hamilton Boulevard South Plainfield, NJ 07080 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 029. First Use: 2012/01/02 First Use In Commerce: 2012/01/02 All goods and services in the class are opposed, namely: Banana chips; Cooking oil; Cut vegetables; Dried fruits; Dried lentils; Edible oils; Frozen pre-packaged entrees consisting primarily of seafood; Frozen vegetables; Fruit-based snack food; Nut-based snack foods; Pickles; Potato-based snack foods; Pre-packaged dinners consisting of meat, poultry, seafood or vegetables; Sesame oil; Soy-based snack foods; Vegetable chips; Vegetable oils; Vegetable-based snack foods; Frozen pre-packaged entrees consisting primarily of meat, fish, poultry or vegetables; Frozen pre-packaged vegetable-based entrees</p>
<p>Class 030. First Use: 2012/01/02 First Use In Commerce: 2012/01/02 All goods and services in the class are opposed, namely: Bread mixes; Cereal based snack food; Corn-based snack foods; Crepes; Flour; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Grain-based chips; Mixes for making baking batters; Mixes for making batters for fried foods; Packaged meal mixes consisting primarily of pasta or rice; Pancake mixes; Pasta; Pre-mixed pancake batter; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Relish; Rice; Rice-based snack foods; Roasted maize; Snack mix consisting primarily of crackers, pretzels and/or popped popcorn; Tapioca; Wafers; Wheat-based snack foods; Frozen pre-packaged entrees consisting primarily of pasta or rice; Pre-packaged meals consisting primarily of</p>


pasta or rice

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	common law rights

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85967210	Application Date	06/22/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	REAL NAMKEEN		
Design Mark			
Description of Mark	The mark consists of the wording "REAL" in stylized font in red color inside the red oval; wording "NAMKEEN" in black color below the wording "REAL".		
Goods/Services	Class 030. First use: First Use: 1989/02/01 First Use In Commerce: 2010/03/18 Wafers, Namkeens and Bakery Products		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Design Mark			
Goods/Services	Wafers, Namkeens and Bakery Products		

Attachments	REAL Logo.jpg Notice of Opposition REAL NAMKEEN.pdf(154414 bytes) Exhibit A.PDF(150373 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	/asl/
Name	Alexander Lazouski
Date	06/26/2013

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

LAXMI SNACKS PVT. LTD.,)	
)	Opposition No. _____
Opposer,)	
)	Application Serial No. 85/711,780
v.)	Mark: REAL NAMKEEN & Design
)	
Meenaxi Enterprise, Inc.,)	
)	
Applicant.)	
	/	

NOTICE OF OPPOSITION

Opposer, LAXMI SNACKS PVT. LTD., an Indian company at 11-12, Anand Industrial Estate, Borsad Chokdi, Anand, Gujarat State, 388001 India (“Opposer”), believes that it will be damaged by registration of the mark of Application Serial No. 85/711,780 by Meenaxi Enterprise, Inc., Applicant herein (“Applicant”), and hereby opposes the same on the grounds that the mark is likely to cause confusion, or to cause mistake or to deceive with respect to Opposer’s prior use of Opposer’s REAL NAMKEEN & Design mark, and that registration of the mark of Application Serial No. 85/711,780 will dilute the distinctiveness of Opposer’s REAL NAMKEEN & Design mark by tarnishing the mark and by blurring the distinctiveness of the mark. In addition, Applicant willfully and knowingly perpetrated a fraud in connection with the Application Serial No. 85/711,780, which resulted in USPTO’s acceptance of the filing of the application and allowing it to register.

1. Opposer is a company with over 23 years of history, being a leading Indian manufacturer of high-quality snacks, including namkeens, wafers and bakery products (“Opposer’s Goods”), well-known in many countries, including in the USA.

2. In connection with Opposer’s Goods, Opposer has used Opposer’s REAL NAMKEEN & Design mark as shown immediately below (“Opposer’s mark”):



3. Opposer has extensively and continuously used Opposer's mark since at least as early as 1989 and in commerce throughout the United States since at least as early as March 2010 in connection with Opposer's goods.

4. Opposer is the owner of the pending United States trademark application for REAL NAMKEEN & Design, Application Serial No. 85/967,210 for "*Wafers, namkeens and bakery products*" in International class 30 claiming continuous use of Opposer's mark in commerce since March 2010 (Exhibit A).

5. Opposer also owns common law rights in the Opposer's mark. These common law rights cover Opposer's Goods.

6. Opposer's Goods featuring Opposer's mark are subject to nationwide promotion. Additionally, Opposer's goods are featured through the Opposer's website at www.realamkeen.com. Opposer's "REAL NAMKEEN"-brand goods are sold through third party realtors located around the country.

7. As a result of the quality of Opposer's Goods, and the considerable effort Opposer has expended in promoting its Goods under the Opposer's mark, Opposer's Goods have met with highly favorable acceptance. The Opposer's mark has become a well-known symbol of the goodwill and rights associated with the mark.

8. On information and belief, Applicant, Meenaxi Enterprise, Inc., is a New Jersey corporation with an address of 2500B Hamilton Boulevard, South Plainfield, New Jersey 07080.

9. Notwithstanding Opposer's extensive prior use of Opposer's mark, on August 24, 2012, Applicant filed Application Serial No. 85/711,780 for the mark REAL NAMKEEN & Design, as shown below ("Applicant's mark"):



10. Applicant's mark covers "*Banana chips; Cooking oil; Cut vegetables; Dried fruits; Dried lentils; Edible oils; Frozen pre-packaged entrees consisting primarily of seafood; Frozen vegetables; Fruit-based snack food; Nut-based snack foods; Pickles; Potato-based snack foods; Pre-packaged dinners consisting of meat, poultry, seafood or vegetables; Sesame oil; Soy-based snack foods; Vegetable chips; Vegetable oils; Vegetable-based snack foods; Frozen pre-packaged entrees consisting primarily of meat, fish, poultry or vegetables; Frozen pre-packaged vegetable-based entrees*" in International class 29 and "*Bread mixes; Cereal based snack food; Corn-based snack foods; Crepes; Flour; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Grain-based chips; Mixes for making baking batters; Mixes for making batters for fried foods; Packaged meal mixes consisting primarily of pasta or rice; Pancake mixes; Pasta; Pre-mixed pancake batter; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Relish; Rice; Rice-based snack foods; Roasted maize; Snack mix consisting primarily of crackers, pretzels and/or popped popcorn; Tapioca; Wafers; Wheat-based snack foods; Frozen pre-packaged entrees consisting primarily of pasta or rice; Pre-packaged meals consisting primarily of pasta or rice*" ("Applicant's Goods") in International class 30 and was filed on 1(A) basis claiming use of Applicant's mark in commerce in connection with Applicant's Goods as early as January 2, 2012.

11. Opposer timely filed an extension of time to oppose Application Serial No. 85/711,780 on March 28, 2013.

12. Applicant's mark is confusingly similar to Opposer's mark. Further, the goods in Application Serial No. 85/711,780 and Opposer's Goods are substantially similar and related, would be marketed to and purchased by the same class of purchasers, and would be sold through the same channels of trade.

13. In view thereof, purchasers are likely to mistakenly assume that the goods in Application Serial No. 85/711,780 originate from, are sponsored by or are in some way associated with Opposer. The mark in Application Serial No. 85/711,780 is practically identical to the Opposer's REAL NAMKEEN & Design mark as to be likely to cause confusion, or to cause mistake or to deceive.

14. Opposer's mark is strong trademark, is inherently distinctive, and has developed goodwill and a good reputation exclusive to Opposer. Registration of Applicant's mark will dilute the distinctiveness of Opposer's mark by tarnishing the Mark and by blurring the distinctiveness of the Mark.

15. Given the extreme resemblance in the logo marks (see below) and the strength of Opposer's mark, it is apparent that Applicant adopted its applied-for mark with the intent of trading upon the goodwill and reputation of Opposer, thus demonstrating bad faith.



Opposer



Applicant

16. Accordingly, Opposer is likely to be damaged by registration of the mark of Application Serial No. 85/711,780.

17. Moreover, on August 24, 2012, while filing Application Serial No. 85/711,780, Applicant via its authorized representative, knowingly made a fraudulent statement wherein it claimed "The applicant

is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. §1051(a), as amended.” and “The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.”

18. Upon information and belief, Applicant did not use Applicant’s Mark in commerce in connection with all of the goods covered by the Application Serial No. 85/711,780 during the filing of the Application.

19. Upon information and belief, Applicant does not currently use Applicant’s mark in commerce in connection with all of the goods covered by the Application Serial No. 85/711,780.

20. Applicant knowingly made a false, material misrepresentation of fact in connection with Application Serial No. 85/711,780 during the filing of the Applicant’s mark.

21. The USPTO relied on the false and fraudulent declaration when it acknowledged the filing of the Application Serial No. 85/711,780 and allowed it to proceed to publication on the Official Gazette.

22. As a result, Applicant willfully and knowingly perpetrated a fraud in connection with the Application Serial No. 85/711,780.

23. Applicant is not entitled to Registration of the Application Serial No. 85/711,780 as Applicant knowingly committed fraud when it filed the Application Serial No. 85/711,780.

WHEREFORE, Opposer prays that the mark of Application Serial No. 85/711,780 be refused registration, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

A filing fee for the Notice of Opposition in the amount of \$600.00 was paid in due course.

Respectfully submitted,

Dated: June 26, 2013

By:



Alexander S. Lazouski
Attorney for Opposer
Lazouski & Associates LLC
157 Third Avenue, Suite 2C
Westwood, NJ 07675

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Initial Disclosures has been served on Applicant's counsel by mailing said copy on June 26, 2013 via First Class Mail, postage prepaid to:

Suraj Chivukula, Esq.
Law Offices of Suraj Chivukula, LLC
536 New Brunswick Rd
Somerset, New Jersey 08873-1658
United States

Date: June 26, 2013



Alexander S. Lazouski

The USPTO is pleased to report that the TSDR problem with the display of mark images has been resolved. Please clear your individual browser cache prior to accessing TSDR. If you continue to experience technical difficulties, [please email](#).

STATUS

DOCUMENTS

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Generated on: This page was generated by TSDR on 2013-06-26 10:44:24 EDT

Mark: REAL NAMKEEN



US Serial Number: 85967210

Application Filing Date: Jun. 22, 2013

Register: Principal

Mark Type: Trademark

Status: New application will be assigned to an examining attorney approximately 3 months after filing date

Status Date: Jun. 26, 2013

Mark Information

Mark Literal Elements: REAL NAMKEEN

Standard Character Claim: No

Mark Drawing Type: -

Description of Mark: The mark consists of the wording "REAL" in stylized font in red color inside the red oval; wording "REAL".

Color Drawing: Yes

Color(s) Claimed: The color(s) red, black is/are claimed as a feature of the mark.

Disclaimer: "NAMKEEN"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of intent to use;
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Wafers, Namkeens and Bakery Products

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 1989

Use in Commerce: Mar. 18, 2010

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

Current Owner(s) Information

Owner Name: LAXMI SNACKS PVT. LTD.

Owner Address: 11-12, ANAND INDUSTRIAL ESTATE
BORSAD CHOKDI
ANAND, Gujarat State 388001
INDIA

Legal Entity Type: company **State or Country Where Organized:** INDIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Alexander Lazouski **Docket Number:** YJTR-1012U

Attorney Primary Email: info@lzlawoffice.com **Attorney Email Authorized:** Yes

Address:

Correspondent

Correspondent Name/Address: ALEXANDER LAZOUSKI
LAZOUSKI & ASSOCIATES LLC
157 THIRD AVENUE
SUITE 2C
WESTWOOD, NEW JERSEY 07675
UNITED STATES

Phone: 2016455616

Correspondent e-mail: info@lzlawoffice.com al@lzlawoffice.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 26, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Jun. 26, 2013

[Assignment Abstract Of Title Information - Click to Load](#)

[Proceedings - Click to Load](#)

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

GCP

Mailed: April 28, 2016

Opposition No. 91211285

Laxmi Snacks Pvt. Ltd.

v.

Meenaxi Enterprise, Inc.

By the Trademark Trial and Appeal Board:

On April 27, 2016, Applicant filed an abandonment of its application Serial No. 85711780.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant.

In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

ESTTA Tracking number: **ESTTA573005**

Filing date: **11/25/2013**

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	The Coca-Cola Company
Granted to Date of previous extension	11/24/2013
Address	One Coca-Cola Plaza Atlanta, GA 30313 UNITED STATES
Attorney information	D. Tennell Lockett Townsend & Lockett, LLC 1401 Peachtree Street, Ste. 500 Atlanta, GA 30309 UNITED STATES tennell.lockett@townsendlockett.com Phone:404-870-8501

Applicant Information

Application No	85788980	Publication date	05/28/2013
Opposition Filing Date	11/25/2013	Opposition Period Ends	11/24/2013
Applicant	Meenaxi Enterprise, Inc. 2500B Hamilton Boulevard South Plainfield, NJ 07080 NJ		

Goods/Services Affected by Opposition

Class 032. First Use: 2008/01/01 First Use In Commerce: 2008/01/01 All goods and services in the class are opposed, namely: Colas; Concentrates, syrups or powders used in the preparation of soft drinks; Concentrates, syrups or powders used in the preparation of sports and energy drinks; Energy drinks; Soft drinks, namely, sodas
--

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Lack of bona fide use.

Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	beverages, soft drinks, concentrates for making soft drinks, cola products

Attachments	Client Mark.THUMS UP.jpg Notice of Opposition.980 App (THUMS UP).pdf(244381 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	/T. Lockett/
Name	D. Tennell Lockett
Date	11/25/2013

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

In The Matter Of: Application No. 85/788,980
Mark: THUMS UP & Design
Filed: November 28, 2012
Published: May 28, 2013

THE COCA-COLA COMPANY

Opposer

v.

MEENAXI ENTERPRISE, INC.

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

THE COCA-COLA COMPANY (“Opposer”), a Delaware corporation having its principal place of business at One Coca-Cola Plaza, Atlanta, Georgia 30313, believes it would be damaged by registration of the mark THUMS UP and Design shown below:



(“Applicant’s Purported Mark”) for “Colas; Concentrates, syrups or powders used in the preparation of soft drinks; Concentrates, syrups or powders used in the preparation of sports and energy drinks; Energy drinks; Soft drinks, namely, sodas” all in International Class 32 (“Applicant’s Goods”), which mark is the subject of application Serial Number 85/788,980 (the “Application”), filed on November 28, 2012 by Meenaxi Enterprise, Inc.

(the "Applicant"), and published for opposition in the *Official Gazette* on May 28, 2013. By and through its undersigned attorneys and in accordance with Trademark Rules of Practice Rules 2.1011 through 2.104, Opposer hereby opposes registration of the Application.

As grounds for this Opposition, Opposer alleges as follows:

1. Opponent is the world's largest beverage company, serving more than 1.6 billion consumers each day, in more than 200 countries around the world and is the owner of numerous famous brands worldwide, fifteen (15) of which are billion dollar brands.

2. As part of Opponent's portfolio, Opponent has owned the trademark THUMS UP for some 20 years and Opponent's rights in the brand dates back to at least as early as 1977. Opponent has used its THUMS UP trademark continuously and extensively in connection with its beverages, soft drinks, concentrates for making soft drinks and cola products ("Opposer's Goods") and as a result the THUMS UP trademark has become well-known in many jurisdictions throughout the world. For example, the trademark THUMS UP is one of the most recognized and popular brands in India.

3. Opponent's prominent use of the THUMS UP brand includes use in connection with the slogan TASTE THE THUNDER and certain designs, examples of which follow:



(the “THUMS UP Marks”).

4. Opponent has continuously used its THUMS UP trademark in the United States prior to Applicant’s purported first use date in connection with Opposer’s Goods.¹ As a result of Opponent’s use in the United States and worldwide, the THUMS UP Marks have become well known to consumers in the United States, have become widely associated with Opponent, and point uniquely and unmistakably to Opponent. Between Opponent and Applicant, Opponent is the senior user.

5. By the Application, Applicant seeks to register Applicant’s Purported Mark as a mark for Applicant’s Goods.

6. The Application was filed with the United States Patent and Trademark Office on November 28, 2012 on the basis of Applicant’s purported use of the mark in commerce under Section 1(a) of the Lanham Act, 15 U.S.C. §1051(a).

7. The Application was published for opposition in the *Official Gazette* on May 28, 2013. Opposer timely sought and obtained a ninety-day extension of time to oppose the registration of Applicant’s Purported Mark, and then sought and obtained a sixty-day extension of time to oppose the same. The extensions extended the opposition period until November 25, 2013. This Notice of Opposition is timely filed.

¹ The Application recites a first use date of January 1, 2008.

8. Upon information and belief, Opposer asserts that Applicant did not make bona fide use of Applicant's Purported Mark in commerce prior to and at the filing of Applicant's use-based application as required for its registration under Lanham Act Section 1(a), 15 U.S.C. §1051(a), and opposes registration of the Application based on the same.

9. Applicant's Purported Mark is largely, if not wholly, identical to one or more of Opposer's THUMS UP Marks in appearance, connotation and commercial impression, as is apparent from the comparison below:

OPPOSER'S MARK	APPLICANT'S APPLIED-FOR MARK
 The image shows the Opposer's THUMS UP Mark. It features a blue trapezoidal shape with horizontal white lines on the left side. To the right of this shape is a red hand with the thumb pointing up. The words "Thums Up" are written in white, bold, sans-serif font across the red hand.	 The image shows the Applicant's Applied-for Mark. It is nearly identical to the Opposer's mark, featuring a blue trapezoidal shape with horizontal white lines, a red hand with the thumb pointing up, and the words "Thums Up" in white, bold, sans-serif font.

10. The goods described in the Application are largely, if not wholly, identical to the goods covered by Opposer's THUMS UP Marks.

11. Applicant's Purported Mark, when used in connection with Applicant's Goods, is likely to cause confusion as to the source of such goods, or to lead consumers to believe that Opposer has authorized, sponsored, approved of, or in some other manner associated or affiliated itself with Applicant and/or Applicant's Goods, thereby creating a likelihood of confusion, deception or mistake, all to the damage of Opposer.

12. Opposer would be damaged by the registration of Applicant's Purported Mark because, *inter alia*, such registration would constitute *prima facie* evidence of Applicant's exclusive right to use Applicant's Purported Mark for and in connection with Applicant's Goods, which would be inconsistent with and detrimental to Opposer's prior, established and superior rights in and to Opposer's THUMS UP Marks.

13. Further, Applicant's Purported Mark falsely suggests a connection or affiliation with Opposer and Applicant is therefore not entitled to registration of Applicant's Purported Mark.

14. By reason of all of the foregoing, Opponent will be damaged by registration of Applicant's Purported Mark.

WHEREFORE, Opposer respectfully prays that the Application be refused, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted this 25th day of November, 2013.

/Tennell Lockett/

D. Tennell Lockett, Esq.

tennell.lockett@townsendlockett.com

TOWNSEND & LOCKETT, LLC
1401 Peachtree Street
Suite 500
Atlanta, Georgia, 30309
Phone: 404-870-8501
Fax: 404-870-8502

Attorney for Opposer, The Coca-Cola Company

CERTIFICATE OF SERVICE

This is to certify, in accordance with Rule 2.101(b) of the Trademark Rules of Practice, that I have this 25th day of November 2013 served the foregoing Notice of Opposition on the Applicant, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to the attorney of record for the Applicant as follows:

JungJin Lee
Lee, Lee & Associates, P.C.
2531 Jackson Rd., Ste# 234
Ann Arbor, MICHIGAN 48103
UNITED STATES

This 25th day of November, 2013.

/Tennell Lockett/
D. Tennell Lockett

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

JMW

Mailed: February 2, 2015

Opposition No. 91213672 (Parent)

Opposition No. 91213675

Opposition No. 91213673

The Coca-Cola Company

v.

Meenaxi Enterprise, Inc.

By the Trademark Trial and Appeal Board:

On January 15, 2015, applicant filed an abandonment of its applications Serial Nos. 85760509, 85778635 and 85788980.

Trademark Rule 2.135 provides that if, in an inter partes proceeding, the applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant.

In view thereof, and because opposer's written consent to the abandonments are not of record, judgment is entered against applicant, the consolidated oppositions are sustained and registration to applicant are refused.

ESTTA Tracking number: **ESTTA573036**

Filing date: **11/25/2013**

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	The Coca-Cola Company
Granted to Date of previous extension	12/01/2013
Address	One Coca-Cola Plaza Atlanta, GA 30313 UNITED STATES
Attorney information	D. Tennell Lockett Townsend & Lockett, LLC 1401 Peachtree Street, Ste. 500 Atlanta, GA 30309 UNITED STATES tennell.lockett@townsendlockett.com Phone:404-870-8501

Applicant Information

Application No	85778635	Publication date	06/04/2013
Opposition Filing Date	11/25/2013	Opposition Period Ends	12/01/2013
Applicant	Meenaxi Enterprise, Inc. 2500B Hamilton Boulevard South Plainfield, NJ 07080 NJ		

Goods/Services Affected by Opposition

Class 032. First Use: 2012/09/12 First Use In Commerce: 2012/09/12 All goods and services in the class are opposed, namely: Non-medicated and non-pharmaceutical concentrates and powders used in the preparation of fruit-flavored beverages
--

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Lack of bona fide use.

Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	 <p>The logo features a red thumbs-up hand with the words 'Thums UP' in white, bold, sans-serif font inside the hand. Below this, the words 'Taste The Thunder' are written in a blue, stylized, italicized font with a white outline and a drop shadow effect.</p>
Goods/Services	beverages, soft drinks, concentrates for making soft drinks, cola products

Attachments	Client Mark.THUMS UP TASTE THE THUNDER.jpg Notice of Opposition.635 App (THUMS UP TASTE THE THUNDER).pdf(241264 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	/T. Lockett/
Name	D. Tennell Lockett
Date	11/25/2013

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

In The Matter Of: Application No. 85/778,635
Mark: THUMS UP TASTE THE THUNDER & Design
Filed: November 14, 2012
Published: June 4, 2013

THE COCA-COLA COMPANY

Opposer

v.

MEENAXI ENTERPRISE, INC.

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

THE COCA-COLA COMPANY (“Opposer”), a Delaware corporation having its principal place of business at One Coca-Cola Plaza, Atlanta, Georgia 30313, believes it would be damaged by registration of the mark THUMS UP TASTE THE THUNDER and Design shown below:



(“Applicant’s Purported Mark”) for “Non-medicated and non-pharmaceutical concentrates and powders used in the preparation of fruit-flavored beverages” all in International Class 32 (“Applicant’s Goods”), which mark is the subject of application

Serial Number 85/778,635 (the "Application"), filed on November 14, 2012 by Meenaxi Enterprise, Inc. (the "Applicant"), and published for opposition in the *Official Gazette* on June 4, 2013. By and through its undersigned attorneys and in accordance with Trademark Rules of Practice Rules 2.1011 through 2.104, Opposer hereby opposes registration of the Application.

As grounds for this Opposition, Opposer alleges as follows:

1. Opponent is the world's largest beverage company, serving more than 1.6 billion consumers each day, in more than 200 countries around the world and is the owner of numerous famous brands worldwide, fifteen (15) of which are billion dollar brands.

2. As part of Opponent's portfolio, Opponent has owned the trademark THUMS UP for some 20 years and Opponent's rights in the brand dates back to at least as early as 1977. Opponent has used its THUMS UP trademark continuously and extensively in connection with its beverages, soft drinks, concentrates for making soft drinks and cola products ("Opposer's Goods") and as a result the THUMS UP trademark has become well-known in many jurisdictions throughout the world. For example, the trademark THUMS UP is one of the most recognized and popular brands in India.

3. Opponent's prominent use of the THUMS UP brand includes use in connection with the slogan TASTE THE THUNDER and certain designs, examples of which follow:



(the “THUMS UP Marks”).

4. Opponent has continuously used its THUMS UP trademark in the United States prior to Applicant’s purported first use date in connection with Opposer’s Goods.¹ As a result of Opponent’s use in the United States and worldwide, the THUMS UP Marks have become well known to consumers in the United States, have become widely associated with Opponent, and point uniquely and unmistakably to Opponent. Between Opponent and Applicant, Opponent is the senior user.

5. By the Application, Applicant seeks to register Applicant’s Purported Mark as a mark for Applicant’s Goods.

6. The Application was filed with the United States Patent and Trademark Office on November 14, 2012 on the basis of Applicant’s purported use of the mark in commerce under Section 1(a) of the Lanham Act, 15 U.S.C. §1051(a).

7. The Application was published for opposition in the *Official Gazette* on June 4, 2013. Opposer timely sought and obtained a ninety-day extension of time to oppose the registration of Applicant’s Purported Mark, and then sought and obtained a sixty-day extension of time to oppose the same. The extensions extended the opposition period until December 1, 2013. This Notice of Opposition is timely filed.

¹ The Application recites a first use date of September 12, 2012.

8. Upon information and belief, Opposer asserts that Applicant did not make bona fide use of Applicant's Purported Mark in commerce prior to and at the filing of Applicant's use-based application as required for its registration under Lanham Act Section 1(a), 15 U.S.C. §1051(a), and opposes registration of the Application based on the same.

9. Applicant's Purported Mark is largely, if not wholly, identical to one or more of Opposer's THUMS UP Marks in appearance, connotation and commercial impression, as is apparent from the comparison below:

OPPOSER'S MARK	APPLICANT'S APPLIED-FOR MARK
	

10. The goods described in the Application are largely, if not wholly, identical to the goods covered by Opposer's THUMS UP Marks.

11. Applicant's Purported Mark, when used in connection with Applicant's Goods, is likely to cause confusion as to the source of such goods, or to lead consumers to believe that Opposer has authorized, sponsored, approved of, or in some other manner associated or affiliated itself with Applicant and/or Applicant's Goods, thereby creating a likelihood of confusion, deception or mistake, all to the damage of Opposer.

12. Opposer would be damaged by the registration of Applicant's Purported Mark because, *inter alia*, such registration would constitute *prima facie* evidence of Applicant's exclusive right to use Applicant's Purported Mark for and in connection with Applicant's Goods, which would be inconsistent with and detrimental to Opposer's prior, established and superior rights in and to Opposer's THUMS UP Marks.

13. Further, Applicant's Purported Mark falsely suggests a connection or affiliation with Opposer and Applicant is therefore not entitled to registration of Applicant's Purported Mark.

14. By reason of all of the foregoing, Opponent will be damaged by registration of Applicant's Purported Mark.

WHEREFORE, Opposer respectfully prays that the Application be refused, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted this 25th day of November, 2013.

/Tennell Lockett/

D. Tennell Lockett, Esq.

tennell.lockett@townsendlockett.com

TOWNSEND & LOCKETT, LLC
1401 Peachtree Street
Suite 500
Atlanta, Georgia, 30309
Phone: 404-870-8501
Fax: 404-870-8502

Attorney for Opposer, The Coca-Cola Company

CERTIFICATE OF SERVICE

This is to certify, in accordance with Rule 2.101(b) of the Trademark Rules of Practice, that I have this 25th day of November 2013 served the foregoing Notice of Opposition on the Applicant, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to the attorney of record for the Applicant as follows:

JungJin Lee
Lee, Lee & Associates, P.C.
2531 Jackson Rd., Ste# 234
Ann Arbor, MICHIGAN 48103
UNITED STATES

This 25th day of November, 2013.

/Tennell Lockett/
D. Tennell Lockett

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

JMW

Mailed: February 2, 2015

Opposition No. 91213672 (Parent)
Opposition No. 91213675
Opposition No. 91213673

The Coca-Cola Company

v.

Meenaxi Enterprise, Inc.

By the Trademark Trial and Appeal Board:

On January 15, 2015, applicant filed an abandonment of its applications Serial Nos. 85760509, 85778635 and 85788980.

Trademark Rule 2.135 provides that if, in an inter partes proceeding, the applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant.

In view thereof, and because opposer's written consent to the abandonments are not of record, judgment is entered against applicant, the consolidated oppositions are sustained and registration to applicant are refused.

ESTTA Tracking number: **ESTTA535904**

Filing date: **05/02/2013**

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	M/s. RUCHI SOYA INDUSTRIES LIMITED
Granted to Date of previous extension	05/29/2013
Address	301, MAHAKOSH HOUSE, 7/5, SOUTH TUKOGANJNATH MANDIR ROAD INDORE (Madhya Pradesh), 452001 INDIA

Attorney information	Robert B. Golden Lackebach Siegel LLP 1 Chase RoadLackebach Siegel Building Scarsdale, NY 10583-4156 UNITED STATES rgolden@LSLLP.com, nsaraco@LSLLP.com Phone:914-723-4300
----------------------	---

Applicant Information

Application No	85712990	Publication date	01/29/2013
Opposition Filing Date	05/02/2013	Opposition Period Ends	05/29/2013
Applicant	Meenaxi Enterprise, Inc. 2500B Hamilton Boulevard South Plainfield, NJ 07080 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 029. First Use: 2012/01/02 First Use In Commerce: 2012/01/02 All goods and services in the class are opposed, namely: Banana chips; Cooking oil; Cut vegetables; Dried fruits; Dried lentils; Edible oils; Formed textured vegetable protein for use as a meat substitute; Frozen pre-packaged entrees consisting primarily of seafood; Frozen vegetables; Fruit and soy based snack food; Fruit-based snack food; Meat substitutes; Nut-based snack foods; Pickles; Potato-based snack foods; Pre-packaged dinners consisting of meat, poultry, seafood or vegetables; Sesame oil; Soy bean oil; Soy burger patties; Soy chips; Soy-based food bars; Soy-based snack foods; Textured vegetable protein for use as a meat extender; Vegetable chips; Vegetable oils; Vegetable-based meat substitutes; Vegetable-based snack foods; Frozen pre-packaged entrees consisting primarily of meat, fish, poultry or vegetables; Frozen pre-packaged vegetable-based entrees</p>
<p>Class 030. First Use: 2012/01/02 First Use In Commerce: 2012/01/02 All goods and services in the class are opposed, namely: Asian noodles; Bread mixes; Cereal based snack food; Crepes; Flour; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Grain-based chips; Meal kits consisting primarily of noodles; Mix for making combined noodle and sauce dish; Mixes for making baking batters; Mixes for making batters for fried foods; Noodle-based prepared meals; Noodles; Noodles and sauce mixes combined in unitary packages; Noodles and seasoning mixes combined in</p>

unitary packages; Noodles, sauce, and processed vegetables combined in unitary packages; Noodles, sauce, and seasoning toppings combined in unitary packages; Noodles, sauce, and topping combined in unitary packages; Noodles, sauce, dehydrated vegetables, and topping combined in unitary packages; Noodles, seasonings, edible oil, and dehydrated vegetables combined in unitary packages; Noodles, seasonings, edible oil, and flavorings combined in unitary packages; Packaged meal mixes consisting primarily of pasta or rice; Pancake mixes; Pasta; Pasta and noodles; Pre-mixed pancake batter; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Relish; Rice; Rice-based snack foods; Roasted maize; Soya flour; Tapioca; Wafers; Wheat-based snack foods; Frozen pre-packaged entrees consisting primarily of pasta or rice; Pre-packaged meals consisting primarily of pasta or rice

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	NUTRELA		
Goods/Services	various food products, including without limitation, products containing soya chunks, which are high-protein meat substitute foods containing soy		

Attachments	Notice of Opposition.pdf (6 pages)(360568 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	/Robert B. Golden/
Name	Robert B. Golden
Date	05/02/2013

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

Application Serial Nos.: 85712990
Mark: NUTRELA & Design
International Class: 29, 30
Applicant: Meenaxi Enterprise, Inc.
Date of Publication: January 29, 2013

-----	X	
M/s. RUCHI SOYA INDUSTRIES LIMITED,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.:
	:	
MEENAXI ENTERPRISE, INC.,	:	
	:	
Applicant.	:	
-----	X	

NOTICE OF OPPOSITION

M/s. RUCHI SOYA INDUSTRIES LIMITED (“Opposer”), a corporation duly organized and existing under the laws of the country of India, with offices in 301, Mahakosh House, 7/5, South Tukoganj, Nath Mandir Road, Indore-452001 (Madhya Pradesh) India, believes that it will be damaged by the registration of the trademark NUTRELA & Design by Meenaxi Enterprise, Inc. (“Applicant”) as applied for in Application Serial Number 85712990 (“Applicant’s Application”), for use in connection with “Banana chips; Cooking oil; Cut vegetables; Dried fruits; Dried lentils; Edible oils; Formed textured vegetable protein for use as a meat substitute; Frozen pre-packaged entrees consisting primarily of seafood; Frozen vegetables; Fruit and soy based snack food; Fruit-based snack food; Meat substitutes; Nut-based snack foods; Pickles; Potato-based snack foods; Pre-packaged dinners consisting of meat, poultry, seafood or vegetables; Sesame oil; Soy bean oil; Soy burger patties; Soy chips; Soy-based food bars;

Soy-based snack foods; Textured vegetable protein for use as a meat extender; Vegetable chips; Vegetable oils; Vegetable-based meat substitutes; Vegetable-based snack foods; Frozen pre-packaged entrees consisting primarily of meat, fish, poultry or vegetables; Frozen pre-packaged vegetable-based entrees” in International Class 29 and for use in connection with “Asian noodles; Bread mixes; Cereal based snack food; Crepes; Flour; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Grain-based chips; Meal kits consisting primarily of noodles; Mix for making combined noodle and sauce dish; Mixes for making baking batters; Mixes for making batters for fried foods; Noodle-based prepared meals; Noodles; Noodles and sauce mixes combined in unitary packages; Noodles and seasoning mixes combined in unitary packages; Noodles, sauce, and processed vegetables combined in unitary packages; Noodles, sauce, and seasoning toppings combined in unitary packages; Noodles, sauce, and topping combined in unitary packages; Noodles, sauce, dehydrated vegetables, and topping combined in unitary packages; Noodles, seasonings, edible oil, and dehydrated vegetables combined in unitary packages; Noodles, seasonings, edible oil, and flavorings combined in unitary packages; Packaged meal mixes consisting primarily of pasta or rice; Pancake mixes; Pasta; Pasta and noodles; Pre-mixed pancake batter; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Relish; Rice; Rice-based snack foods; Roasted maize; Soya flour; Tapioca; Wafers; Wheat-based snack foods; Frozen pre-packaged entrees consisting primarily of pasta or rice; Pre-packaged meals consisting primarily of pasta or rice” in International Class 30 (“Applicant’s Goods”).

As grounds for opposition it is alleged that:

1. Opposer is a corporation duly organized and existing under the laws of the country of India, with offices in 301, Mahakosh House, 7/5, South Tukoganj, Nath Mandir Road, Indore-452001 (Madhya Pradesh) India.
2. Opposer is the owner of the trademark NUTRELA (“Opposer’s Trademark”) for use in connection with various food products, including without limitation, products containing soya chunks, which are high-protein meat substitute foods containing soy (“Opposer’s Goods”).
3. Opposer is the owner of numerous trademark registrations for Opposer’s Trademark in various foreign countries, including India, Pakistan, Malaysia, Sri Lanka, Nepal and Singapore.
4. Upon information and belief and according to the Patent and Trademark Office’s (“PTO”) records, Applicant is a corporation duly organized and existing under the laws of the State of New Jersey, with an address of 2500B Hamilton Boulevard, South Plainfield, New Jersey 07080.
5. Upon information and belief, Applicant is the record owner of Applicant’s Application.
6. At the time of filing Applicant’s Application, Applicant purported to be the owner of the mark NUTRELA.
7. Applicant is not the owner of the NUTRELA mark.
8. Applicant is merely the U.S. distributor of Opposer, and thus has no ownership interest in the NUTRELA mark.

9. As Opposer's U.S. distributor of goods bearing Opposer's Trademark, Applicant's distribution and sale of such goods inure to the benefit of Opposer.

10. As a distributor of Applicant's goods, Opposer never acquired any trademark rights in or to the NUTRELA mark.

11. Upon information and belief, during the application and prosecution of Applicant's Application, Applicant made materially false and misleading statements, knowing same to be materially false and misleading, intending the PTO to rely on such fraudulent statements, and upon which the PTO did rely.

12. More specifically, Applicant's Application contained the statement that Applicant had made actual use of Applicant's Mark in commerce prior to the filing of Applicant's Application. Upon information and belief, such statement was false in that Applicant had not made actual use of Applicant's Mark in commerce.

13. More specifically, Applicant's application contained the statement and/or implication that Applicant was the owner of Applicant's Mark. Upon information and belief, such statement and/or implication were fraudulent in that Applicant was never the owner of the NUTRELA mark.

14. Upon information and belief, at the time Applicant filed its Application, it knew these statements to be false and misleading.

15. As compared to Applicant, Owner has senior and superior rights in and to the NUTRELA mark.

16. Opposer commenced use of the NUTRELA mark in the U.S. prior to any actual use which Applicant can legally claim as its own.

17. Opposer's Trademark and Applicant's purported mark are confusingly similar in appearance, connotation and pronunciation, so that contemporaneous use of the respective marks will create a likelihood of confusion, mistake or deception among the trade and consumers.

18. Should Applicant's Application mature to registration, it will bar and will damage Opposer as such registration may bar Opposer's own registration of Opposer's Trademark in connection with Opposer's Goods, and further, continued registration provides Applicant with a means to interfere with Opposer's use of Opposer's Trademark in commerce in connection with Opposer's Goods.

19. The simultaneous use and/or registration by Applicant of the mark NUTRELA will dilute and tarnish Opposer's rights and will eventually result in a lack of designation or indication of origin and a loss of distinctiveness and exclusivity in Opposer's Trademark if Applicant is allowed to register its purported mark.

20. For the foregoing reasons, Applicant's Applications should be denied registration under Sections 2(d) of the Lanham Act (15 U.S.C. §§ 1052(d)) and pursuant to 15 U.S.C. § 1063.

WHEREFORE, Opposer respectfully requests that the Opposition be sustained and that registration of Application Serial No. 85712990 to Applicant for the mark NUTRELA be refused.

Dated: Scarsdale, New York
May 2, 2013

Respectfully submitted,

LACKENBACH SIEGEL, LLP

By: 

Howard N. Aronson
Robert B. Golden
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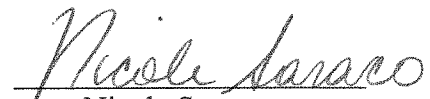
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the enclosed **NOTICE OF OPPOSITION** was served on Applicant on May 2, 2013, via U.S. 1st Class Mail, addressed to counsel for Applicant as follows:

Jung Jin Lee, Esq.
Lee, Lee & Associates, P.C.
2531 Jackson Road, Suite 234
Ann Arbor, Michigan 48103

Dated: Scarsdale, New York
May 2, 2013


Nicole Saraco

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

MCF

Mailed: June 13, 2014

Opposition No. 91210494

M/s. Ruchi Soya Industries Limited

v.

Meenaxi Enterprise, Inc.

By the Trademark Trial and Appeal Board:

Opposer's motion for summary judgment (filed April 3, 2014) is granted as conceded. *See* Trademark Rules 2.127(a) and Fed. R. Civ. P. 56.

Accordingly, judgment is entered against applicant, the opposition is sustained, and registration to applicant is refused.

RECORD NO. 18-16071

In The
**United States Court Of Appeals
For The Ninth Circuit**

V.V.V. & SONS EDIBLE OILS LIMITED,
a Public Limited Company,
Plaintiff – Appellant,

v.

MEENAKSHI OVERSEAS, LLC,
a New Jersey Limited Liability Company,
Defendant – Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR EASTERN CALIFORNIA, SACRAMENTO
No. 2:14-cv-02961-TLN-CKD
(HONORABLE TROY L. NUNLEY, DISTRICT JUDGE)

BRIEF OF APPELLANT

Kenneth C. Brooks
LAW OFFICE OF KENNETH C. BROOKS
5329 Thunder Ridge Circle
Rocklin, CA 95765
(408) 368-7997

Counsel for Appellant

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Ninth Circuit Rule 26.1, Appellant V.V.V. & SONS EDIBLE OILS LIMITED makes the following disclosures: V.V.V. & SONS EDIBLE OILS LIMITED is a public limited company organized and existing under the laws of the nation of India and states that there is no other publically held corporation that owns 10% or more of the stock in the same.

Date: September 5, 2018

/s/Kenneth C. Brooks

Kenneth C. Brooks

Law Offices of Kenneth C. Brooks

5329 Thunder Ridge Circle

Rocklin, CA 95765

Telephone: (408) 368-7997

kcb@brookspatents.com

Counsel for Appellant

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JURISDICTIONAL STATEMENT

The District Court had jurisdiction under 28 U.S.C. §§ 1331 and 1343, because this action involves claims arising under the Trademark Act of 1946 (the Lanham Act), as amended by the Federal Trademark Dilution Act of 1995 (15 U.S.C. §§ 1051, et seq.) and claims pursuant to 28 U.S.C. § 1338(b)(unfair competition), 28 U.S.C. § 1331 (federal question) and 15 U.S.C. § 1121 (Lanham Act), as well as supplemental jurisdiction over the remaining state law claims under U.S.C. § 1367. On February 14, 2017, the Court granted, in part, a motion to dismiss (MTD1) in favor of Defendant-Appellee all claims directed to one of the three trademarks at issue, the mark that is the subject of the United States Trademark Registration number 4,006,654. (ECR 46-47)¹. On May 7, 2018 the Court entered an order dismissing all claims directed to that remaining marks that are the subject of the United States Trademark Registrations numbers 4,255,172 (172 Registration) marks and the 4,334,000 ('000 Registration) operating as a final order and judgment on the case. (ECR 2-12) Plaintiff-Appellant filed a timely notice of appeal on June 6, 2018. (ECR 13). This Court has jurisdiction under 28 U.S.C. § 1291.

¹ Plaintiff-Appellant's Record Excerpts are cited as "ECR." followed by the page number(s).

ISSUES PRESENTED

1. The principle issue presented to this Court is whether a the District Court erred in finding that the default judgment entered by the Trademark Trial and Appeal Board (TTAB) against a party in an opposition proceeding operates as a bar to said party's subsequent action in a District Court on causes of action not related to the registerability of the same mark (Subject Mark) on the Principal Register of the United States Trademark Office that was the subject of the earlier TTAB proceeding pursuant the doctrine of *res judicata*.²

2. Another issue presented is whether District Court erred in denying a Proposed Amended Complaint (PAC) incorporating declaratory relief seeking to invalidate the registration of the Subject Mark based upon fraud in the procurement thereof, because the same would be frivolous in view of a default judgement entered earlier by the TTAB and concerning the Subject Mark.

² For purposes of the instant appeal the doctrine of *res judicata* is discussed in terms of its application to claim preclusion, as opposed to collateral estoppel.

STATEMENT OF THE CASE

Plaintiff-Appellant is an Indian based company that sells Indian food-oil products, specifically sesame oils. (ECR 47, lines 2-3 *citing* ECF 11 at 1-2).

Plaintiff-Appellant labels its products with the word IDHAYAM and sells them throughout several countries, including the United States. (ECR 47, lines 3-4 *citing* ECF 11 at 1-2). According to Plaintiff-Appellant, it adopted the mark “IDHAYAM” to brand its sesame oil products in 1986. (ECR 47, lines 5-6 *citing* ECR 119 ¶ 4; ECF 7-3 at 3). Defendant-Appellee is a New Jersey based company that also sells Indian food products in the United States. (ECR 47, lines 7-8 *citing* ECR 119 ¶ 5).

On May 29, 2009, Mr. Anil Gandhi, the original founder and owner of Defendant-Appellee, filed a trademark application with the United States Patent and Trademark Office (“USPTO”) to register the mark IDHAYAM for sesame oil that is the subject of Registration number 4,006,654 (‘654 Registration). (ECR 47, lines 8-10 *citing* ECR 111). On May 29, 2009, Plaintiff-Appellant filed a Notice of Opposition (Notice) with the United States Trademark Trial and Appeal Board (“TTAB”), requesting the TTAB refuse Mr. Gandhi’s application for trademark ‘654 due to Plaintiff-Appellant’s prior use of IDHAYAM. (ECR 47, lines 11-13 *citing* ECR 97-100). Plaintiff-Appellant argued that Mr. Gandhi’s IDHAYAM mark was likely to cause confusion with Plaintiff-Appellant’s same mark, and his use of the mark would “take advantage of [Plaintiff’s] valuable brand and goodwill in the United

States.” (ECR 47, lines 14-16 *citing* ECR 99). Plaintiff-Appellant also alleged that Mr. Gandhi had “never manufactured or marketed sesame oil products under the IDHAYAM brand in the United States or anywhere.” (ECR 47, lines 16-18 *citing* ECF 7-1 at 5). Mr. Gandhi denied the allegation, however he did not specify his use of the mark. (ECR 47, lines 18-19 *citing* ECR 102). Plaintiff-Appellant did not further respond to the TTAB’s inquiries. (ECR 47, lines 19-20 *citing* ECR 110). Therefore, due to Plaintiff-Appellant’s lack of response, the TTAB entered a default judgment with prejudice against Plaintiff-Appellant on January 3, 2011. (ECR 47, lines 20-21 *citing* ECR 110). On June 21, 2011, for the first time, Mr. Gandhi alleged use of the mark that is the subject of the '654 Registration. (ECR 82-91). On August 2, 2011, the mark that is the subject of the '654 Registration was registered on the Principle Register of the USPTO. (ECR 111).

On December 7, 2011, Mr. Gandhi assigned his trademark rights in ‘654 Registration the Defendant-Appellee, Meenakshi Overseas, LLC. (ECR 47, lines 24-25 *citing* ECR 102-103). On February 24, 2012, Defendant-Appellee filed, with the USPTO an application to register a trademark on the Principle Register directed to a term Idhayam that is the subject of Registration Number 4,225,172 (‘172 Registration). (ECR 47, lines 25-26 *citing* ECR 163). The ‘172 Registration includes goods that are different from the goods recited on the '654 Registration (ECR 47, line 27 to ECR 48, line 1 *citing* ECR 114). On October 16, 2012, the

mark that is the subject of the '172 Registration was registered on the Principle Register of the USPTO. (ECR 48, lines 1-2 *citing* ECR 114). On July 23, 2012, Defendant-Appellee filed an application to register a special form mark that included the term Idhayam that is the subject of Registration number 4,334,000 ('000 Registration), and on May 14, 2013, the USPTO registered the mark that is the subject of the '000 Registration on the Principle Register of the USPTO. (ECR 48, lines 2-4 *citing* ECR 116). This mark deviates from marks '654 and '172 in that it incorporates a red banner with additional text ("South Indian Delite"), a red heart with two diagonal gold straps, and a blue rectangle with the word IDHAYAM in yellow font. (ECR 48, lines 4-7 *citing* ECR 116). Plaintiff-Appellant did not file a Notice of Opposition against either of these marks. (ECR 48, lines 7-8 *citing* ECF 16-1 at 6).

On July 31, 2012, shortly after Defendant-Appellee filed its application for the third mark ('000), Plaintiff-Appellant filed a trademark application to register the mark IDHAYAM for edible oil products. (ECR 48, lines 9-11 *citing* ECF 16-8 at 6). On November 28, 2012, the TTAB rejected the application due to a likelihood of confusion with Defendant-Appellee's pre-existing mark '654. (ECR 48, lines 11-12 *citing* ECF 16-9 at 2-5). According to the TTAB trademark examiner, Plaintiff-Appellant's mark was identical to Defendant-Appellee's existing mark '654. (ECR 48, lines 13-14 *citing* ECF 16-12 at 4). Plaintiff-Appellant did not respond to the

TTAB's denial. (ECR 48, lines 14-15 *citing* ECF 16-10 at 2). Consequently, the TTAB deemed Plaintiff-Appellant's application abandoned. (ECR 48, lines 15-16 *citing* ECF 16-10 at 2).

On July 9, 2014, Plaintiff-Appellant filed another application to register the mark IDHAYAM, this time for cooking oils. (ECR 48, lines 17-18 *citing* ECF 16-11 at 2-3). On November 5, 2014, the TTAB again rejected Plaintiff-Appellant's application, stating there was a likelihood of confusion with the pre-existing mark '654, and also with marks '172 and '000. (ECR 48, lines 18-20 *citing* ECF 16-12 at 2-6). On December 23, 2014 Plaintiff-Appellant filed a Petition for Cancellation (Cancellation Proceeding) before the TTAB to cancel the registration of all three of Defendant-Appellee's marks. (ECR 48, lines 20-22 *citing* ECF 16-13 at 2) and the action in the District Court that is the subject of this appeal. (ECF 26 p. 4, lines 4-5 *citing* ECR 118-127).

Defendant-Appellee filed a Motion to Dismiss and a Motion for Summary Judgment in the Cancellation Proceeding based on *res judicata*. (ECR 48, lines 23-24 *citing* ECF 16-15 at 117-128). On July 15, 2015, the TTAB held that *res judicata* barred Plaintiff-Appellant's Petition for Cancellation with respect to the '654 Registration, and the TTAB dismissed said claims with prejudice. (ECR 48, lines 24-26 *citing* ECF 16-17 at 2-8). On September 10, 2015, Plaintiff-Appellant appealed the TTAB's judgment regarding mark '654 to the United States Court of

Appeals for the Federal Circuit (“CAFC”). (ECR 48, lines 26-28 *citing* ECF 16-18 at 2), which was subsequently dismissed as being premature. (ECF 44-1). The TTAB denied Defendant-Appellee’s Motion to Dismiss regarding marks ‘172 and ‘000, leaving intact the cancellation proceeding before the TTAB against marks ‘172 and ‘000. (ECR 49, lines 1-3 *citing* ECF 16-17 at 7.)

The Complaint filed with the District Court alleges five counts: (1) a violation of unfair competition under § 43(a) of the Lanham Act; (2) federal dilution of a famous mark under § 43(c) of the Lanham Act; (3) common law trademark infringement; (4) California dilution in violation of California Business and Professions Code § 14247; and (5) violation of California’s unfair competition under California Business and Professions Code § 17200. Plaintiff-Appellant alleges all five counts against each of the marks that are the subject of the '654 Registration, '172 Registration and '000 Registration. (ECR 49, lines 4-11 *citing* ECR 122-125 at ¶¶ 20-38). Defendant-Appellee filed a motion to dismiss (MTD1) Plaintiff-Appellant’s complaint under Rule 12(b)(6). (ECR 49, lines 12-13 *citing* ECF 7). Defendant-Appellee argued the claims are barred under statute of limitations and *res judicata*, and therefore should be dismissed. (ECR 49, lines 13-14 *citing* ECF 7 at 6-8). The District Court issued an order staying the motion as to mark ‘654 and denying the motion as to marks ‘172 and ‘000. (ECR 49, lines 14-15 *citing* ECR 59-79). The Court applied a four year statute of limitations

period to Plaintiff-Appellant's claims and determined that the statute of limitations did not bar Plaintiff-Appellant's claims for marks '172 and '000 because Plaintiff-Appellant became aware of Defendant-Appellee's use of the IDHAYAM trademark after June 30, 2013. (ECR 49, lines 15-19 *citing* ECR 74). Furthermore, the Court found that *res judicata* did not apply to mark '172 and mark '000 because the claims at issue in the TTAB action were not identical to the claims at issue in the current litigation. (ECR 49, lines 19-21 *citing* ECR 71). The parties filed a joint stipulation on May 5, 2016, to lift the stay on mark '654 and reevaluate Defendant-Appellee's motion to dismiss in light of mark '654. (ECR 49, lines 21-22 *citing* ECF 24.) On May 5, 2016, the Court ordered the stay lifted and decided to reconsider the Defendant-Appellee's motion to dismiss as to mark '654. (ECR 49, lines 23-24 *citing* ECR 58.). The Court granted Defendant-Appellee's motion to dismiss the claims raised in the Complaint against the mark that is the subject of the '654 Registration. (*See* ECR 46-57). On April 7, 2017 Plaintiff-Appellant file a Motion to Amend the Complaint (MTA) to include an additional cause of action pursuant to 15 U.S.C. section 1119, Declaration Judgment of Invalidity of the '654 Registration Based upon Fraud in the Procurement. (ECR 31-32). This motion was denied by way of the order of the District Court: Denial Order on Amendment (DOA). (ECR 29-30). Defendant-Appellee filed a Motion to Dismiss and Request for Attorney Fees (MTD2) seeking, *inter alia*, dismissal of the claims against the

marks that were the subject of the '000 Registration and the '172 Registration based upon the superior rights that this Court has found that Defendant-Appellee had in the mark that is the subject of the '654. (ECR 21-28). Plaintiff-Appellant filed a Notice of Non-Opposition to the Motion to Dismiss and opposed the request for attorney fees. Defendant-Appellee filed a motion for Sanctions pursuant to Rule 11 and to Tax Costs pursuant 28 U.S.C. § 1927. (ECF 43). Plaintiff-Appellant filed an opposition to the Motion for Sanctions. (ECF 47). On May 7, 2018, the District Court filed an Order Dismissing Action (ODA) in which it granted the dismissal of all remaining claims, and denied sanctions pursuant to Rule 11 and awarded costs pursuant to 28 U.S.C. § 1927. (ECR 12). In the ODA, the District Court required that the Defendant-Appellee file a motion to analyze the fees to be award pursuant to 28 U.S.C. § 1927. (ECR 12). Defendant-Appellee filed the Motion for Attorney Fees on June 8, 2018, (ECF 59), and withdrew the same on July 11, 2018. (ECF 60). A notice of appeal was timely filed by Plaintiff-Appellant. (ECR 13).

SUMMARY OF THE ARGUMENT

The District Court's Final Order Dismissing all claims directed to the marks that are the Subject of the '172 and '000 Registrations must be reversed, because it is based upon the erroneous findings in the District Court's earlier order granting, in part, a motion to dismiss all claims related to the mark that is the subject of the '654 registration. In the order granting, in part, a motion to dismiss, the District Court erroneously found that the doctrine of *res judicata* applied to the action before it based upon a Default Judgment in an earlier opposition proceeding before the Trademark Trial and Appeal Board. This is not supported by law.

The District Court abused its discretion when it denied Plaintiff-Appellant the opportunity to amend the complaint to set forth the Sixth Cause of Action sounding in fraud, because the allegations set forth therein were not frivolous and the Default Judgment of the 2009 Opposition was not final and on the merits for allegations sounding in fraud.

ARGUMENT

I. The District Court's Final Order Dismissing All Claims Directed to the Marks That Are the Subject of the '172 and '000 Registrations Must Be Reversed, Because it is Based Upon the Findings In the District Court's Earlier Order Granting, In Part, A Motion to Dismiss All claims Related to Mark that is The Subject of the '654 Registration In Which the District Court Erroneously Found That The Doctrine of *Res Judicata* Applied to the Action Before It Based Upon a Default Judgment of an Earlier Opposition Proceeding Before the Trademark Trial and Appeal Board, Which is Not Supported by Law.

A. Standard of Review

A dismissal for failure to state a claim pursuant to Rule 12(b)(6) is also reviewed *de novo*. See *Dougherty v. City of Covina*, 654 F.3d 892, 897 (9th Cir. 2011). Thus, considering that the final judgment is based upon the reasoning set forth in an earlier order granting a motion to dismiss pursuant to Rule 12(b)(6), the standard for review for this issue is *de novo*.

B. The District Court's Finding In It's Grant of Motion to Dismiss Based upon the TTAB Judgment Operating as a Bar to the Claims Raised in the Complaint Through Operation Of The Doctrine of *Res Judicata* is Not Supported By Law and Must Be Reversed.

District Court's order of February 14, 2017, Valentine Day's Order (VDO) dismissed with prejudice all claims related to the '654 Registration. (See ECF 26). The District Court reasoned that each of the five causes of action set forth in the Complaint was barred by *res judicata* based upon the earlier default judgment (Default Judgment) wrought in the 2009 Opposition. (See ECR 57, lines 9-12).

In the VDO the District Court applied the analysis of *Tritz v. U.S. Postal Serv.*, 721 F.3d 1133, 1141 (9th Cir. 2013) and *Constantini v. Trans World Airlines*, 681 F.2d 1199, 1201-02 (9th Cir. 1982) in determining that the Default Judgment operated as a bar to claims in the Complaint with respect to the Subject Mark: the mark that is the subject of the '654 Registration. After setting forth the elements of *Tritz*: (1) an identity of claims; (2) a final judgment on the merits; and (3) identity or privity between parties, the District Court began to determine whether there existed an identity of claims using the four part test of *Constantini*:

(1) [W]hether rights or interests established in the prior judgment would be destroyed or impaired by prosecution of the second action; (2) whether substantially the same evidence is presented in the two actions; (3) whether the two suits involve infringement of the same right; and (4) whether the two suits arise out of the same transactional nucleus of facts. (ECR 52 line 19 to ECR 53, line 2).

Relying upon its analysis in an earlier order granting stay of the proceedings in which the District Court found that the first three *Constantini* factors leaned toward preclusion of all causes of action based upon *res judicata* in light of the Default Judgment. (ECR 53, lines 4-27). The District Court's reasoning for this finding is fatally flawed. It properly determined that Plaintiff-Appellant must demonstrate that the claim could have been brought 2009 Opposition or arose from conduct that occurred after the Default Judgment. However, the District Court improperly determined that the Default Judgment effectively award the rights to the '654 mark to Defendant-Appellee. (ECR 53, lines 5-7 *citing* ECF No. 10-6 at 2). This reflects a

fundamental misunderstanding of the Federal Registration process and its legal implications. As is well known, the Federal Government is without power to create Trademark Rights under the current legislative scheme. See *B & B Hardware, Inc. v. Hargis Industries, Inc.*, 575 U.S. _____, 135 S. Ct. 1293, 299 (2015) (“Though federal law does not create trademarks . . . Congress has long played a role in protecting them.”) citing *In re Trade-Mark Cases*, 100 U.S. 82, 92, 25 L. Ed. 550 (1879). Thus, the '654 Registration did not grant any trademark rights to the mark that is the subject of that registration; rather, it merely assisted in protecting those rights. The rights in a trademark come from its proper use in commerce. See 15 U.S.C. § 1115. It must be understood that failure to properly use a trademark can result in the loss of rights in a mark even though the mark is the subject of Federal Registration. For example, a mark may be invalid, but the subject of a registration despite there being an assignment in gross, see *Barcamerica Intern. v. Tyfield Importers, Inc.*, 289 F.3d 589, 595-596 (9th Cir. 2002) (discussing naked licensing as leading to unintentional abandonment), the mark became generic, see *Anti-Monopoly, Inc. v. General Mills Fun Group*, 611 F.2d 296, 302-303 (1979) (discussing the test to determine genericness), or lack of use. See 15 U.S.C. § 1127. Thus, the mere registration of a mark on the Principle Register does not afford trademark rights. Rather, it merely affords certain procedural presumptions. See *Brookfield Communications v. West Coast Entertainment*, 174 F.3d 1036, 1047 (1999) (finding that the registration on the

Principal Register of a mark affords a rebuttable presumption of the exclusive rights of a registrant to use a mark on goods or services). This distinction appears to have been lost on the District Court and is of paramount importance when it is realized that the Default Judgment occurred months before the owner of the '654 Registration filed proof of use of the mark.

With the foregoing in mind the deficiencies in the reasoning of the District Court become salient. Contrary to the District Court's finding that the Default Judge awarded the rights to the mark that is the subject of the '654 Registration reasoning, ECR 53, line 4-8, the Default Judgment merely allowed the Subject Mark to be registered on the Principal Register. Thus, it cannot be said that either the first, second or third elements of the *Constantini* test have been satisfied.

With respect to the First *Constantini* element, the rights and interests of established by the prior judgment would neither be destroyed nor impaired by prosecution of the instant action. The rights at issue in the present litigation has nothing to do with the registration on the Principal Register. The claims before this court are not those of cancellation; rather, the claims at issue before the District Court are directed to Defendant-Appellee's use of the Subject Mark. The District Court recognized as much:

"In the instant action, Plaintiff alleges Defendant's 'conduct constitutes the *use* of symbols or devices tending falsely to describe the infringing products.'"

(ECF 26, p. 10, lines 18-19 *citing* ECR 122 ¶ 21)(quotes in original)(emphasis added); "[f]urther, Plaintiff alleges that its IDHAYAM trademark is distinctive and famous and Defendant's use of the mark is likely to dilute the quality of the mark." (ECR 55, lines 19-21 *citing* ECR 123 ¶¶ 24-25); "[s]imilarly, Plaintiff's fourth cause of action refers to Defendant's alleged infringement and dilution of Plaintiff's *use* of IDHAYAM." (ECR 55, lines 23-25 *citing* ECR 124 ¶¶ 31-34). "Plaintiff's third cause of action alleges a claim under common law trademark infringement . . . [and] alleges that it used the IDHAYAM mark in commerce before Defendant's use or application for registration and Defendant uses the mark in the same channels of commerce." (ECR 55, lines 10 to ECR 56 11, line 3 *citing* ECR 124 ¶¶ 28-29.). "Lastly, "Plaintiff's fifth claim seeks damages under California's Unfair Competition code based on '[Defendant's] infringement of [Plaintiff's] IDHAYAM trademark.'" (ECR 56 p. 11, lines 7-10 *citing* ECR 125 ¶ 37.) (quotes in original), with the understanding that infringement requires use of the Subject Mark.

With respect to the Second *Constantini* element, the evidence considered in the action before the District Court centers around Defendant-Appellee's use of the Subject Mark. However, in the 2009 Opposition use is not even a factor, especially considering that the applicant for the '654 Registration failed to allege use until after the Default Judgment. Similarly, the Third *Constantini* element is

not satisfied on the instant facts. The rights at issue in the 2009 Opposition are the registerability on the Principal Register of the USPTO of Defendant-Appellee's Subject Mark. Registerability is not an issue raised by the allegations set forth in the action before the District Court. For the reasons mentioned above, Plaintiff-Appellant contends that the Fourth *Constantini* element is not satisfied.

The use of the Subject Mark is important, because without an allegation of the same issues surrounding the use could not have been raised during the opposition, thereby precluding the application of the *res judicata*. In fact, as made clear above, the applicant of the '654 Registration did not allege use of the Subject Mark until six months after the entry of the Default Judgment. While this is a case of first impression in the Ninth Circuit, providing guidance on these issues is a Federal Circuit Case, *Jet, Inc. v. Sewage Aeration Systems*, 223 F.3d 1360 (Fed. Cir. 2000), upon which the Ninth Circuit has relied for precedence, *TILLAMOOK v. Tillamook County Creamery*, 465 F.3d 1102, 1111 (9th Cir. 2006)("Under § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), the test for trademark registration uses the same 'likelihood of confusion' standard as the test for trademark infringement.") *citing Jet, Inc. v. Sewage Aeration Sys.*, 223 F.3d 1360, 364 (Fed. Cir. 2000) and 6 *McCarthy on Trademarks and Unfair Competition* § 23:78 (quotes in original).

The Federal Circuit has made clear in *Jet, Inc. v. Sewage Aeration Systems*, 223 F.3d 1360 (Fed. Cir. 2000), that trademark infringement actions do not contain

the same transactional set of facts as do proceedings before the Trademark Trial and Appeal Board. *See id.* at 1364. (finding that the “array of differences in transactional facts conclusively demonstrates that claim preclusion cannot serve to bar a petition for cancellation based upon an earlier infringement proceeding.”). Moreover, it should be of no consequence that the District Court premises its theory of claim preclusion upon an earlier opposition proceeding, as opposed to a cancellation proceeding, as was the case in *Jet, Inc.* The Trademark Trial and Appeal Board has made clear that for use-based trademark applications the issues presented in both cancellation proceedings and opposition proceedings are the same. *See generally Orouba Agrifoods Processing Co. v. United Food Import*, 97 USPQ2d 1310 (TTAB 2010).

The Court in *Jet, Inc. v. Sewage Aeration Systems*, 223 F.3d 1360 (Fed. Cir. 2000) was tasked with determining whether a judgment in an earlier trademark infringement action barred a subsequent cancellation proceeding between the same parties and concerning the same registered trademark. The Court found an “array of differences in transactional facts conclusively demonstrates that claim preclusion cannot serve to bar a petition for cancellation based upon an earlier infringement proceeding.” *Id.* at 1364. The Federal Circuit in *Jet* found: “[t]he set of facts which underlie a claim for trademark infringement under federal law include: the plaintiff's possession of a valid registered trademark; the defendant's

use 'in commerce' of 'any reproduction, counterfeit, copy, or colorable imitation' of the registered mark; the defendant's use 'in connection with the sale, offering for sale, distribution, or advertising of any good or services'; whether defendant's activity is 'likely to cause confusion, or to cause mistake, or to deceive" *Id.* at 1363 *citing* 15 U.S.C. §§ 1114, 1115 (Supp. 2000)(quotations in original).

Continuing its analysis the Federal Circuit found that "[b]y contrast, the set of facts which underlie a petition for cancellation include in relevant part: the existence of a registered mark held by the respondent; the petitioner's belief of damage by the mark; a filing within five years (in most cases) of the registration or publication of the mark; grounds upon which the mark should not have been registered, which can include that the mark "consists or comprises a mark which so resembles a mark registered in the Patent and Trademark office, or a mark or trade name previously used by another and not abandoned, as to be likely . . . to cause confusion, or to cause mistake, or to deceive"; and no possibility, as determined by the Commissioner of the PTO, of concurrent use and registration. . . ." *Jet, Inc. v. Sewage Aeration Systems*, 223 F.3d 1360, 1363 (Fed. Cir. 2000) *citing* 15 U.S.C. §§ 1052(d), 1064 (Supp. 2000)(quotes in original).

The Federal Circuit then compared the issues raised between a trademark infringement cause of action and a cancellation to determine " the facts required to establish claims of infringement and cancellation, respectively, we note the

following significant differences: (1) infringement requires the plaintiff to have a valid registered mark, cancellation does not; (2) infringement requires the defendant to have used the allegedly infringing words or symbols in commerce and in connection with the sale or promotion of goods or services, cancellation requires none of these; (3) cancellation requires the respondent (i.e., the party in the position of defendant) to hold a federally registered mark, infringement does not; and (4) cancellation requires inquiry into the registrability of the respondent's mark, infringement does not." *Jet, Inc. v. Sewage Aeration Systems*, 223 F.3d 1360, 1364 (Fed. Cir. 2000) *citing* 15 U.S.C. §§ 1052(d), 1064 (Supp. 2000)(quotes in original).

Drawing by analogy to the facts before the District Court it is salient that the same transactional facts were NOT before the District Court that were before the TTAB during the 2009 Opposition. First and foremost, Defendant-Appellee's use of the Subject Mark was never an issue before the TTAB when the Default Judgment was granted. The Federal Circuit made clear in *Jet, Inc.* that is one of the distinguishing transactional facts between cancellation and trademark infringement precluding application of claim preclusion. As set forth in *Jet, Inc.*, "infringement requires the defendant to have used the allegedly infringing words or symbols in commerce and in connect with the sale or promotion of goods or services, cancellation requires none of these" *See Jet, Inc. v. Sewage Aeration*

Systems, 223 F.3d 1360, 1364 (Fed. Cir. 2000). By analogy neither does an opposition, especially considering that the application at issue during the 2009 Opposition was an Intent-to-Use trademark application, i.e., use had not yet been alleged by the registrant of the '654 Registration. The District Court recognized the distinction between the claims raised in the 2009 Opposition from those in the complaint when stating “[a]lthough [Plaintiff] did not explicitly set forth claims for dilution and trademark infringement in the TTAB proceeding, [Plaintiff] was seeking to terminate [Defendant]’s use of IDHAYAM and prove its own right to use IDHAYAM through a common law trademark claim.” (ECR 53, p. 8, lines 18-21) *citing* (ECF 7-3 at 3.)(quotes in original). Despite this recognized distinction between the two actions the District Court surprisingly stated that Plaintiff-Appellant "is attempting to pursue the same claims in the instant suit as to mark ‘654 that were pursued in the 2009 Opposition." (ECR 53 p. 8, lines 21-22) *citing* (ECR 122-125 at ¶¶ 20-38.). It is here where the District Court's logic breaks down.

Firstly, it is impossible to bring forth in the TTAB any of the causes of action set forth in the Complaint. It simply does not have the jurisdiction. The Trademark Trial and Appeal Board is an administrative tribunal of the United States Patent and Trademark Office. The Board is empowered to determine only the right to register. *See* 15 U.S.C. §§ 1067, 1068, 1070, and 1092. Thus, the

District Court's assertion of claim preclusion in this situation is misplaced, because the TTAB was without authority to hear these issues. For this, it cannot be said that the Default Judgment operates as a bar to the District Court hearing these issues. Moreover, the failure of the District Court to hear these issues amounts to a Due Process Violation pursuant to the Fifth Amendment of the United States Constitution. The District Court employs a Default Judgment rendered by a tribunal not conferred with the jurisdiction to adjudicate the issues before it to prevent Plaintiff-Appellant from using the District Court's jurisdiction to resolve those same issues before it. This is simply not permitted in our constitutional framework. *See Moses H. Cone Memorial Hospital v. Mercury Constr. Corp.*, 460 US 1, 15 (1983) ("[F]ederal courts have a "virtually unflagging obligation . . . to exercise the jurisdiction given them.")(citations omitted)(quotes in original). *See also Colorado River Water Conservation District v. United States*, 424 U.S. 800, 813 (1976)("This difference in general approach between state-federal concurrent jurisdiction and wholly federal concurrent jurisdiction stems from the virtually unflagging obligation of the federal courts to exercise the jurisdiction given them.")(citations omitted); *Intel Corp. v. Advanced Micro Devices, Inc.*, 12 F.3d 908, 912 (9th Cir. 1993)(citing both *Moses H. Cone Memorial Hospital* and *Colorado River Water Conservation District* when determining the propriety of a District Court's stay of an action).

Based upon the foregoing it is submitted that the granting of the motion to dismiss the allegations in the District Court action with respect to the '654 mark was reversible error if not a constitutional violation of the Due Process Clause of the Fifth Amendment of the United States Constitution, because the District Court failed to exercise its jurisdiction over those claims.

C. The Order Dismissing the Action (ODA) Must Be Reversed, Because it is Premised Upon the Reversible Finding of the Court That the Doctrine of Claim Preclusion Prevented This Court From Asserting Jurisdiction Over the Claims Directed to the Mark That Is the Subject of the '654 Registration.

The District Court correctly found that Plaintiff-Appellant filed a Statement of Non-Opposition to Defendant-Appellee's Motion to Dismiss the Action with respect to the '000 Registration and the '172 Registration. (*See* ECR 6, lines 21-24 *citing* ECR 21-28). As the District Court noted Plaintiffs/Appellant's Statement of Non-Opposition was due to the complex nature of the action and the desire to get the matter before the Court of Appeal. *See id.* However, not mentioned in the ODA is the persuasiveness of the Defendant-Appellee's arguments in view of the erroneous findings of the District Court with respect to the '654 Registration argued above. (*See generally* ECR 21-28). As the District Court did not address these arguments in the ODA, they are set forth below to explain the statement of non-opposition. As Defendant-Appellee argued:

"Based on the TTAB affirmation of the prior proceeding, that VVV does not have a claim of ownership and/or entitlement to IDHAYAM for oil

over Meenakshi; and, based on this Court's ruling of same, VVV – even upon its own acknowledgement – is not capable of maintaining an action against Meenakshi that necessarily requires a claim of ownership and/or entitlement same. As a result, VVV cannot allege a sufficiently concrete injury to establish standing under U.S. Const. art. III, § 2 (“Article III standing”). VVV can prove no set of facts in support of a claim which would entitle it to relief. VVV cannot allege a legally protected interest in IDHAYAM over Meenakshi. Thus, the Court does not have jurisdiction and should dismiss the complaint in its entirety because VVV lacks standing and/or because VVV fails to state a claim upon which relief can be granted." (*See* ECR 26, line 24 to ECR 27, line 6).

The gist of Defendant-Appellee's argument is that Plaintiff-Appellant's claim to the rights in the marks that are the subject of the '000 Registration and '172 Registration are based upon Plaintiff-Appellant's superior rights in the Subject Mark. The District Court previously concluded that Plaintiff-Appellant's have no rights in the Subject Mark and is barred from raising issues surrounding the same in the instant action, Plaintiff-Appellant has not injury. (*See* ECR 26, line 24 to ECR 27, line 6). Finally, Defendant-Appellee asserted that there is no theory under which, Plaintiff-Appellant could demonstrate injury. Plaintiff-Appellant actually disagrees with this statement by virtue of the Motion to Amend the Complaint that the District Court denied. (*See* ECR 29-30). However, given the tenor of the District Court's DOA Plaintiff-Appellant's counsel thought is damaging to Plaintiff-Appellant's case before the District Court to point out, once again, arguments set forth in the MTA setting forth a theory under which Plaintiff-Appellant could allege injury in light of the District Court's findings in the VDO.

The District Court had already impugned the professional reputation of Plaintiff-Appellant's attorney. As set forth in footnote two of the DOA the District Court considered the MTA "frivolous" and a "waste of the Court's time." (*See* ECR 30, n.2). This effectively invited Defendant-Appellee to file a motion for sanctions, which was in fact filed. (*See Generally* ECR 2-12). From the tenor of the DOA it appeared that the ire of the District Court would be drawn upon Plaintiff-Appellant for having to consider arguments in opposition to Defendant-Appellee's assertion that there was no theory upon which Plaintiff-Appellant could demonstrate injury. Plaintiff-Appellant's belief was born out in the ODA in which Sanctions were denied pursuant to Rule 11, but were granted pursuant to 28 U.S.C. § 1927, because: "Plaintiff's continuous refileing and re-raising of arguments leave the Court with a strong impression that Plaintiff intended to vex Defendant and the Court." ECR 11, lines 16-17. To avoid further wrath from the District Court by attempting to set forth an argument countering Defendant-Appellee's MTD2, Plaintiff-Appellant was compelled to acquiesce, without agreeing, to the same; rather, than prejudice Plaintiff-Appellant's position further before the District Court.

For the foregoing reasons the District Court's order of May 7, 2018, dismissing the entire action must be reversed, because it is premised upon clearly erroneous and constitutionally infirm findings of the District Court set

forth in the order of September 14, 2017 for the reasons set forth above and the reasoning set forth below in Section II.

II. The District Court Abused Its Discretion When It Denied Plaintiff-Appellant The Opportunity To Amend the Complaint to Set Forth A Sixth Cause of Action Sounding in Fraud, Because The Allegations Were Not Frivolous and the Default Judgment of the 2009 Opposition was Not Final and On The Merits For Causes of Action Sounding in Fraud.

A. Standard for Review

The District Court's denial of a motion to amend a complaint is reviewed for an abuse of discretion. *See Branch Banking & Tr. Co. v. D.M.S.I., LLC*, 871 F.3d 751, 760 (9th Cir. 2017); *AE ex rel. Hernandez v. County of Tulare*, 666 F.3d 631, 636 (9th Cir. 2012); *Ventress v. Japan Airlines*, 603 F.3d 676, 680 (9th Cir. 2010); *Caswell v. Calderon*, 363 F.3d 832, 836 (9th Cir. 2004) (habeas); “A district court acts within its discretion to deny leave to amend when amendment would be futile, when it would cause undue prejudice to the defendant, or when it is sought in bad faith.” *Chappel v. Laboratory Corp.*, 232 F.3d 719, 725-726 (9th Cir. 2000). The discretion is particularly broad where a plaintiff has previously been permitted leave to amend. *See Chodos v. West Publishing Co.*, 292 F.3d 992, 1003 (9th Cir. 2002).

B. The Allegations Set Forth In the Proposed Amended Complaint (PAC) Were Not Frivolous.

1. Introduction

“[A] party may amend its pleading only with the opposing party's written consent or the court's leave.” Fed. R. Civ. P. 15(a)(2). “The court should freely

give leave when justice so requires.” *Id.* In *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048 (9th Cir. 2003), the Ninth Circuit identified factors to be considered by a district court when considering amendment of a complaint.

“In the absence of any apparent or declared reason — such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. — the leave sought should, as the rules require, be ‘freely given.’” *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) quoting *Foman v. Davis*, 371 U.S. 178 (1962)(quotes in original).

Plaintiff-Appellant filed the first and ONLY ONE motion to amend the complaint in this instant action to include a Sixth Cause of action seeking declaratory relief to invalidate the registration due to fraud in the procurement of the trademark by Defendant-Appellee's predecessor in interest. (*See* ECR 29, lines 18-22 *citing* ECR 31-2 and ECF 31-2 at 3). Specifically, Plaintiff-Appellant Declaratory Judgment of Invalidity Based upon Fraud in the Procurement (15 U.S.C. § 1119; *see* ECR 34 AND ECR 42-43 ¶¶ 49-53). It is readily apparent that the District Court's decision denying the motion to amend the complaint is that of bad faith if not frivolity. As set forth in the Denial Order on Amendment (DOA):

On February 14, 2017, the Court dismissed with prejudice all causes of action asserted against mark '654 finding the claims were barred under the doctrine of *res judicata* by an opposition proceeding before the Trademark Trial and Appeal Board ("TT AB") which resulted in a default judgment in Defendant's favor. (*See* ECF 26.) Plaintiff now attempts to circumvent this Court's order and reassert the '654 mark into the instant litigation. Plaintiff argues the new claim is not barred by this

Court's previous order dismissing the '654 mark with prejudice because the fraud claim was not adequately pleaded in the TTAB proceeding. (ECF 31-2 at 5.) Allowing Plaintiff to amend to add a fraud in the procurement claim would therefore be frivolous. (ECR 29, line 26 to ECR 30, line 2).

Plaintiff-Appellant contends that the District Court erred in denying the motion to amend the complaint based, because it was not frivolous, the Default Judgment did not operate as a final judgment on the merits with respect to the Sixth Cause of Action and it is against public policy.

2. The Motion to Amend the Complaint Was Not Frivolous and Therefore the District Court's Order Denying Entry of the Amendment Must Be Reversed.

A legal argument need not ultimately prevail to be warranted by existing law in order not to be frivolous. *See Conn v. Borjorquez*, 967 F.2d 1418, 1421 (9th Cir. 1992)(“The key question in assessing frivolousness is whether a complaint states an arguable claim — not whether the pleader is correct in his perception of the law.”) *quoting Woodrum v. Woodward County, Okl.*, 866 F.2d 1121 (9th Cir. 1989).³ As set forth in the VDO, “[t]he principles of *res judicata* apply to administrative decisions, although the doctrine is applied less rigidly to administrative proceedings than to judicial proceedings.” (ECR 52, lines 16-18

³ In addressing the District Court's allegation of frivolity in support of its denial to file the Amended Complaint, Plaintiff-Appellant relies upon the law of Rule 11 Sanctions, because it appears that this law provided the most cogent analysis on frivolity.

quoting *Chavez v. Bowen*, 844 F.2d 691, 693 (9th Cir. 1998)). “*Res judicata* applies where there is: (1) an identity of claims; (2) a final judgment on the merits; and (3) identity or privity between parties.” (ECR 52, lines 19-20 citing *Tritz v. U.S. Postal Serv.*, 721 F.3d 1133, 1141 (9th Cir. 2013)). In the VDO, it was recognized that Plaintiff-Appellant did not address the sufficiency of the Default Judgment to operate as a final adjudication on the merits. (ECR 56, lines 17-19). Citing a case incorrectly identified as a Ninth Circuit case, *Sharp Kabushiki Kaisha v. Thinksharp, Inc.*, 448 F.3d 1368, 1371 (Fed. Cir. 2006), the District Court identified the rule for determining whether a default judgment is a final judgment on the merits. (See ECR 56, lines 20-23). The pleaded issues must be aptly plead. See *id.* In fact this is commensurate with the United States Supreme Court positions on the appropriateness of giving preclusive effect to administrative rulings. See *United States v. Utah Constr. & Mining Co.*, 384 U.S. 394 (1966). In *Utah Constr. & Mining Co.* the Supreme Court laid out the test when decisions of administrative agencies may operate as *res judicata*:

“When an administrative agency is acting in a judicial capacity and resolves disputed issues of fact properly before it which the parties have had an adequate opportunity to litigate, the courts have not hesitated to apply *res judicata* to enforce repose.” *United States v. Utah Constr. & Mining Co.*, 384 U.S. 394, 422 (1966)(citations omitted).

It becomes manifest that the Supreme Court requires facts to be properly before an administrative tribunal before that agency’s decision may have preclusive effect.

This is what the District Court stated in its VDO as a condition precedent before a default judgment operated as a final judgment on the merits.

The District Court cited *Sharp Kabushiki Kaisha v. Thinksharp, Inc.*, 448 F.3d 1368, 1371 (Fec. Cir. 2006) for the proposition that “a default judgment is a final judgment on the merits for aptly pleaded issues.” (ECR 56, lines 20-23). As a result of this language in the VDO, and the long held doctrine that *res judicata* is to be applied to administrative proceedings less rigidly, Plaintiff-Appellant sought to amend the complaint to introduce a cause of action sounding in fraud.

Upon the filing of the MTA the District Court had not had an opportunity to analyzed the pleadings in this action or that of the 2009 Opposition to determine whether the Default Judgment was final on the merits for purposes of Federal Rules of Civil Procedure 9(b), i.e., whether the default judgment in the 2009 Opposition is final on the merits for purposes of *res judicata* for purposes of that rule. In fact, the District Court has never analyzed whether the Default Judgment was final and on the merits pursuant to Rule 9(b) . . . only whether it was final in on its merits for purposes of Rule 8(a). (*See generally* ECR 59-79, ECR 46-57 and ECR 29-30).

The only allegations set forth in the Complaint were those subject to notice pleading pursuant to Rule 8(a) resulting in this Court not having the jurisdiction to analyze the pleadings for purposes of Rule 9(b), because said allegations were not

properly before the District Court and to this day have never been before the District Court, because the District Court denied entry of the Proposed Amended Complaint (PAC) including said allegations. In short, the PAC presents issues that had never been litigated during the pendency of this action. This in and of itself precludes the finding of frivolity in the filing of the MTA. *See Conn v. Borjorquez*, 967 F.2d 1418, 1421 (9th Cir. 1992)(finding that sanctions were not warranted for the filing of multiple motions to set aside and reconsideration because each presented a new issue for consideration).

Conn v. Borjorquez, 967 F.2d 1418 (9th Cir. 1992) is instructive in the instant situation, because in that case the Appellate Court reversed a District Court's award of sanctions based upon multiple motions filed by Counsel directed to determining the capacity, individual or official, a public employee in the lawsuit. *See Conn v. Borjorquez*, 967 F.2d 1418, 1420 (9th Cir. 1992)(a judge imposed sanctions upon the attorney after two motions to set aside and a motion to reconsider on the same topic.). In this instant matter, there has been a single motion filed by Plaintiff-Appellant to amend the complaint to include a cause of action sounding in fraud. This issue has never been considered before this Court. The VDO is silent on these issues. Unlike *Conn*, there is no motion to reconsider, because Plaintiff-Appellant believed that the Court was correct in that the Default Judgment operated as a final judgment on the merits for purposes of Rule 8(a).

However, Plaintiff-Appellant sought to raise the issue for purposes of 9(b). All Plaintiff-Appellant sought was to test the issue of *res judicata* of the applicability of the Default Judgment for purposes of claims plead pursuant to Rule 9(b)-ONE TIME. Pursuant to *Conn*, this would not be frivolous and it would be an abuse of discretion for this Court to so find.

Moreover, frivolity is not typically found when arguments in support of filing the amended complaint are not foreclosed by well-established legal principles, e.g., when there are differing interpretations of law. 2 James Wm. Moore, *Moore's Federal Practice* § 11.11[7][c] (3d ed. 2015) *citing, inter alia, Riverhead Sav. Bank v. National Mortgage Equity Corp.*, 893 F.2d 1109, 1116 (9th Cir. 1990)(claim for indemnity that stated arguable cause of action under state law was objectively reasonable.). Frivolity is also not present when contrary controlling authority is not obvious. 2 James Wm. Moore, *Moore's Federal Practice* § 11.11[7][c] (3d ed. 2015) *citing Westlake N. Prop. Owners Ass'n v. City of Thousand Oaks*, 915 F.2d 1301, 1307 (9th Cir. 1990)(amended complaint was not frivolous since law was not settled as to whether individuals and groups are bound by judgments entered into by municipalities).

Additionally, it cannot be found that the MTA in furtherance of amending the Complaint is baseless from an objective perspective. The District Court Plaintiff-Appellant of ignoring the portion of the District Court's VDO which

explained “[r]es judicata bars all ground for recovery which could have been asserted, whether they were or not” *citing McClain v. Apodaca*, 793 F.2d 1031, 1033 (9th Cir. 1986). ECF 38, page 2, lines 6-8. The District Court's logic is pure sophistry. Plaintiff-Appellant merely requested this Court to examine second element of the test set forth by this Court in the VDO on page 7, lines 19-20 for determining whether *res judicata* applies: whether the Default Judgment was final and on its merits for purposes of Rule 9(b), as opposed to Rule 8(a). Moreover, Plaintiff-Appellant reasonably believed that the Court was desirous of a complete record in that it said as much in the same order. (ECR 56, lines 18-20). In that language the Court takes note that Plaintiff-Appellant did not address Defendant-Appellee’s contention that the default judgment in the 2009 Opposition constituted a final judgment on the merits. That is due to Plaintiff-Appellant agreement with that proposition. Considering all allegations set forth in the Complaint were controlled by Rule 8(a), all that was required was the very low standard of notice pleading to be satisfied under Rule 8(a). *Kearns v. Ford Motor Co.*, 567 F.3d 1120, 1121 (9th Cir. 2009)(“Rule 8(a)(2) of the Federal Rules of Civil Procedure requires a party's pleading to contain ‘a short and plain statement of the claim showing that the pleader is entitled to relief.’”) quoting Fed. R. Civ. P. 8(a)(2). Plaintiff-Appellant believed that was done and did not desire to waste the Court’s time advancing an argument that would have no merit.

The issues presented by the PAC was to direct the District Court's attention to determine whether the Notice was "aptly" pleaded, pursuant to Rule 9(b). In this manner, the District Court was provided its first opportunity to determine whether the Default Judgment operated as a final judgment on the merits for purposes of *res judicata*, with respect to claims sounding in fraud. Relying upon *McClain v. Apodaca*, 793 F.2d 1031, 1033 (9th Cir. 1986), the District Court concluded that "whether Plaintiff-Appellant properly pleaded a claim for fraud in the procurement or even asserted it has no bearing on whether *res judicata* bars this claim." (ECR 30, lines 9-11). *McClain*, however, is easily distinguishable from the facts of the instant case and, it is the position of Plaintiff-Appellant, is not controlling on the issue presented by the MTA. Thus, the legal theories proposed by Plaintiff-Appellant in support of the MTA are not clearly foreclosed by well-established legal principles and authoritative precedent, because 1) a new issue not previously addressed by this Court was presented and 2) the cases relied upon by this Court in support of its now recognized position that all causes of action are foreclosed are distinguishable from the instant facts.

McClain v. Apodaca, 793 F.2d 1031 (9th Cir. 1986) has no relation to administrative hearings. Rather, *McClain* is directed to two successive actions in a bankruptcy court. As made clear by the United States Supreme Court in 2011, a bankruptcy court is not an administrative tribunal. "We deal here not with an

agency but with a court, with substantive jurisdiction reaching any area of the corpus juris.” *Stern v. Marshall*, 564 U. S. 462, _____, 131 S. Ct. 2594, 2615 (2011) citing *Northern Pipeline*, 458 U.S. 50, 85 (1982). As a result, and as recognized by the District Court, a less rigid application of *res judicata* should be applied. (ECR 52, lines 16-18) quoting *Chavez v. Bowen*, 844 F.2d 691, 693 (9th Cir. 1998). The same distinguishing characteristics are present with the other cases relied upon by the District Court in support of applying *res judicata* to the new cause of action sought to be introduced by the MTA because the prior proceeding was not an administrative proceeding. See *Tritz v. U.S. Postal Serv.*, 721 F.3d 1133, 141 (9th Cir. 2013)(“Court-approved settlement agreements, like the 2006 Settlement Agreement, have *res judicata* effect.”)(citations omitted); *US ex rel. Barajas v. Northrop Corp.*, 147 F.3d 905, 907 (9th Cir. 1998)(is directed to a *qui tam* action brought in District Court for which “[t]he district court held extensive evidentiary hearings to determine how much to award Barajas, and made findings of fact.”). Additional distinctions between the issues before the District Court and those presented in the aforementioned cases is that judgment giving rise to *res judicata* before the District Court is a default judgment, unlike the foregoing cases that were fully litigated. Thus, there is a dearth of information about the record before the TTAB. All the District Court is left to examine in the instant matter, to

determine what could or could not have been pleaded, are the pleadings. This is unlike matters that have been fully litigated on the merits.

A case on point, which was cited in the District Court's order-erroneously as a Ninth Circuit case, is *Sharp Kabushiki Kaisha v. Thinksharp, Inc.*, 448 F.3d 1368 (Fed. Cir. 2006). (ECR 56, lines 20-23). Realizing that *Sharp* is directed to analyzing a default judgment for claims that could have been presented, but were not, it is Plaintiff-Appellant's position that this case is controlling on the instant issues, especially considering that the District Court cited the case and it concerns administrative proceedings from which a default judgment occurred. In *Sharp* an applicant with two similar marks under opposition did not defend one, accepting default judgment. *Id.* at 1369-1370. Despite the occurrence of the default judgment the Federal Circuit found that the default judgment did not preclude the applicant's defense of other mark in related opposition. *Id.* The court in *Sharp* cited numerous reasons for this some which apply to the instant case and some which do not. In *Sharp* the Federal Circuit noted that "[i]t is highly relevant that the default judgment on the word-and-design mark was entered without consideration of the merits." *Id.* at 1372. This is exactly the case in the instant action. Unlike *Sharp* in which no Answer was filed in the defaulted proceeding, *see id.* at 1369, in the instant matter an Answer was filed in the 2009 Opposition. However, the *Sharp* court took note that "[p]recedent cautions that *res judicata* is

not readily extended to claims that were not before the court, and precedent weighs heavily against denying litigants a day in court unless there is a clear and persuasive basis for that denial.” *quoting Kearns v. Gen. Motors Corp.*, 94 F.3d 1553, 1557 (Fed. Cir. 1996). Additional distinctions between *Sharp* and the instant matter is that in *Sharp* two different opposition proceedings were at issue for different, but similar marks. *See id.* at 1372.

It is Plaintiff-Appellant’s contention that *Sharp* stands in contradiction to the District Court’s conclusion in the DOA in which it stated “[r]es judicata bars all ground for recovery which could have been asserted, whether they were or not . . .” *citing McClain v. Apodaca*, 793 F.2d 1031, 1033 (9th Cir. 1986). Clearly in *Sharp* a defense could have been brought in the defaulted opposition, but was not. On these points alone, Plaintiff-Appellant contends that the MTA was not frivolous, because the Federal Circuit had clearly shown that *res judicata* arising from TTAB may not operate as *res judicata* on matters not before it, despite the fact that said matter could have been brought. In short, *Sharp Kabushiki Kaisha v. Thinksharp, Inc.*, 448 F.3d 1368 (Fed. Cir. 2006) stands in contradiction to *McClain v. Apodaca*, 793 F.2d 1031, 1033 (9th Cir. 1986) and it is Plaintiff-Appellant’s contention that this arises from the realization that *McClain* does not address the *res judicata* of default judgments or administrative proceedings. Thus, despite the Court’s VDO Plaintiff-Appellant believes that the controlling authority on the

issues present by the PAC are not well settled and bars any finding of frivolousness in the filing of the MTA.

3. The Default Judgement Is Neither Final Nor On Its Merits With Respect to the Sixth Cause of Action, Because a Fraud Claim Was Never Properly Before the TTAB and Therefore Cannot Operate as a Bar to Litigating the Same Issues in this Action.

The District Court's VDO states "[t]he Ninth Circuit as well as the California Supreme Court has recognized that a default judgment is a final judgment on the merits as to aptly pleaded issues." (ECR 56, lines 20-21) (Citations omitted). By implication a default judgment based upon a pleading that is not aptly plead cannot be considered final on the merits. In fact, this is the prevailing law in the Ninth Circuit with respect to whether a default judgment is binding. *See Alan Neuman Productions, Inc. v. Albright*, 862 F.2d 1388 (9th Cir. 1988)("[Claims which are not well-pleaded, are not binding and cannot support [a] . . . judgment.") *citing Nishimatsu Construction Co. v. Houston National Bank*, 515 F.2d 1200 (5th Cir. 1975). Based upon the foregoing Plaintiff-Appellant contends that improperly pleaded claims cannot support a default judgment, i.e., a default judgment cannot be final and on the merits for claims that are improperly pleaded.

Key to finding fraudulent procurement of a trademark registration is intent upon the part of the registrant to willfully deceive. *In re Bose Corp.*, 580 F.3d

1240, 1243 (Fed. Cir. 2009) (citations omitted). It is incumbent upon Plaintiff-Appellant to have stated with particularity the statements so made that give rise to the fraud allegation. *See* Fed. R. Civ. P. 9(b) (“In alleging fraud . . . a party must state with particularity the circumstances constituting fraud”). This requires setting forth the statements constituting the fraud. *See Kearns v. Ford Motor Co.*, 567 F.3d 1120, 1124 (9th Cir. 2009) (“Averments of fraud must be accompanied by ‘the who, what, when, where, and how’ of the misconduct charged.”) *citing Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1106 (9th Cir. 2003) (*quoting Cooper v. Pickett*, 137 F.3d 616, 627 (9th Cir. 1997))(quotes in original). Without averments of intent, fraud in the procurement is improperly pleaded.

It is true that as early as 2009 Plaintiff-Appellant had suspicions that fraud was committed upon the United States in order for the registrant to acquire rights in the ‘654 Registration. However, we find the allegations set forth in the Notice with respect to fraud to lack any reference to intent on the part of the registrant to deceive. As can be seen from the Notice filed in the aforementioned Opposition Proceeding that language recited therein averred the following:

On information and belief, Applicant is well-acquainted with Opposer’s “sesame oil” products. On information and belief, Applicant is attempting to procure a registered trademark for IDHAYAM in bad faith in order to take advantage of Opposer’s valuable brand and goodwill in the United States. In furtherance of Applicant’s scheme, on information and belief, Applicant has knowingly made false statements in U.S. Application Serial No. 77/747,207. Moreover, on information and belief, Applicant knows that Opposer already has the right to use

the mark IDHAYAM for sesame oil. In other words, on information and belief, Applicant is aware that another party already has the right to use, and in fact uses, the same exact mark that is the subject of U.S. Application Serial No. 77/747,207 in a manner that is likely to cause confusion, mistake, or to deceive the public if Applicant is granted the registration sought by application Serial No. 77/747,207. In short, Applicant is attempting to perpetrate a fraud upon the U.S. Patent and Trademark Office with Application Serial No. 77/747,207, and Opposer prays that Application Serial No. 77/747,207 for the mark IDHAYAM be refused. (*See* ECR 99 ¶ 4)(quotes in original).

Fraud in the procurement is simply not sufficiently pleaded with conclusory statements such that “Applicant has knowingly made false statements”, as alleged in the Notice. Given the dearth of facts set forth in the Plaintiff-Appellant’s Notice, it cannot be said that the claim of fraud in the procurement of the mark that is the subject of the ‘654 Registration was properly before the TTAB during the Opposition Proceeding. As a result, the doctrine of *res judicata* should not bar litigation of this claim, because the claim was not properly before the TTAB. *See B & B Hardware, Inc. v. Hargis Industries, Inc.*, 575 U.S. _____, 135 S. Ct. 1293, 1303 (2015) (“[w]hen an administrative agency is acting in a judicial capacity and resolves disputed issues of fact properly before it which the parties have had an adequate opportunity to litigate, the courts have not hesitated to apply *res judicata* to enforce repose.”) *citing University of Tenn. v. Elliott*, 478 U.S. 788, 797-798 (1986) (*quoting United States v. Utah Constr. & Mining Co.*, 384 U.S. 394, 422 (1966))(quotes in the original)(other citations omitted). Based upon the foregoing, it cannot be said that the fraud cause of action was sufficiently pleaded

to allow the Default Judgment to be final and on the merits with respect to the Sixth Cause of Action set forth in the PAC. Thus, the Default Judgment cannot operate as a bar pursuant to the doctrine of *res judicata* and the District Courts order denying entry of the PAC must be reversed, therefor.

4. Justice Requires That the District Court's Denial of Entering the Proposed Amended Complaint Be Reversed to Protect the Public Interest.

It is without question that there exists a public interest that is protected by trademark law through the Lanham Act. *See Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 782-783 (1992)(find that the original Lanham Act and subsequent amendments thereto was to protect both business and consumers from deceptive practices); *see also, Brookfield Communications v. West Coast Entertainment*, 174 F.3d 1036, 1066 (9th Cir. 1999)(finding that injunctive relief is in the public's interest to prevent a party from using a trademark, registered to another, in the domain name of the party's web site and web site's metatags is in the public interest). Important to preventing the deception of the public is to ensure that trademark registrations are not acquired by fraud. To that end, any third party may bring a petition to cancel a registration premised upon fraud in the acquisition thereof. *In re Bose Corp.*, 580 F.3d 1240, 1243 (Fed. Cir. 2009) (A third party may petition to cancel a registered trademark on the ground that the "registration was obtained fraudulently.") *quoting* 15 U.S.C. § 1064(3). Moreover, sufficiently

important to Congress is the ferreting-out of fraudulent registrations that there exists no time limitations within which to bring such a cancellation proceeding. *See* 15 U.S.C. § 1064(3) (“A petition to cancel a registration of a mark . . . may . . . be filed . . . by any person who believes that he is or will be damaged . . . by the registration of a mark on the principal register . . . [a]t any time if the registered mark . . . was obtained fraudulently . . .”). It is submitted that the allegations set forth in the PAC go directly to the acquisition of the ‘654 Registration by fraud and that Plaintiff-Appellant seeks cancellation of the same therefor via the cause of action for declaratory judgement. Allowing the filing of the PAC and subsequent litigation of the manner in which the ‘654 Registration was acquired will go far in serving the public interest and preventing serial adjudications of these issues by multiple third parties. As the parties with the most at stake were presently before the District Court and ready to litigate the propriety of the ‘654 Registration Plaintiff-Appellant contends that justice would greatly be served by reversing the District Court's order denying entry of the PAC.

This is supported by the *dicta* in the recent Supreme Court case *B & B Hardware, Inc. v. Hargis Industries, Inc.*, 575 U.S. _____, 135 S. Ct. 1293 (2015). *B&B* addressed whether issue preclusion may be used to bar a trademark infringement case the issues surrounding likelihood of confusion between to marks when the same issues were raised and actually litigated in an earlier opposition

proceeding. *See id.* at 1299. Although *B&B* addressed the doctrine of issue preclusion, as distinguishable from the instant action that deals with claim preclusion, *B&B* provides guidance on the issues before this court. Namely, “‘protect[ing]’ against ‘the expense and vexation attending multiple lawsuits, conserv[ing] judicial resources, and foster[ing] reliance on judicial action by minimizing the possibility of inconsistent verdicts,’” were important consideration for the Court finding that issue preclusion was applicable to the facts in *B&B*. *See id.* at 1302-03 quoting *Montana v. United States*, 440 U.S. 147, 153-154 (1979). Due to Congressional intent on ferreting-out fraudulently acquired registrations, none of these considerations are present. In fact, many of the concerns set forth by *B&B* would be avoided by allowing the PAC to be entered. It would be of no moment for Plaintiff-Appellant to provide the facts it has at hand to a third party and allow that third party to seek the declaratory judgment that Plaintiff-Appellant sought by way of the PAC. Alternatively, or in conduction therewith, the third party could lawfully bring an action to cancel the ‘654 Registration. Moreover, this could be done serially by multiple third parties, throughout the country, subjecting the Defendant-Appellee to multiple lawsuits and a potential for inconsistent rulings. What would be in the interest of justice is to allow both the Plaintiff-Appellant and the Defendant-Appellee, each of which has a great stake in the outcome of this litigation, to bring forward the best evidence on these issues of

fraud in the procurement of the '654 Registration and settle the matter once and for all.

As set forth above Congress does not create trademark rights. Rather, and through the Lanham Act, Congress seeks to protect those rights. Allowing Plaintiff-Appellant to litigate the merits of whether the '654 Registration was the product of fraud upon the Federal Government would go far in advancing that policy. It is the position of Plaintiff-Appellant that the very language of 35 U.S.C. § 1064(3) establishes Congressional intent to carve out an exception to the application of the doctrine of Claim Preclusion on these facts. The language of the statute is plain and unequivocal, “[a] petition to cancel a registration of a mark . . . may . . . be filed . . . by any person who believes that he is or will be damaged . . . by the registration of a mark on the principal register . . . [a]t any time if the registered mark . . . was obtained fraudulently”). This language does not say, unless a party failed to bring the allegations in an earlier action when they could have brought it or any other equivocality. The language IS unequivocal: any person . . . any time. This is not to say that the doctrine of issue preclusion could not prevent redundant adjudication of common issues or common facts. However, it is Plaintiff-Appellant’s position that this language manifests an intent of Congress to ensure that procedural artifices are not employed to prevent a tribunal from determining whether the Federal Government has been fooled into issuing a

registration that otherwise should not have been issued effectively erasing the application of claim preclusion to issues of fraud in the procurement in serial adjudicatory proceedings in which a default judgment results.

As such, it is imperative that the District Court's order denying the Complaint be amended, be reversed so that the Sixth Cause of Action in the PAC be heard in furtherance of advancing Congress' long recognized duty to protect trademarks are advance. Failure to do so would do violence to the intent behind the Lanham Act, because it would allow the procedures defined thereby to be used to destroy rights developed through state processes.

CONCLUSION

For the reasons set forth above, the District Court's order dismiss all claims against the the mark that is the subject of the '654 Registration Subject Mark must be reversed, as must the order dismissing all claims against the marks that are the subject of the '000 and '172 Registrations, and the District Court's order denying entry of the Proposed Amended Complaint.

Date: September 5, 2018

/s/Kenneth C. Brooks

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Counsel for Appellant

STATEMENT OF RELATED CASES

There are no known related cases pending the Ninth Circuit Court of Appeal. However, there is a pending appeal in the Third Circuit Court of Appeals stylized as SAIRAM IMPORTS INC., SANDS IMPEX INC. d/b/a ASLI FINE FOODS, and MITALI IMPORTS INC., Appellant v. MEENAKSHI OVERSEAS LLC d/b/a MEENAXI ENTERPRISE d/b/a MEENAXI FOODS, Case number 18-2052 that raise the same or closely related issues.

Date: September 5, 2018

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C), I certify that:

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because:

this Appellant's brief contains 11,060 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because:

this brief has been prepared in a proportionally-spaced typeface using Microsoft Word in 14 point Times New Roman.

Date: September 5, 2018

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on September 5, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Date: September 5, 2018

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This case was appealed to

09th Circuit: [18-16071](#)

US District Court Civil Docket

U.S. District - California Eastern
(Sacramento)

2:14cv2961

V.V.V. & Sons Edible Oils Limited v. Meenakshi Overseas Llc

This case was retrieved from the court on Thursday, August 15, 2019

Date Filed: 12/ 23/ 2014

Assigned To: District Judge Troy L. Nunley

Referred To: Magistrate Judge Carolyn K. Delaney

Nature of suit: Trademark (840)

Cause: Trademark Infringement (Lanham Act)

Lead Docket: None

Other Docket: USCA, 18-16071

Jurisdiction: Federal Question

Class Code: CLOSED

Closed: 05/ 07/ 2018

Statute: [15:1125](#)

Jury Demand: Plaintiff

Demand Amount: \$0

NOS Description: Trademark

Litigants

V.V.V. & Sons Edible Oils Limited
a Public Limited Company
Plaintiff

Meenakshi Overseas Llc
a New Jersey Limited Liability Company
Defendant

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Date	#	Proceeding Text	Source
12/23/2014	1	COMPLAINT against Meenakshi Overseas LLC by V.V.V. & Sons Edible Oils Limited. Attorney Brooks, Kenneth C. ADDED. (Filing fee \$400.00, receipt number 0972-5670269) (Brooks, Kenneth) (Entered: 12/23/2014)	TCCC007338
12/23/2014	2	CIVIL COVER SHEET by V.V.V. & Sons Edible Oils Limited. (Brooks, Kenneth) (Entered: 12/23/2014)	

12/23/2014)

- 12/23/2014 3 DEMAND FOR TRIAL BY JURY by V.V.V. & Sons Edible Oils Limited. (Brooks, Kenneth) (Entered: 12/23/2014)
- 12/23/2014 4 SUMMONS ISSUED as to * Meenakshi Overseas LLC* with answer to complaint due within * 21* days. Attorney * Kenneth C. Brooks* * Law Offices of Kenneth Brooks* * 1578 Thunder Ridge Circle* * Milpitas, CA 95035* . (Michel, G) (Entered: 12/23/2014)
- 12/23/2014 5 TRADEMARK NEW CASE DOCUMENTS ISSUED as to Trademark # 1:* 4,006,654 * * 8/2/2011 * * Meenakshi Overseas LLC * Trademark # 2:* 4,334,000 * * 5/14/2013 * * Meenakshi Overseas LLC * Trademark # 3:* 4,225,172 * * 10/16/2012 * * Meenakshi Overseas LLC * . (Attachments: # 1 Consent Form, # 2 Trademark Report, # 3 VDRP) (Michel, G) (Entered: 12/23/2014)
- 12/31/2014 6 AMENDED SUMMONS ISSUED as to * Meenakshi Overseas LLC* with answer to complaint due within * 21* days. Attorney * Kenneth C. Brooks* * Law Offices of Kenneth C. Brooks* * 5329 Thunder Ridge Circle* * Rocklin, CA 95765* . (Zignago, K.) (Entered: 12/31/2014)
- 03/09/2015 7 MOTION to DISMISS for LACK of JURISDICTION by Meenakshi Overseas LLC. Attorney Wilson, Robert M added. Motion Hearing set for 4/9/2015 at 2:00 PM in Courtroom 2 (TLN) before District Judge Troy L. Nunley. (Attachments: # 1 Memorandum Points and Authorities, # 2 Declaration Jason DeFrancesco, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11 Exhibit 9, # 12 Exhibit 10, # 13 Exhibit 11, # 14 Exhibit 12, # 15 Request for Judicial Notice/Table of Exhibits)(Wilson, Robert) Modified on 3/9/2015 (Krueger, M). (Entered: 03/09/2015)
- 03/09/2015 8 DECLARATION of Jason DeFrancesco in SUPPORT OF 7 MOTION to DISMISS for LACK of JURISDICTION . (Wilson, Robert) (Entered: 03/09/2015)
- 03/23/2015 9 PRO HAC VICE APPLICATION and PROPOSED ORDER submitted by Meenakshi Overseas LLC for attorney Jason DeFrancesco to appear Pro Hac Vice. (Filing fee \$ 200, receipt number 0972-5805820) (Wilson, Robert) (Entered: 03/23/2015)
- 03/24/2015 10 PRO HAC VICE ORDER signed by District Judge Troy L. Nunley on 3/23/2015 ORDERING 9 Attorney Jason L. DeFrancesco, to appear for Meenakshi Overseas LLC. (Reader, L) Modified on 3/25/2015 (Reader, L). (Entered: 03/24/2015)
- 03/26/2015 11 OPPOSITION by V.V.V. & Sons Edible Oils Limited to 7 MOTION to DISMISS. (Attachments: # 1 Declaration Brooks Declaration, # 2 Exhibit 1 to Brooks Declaration, # 3 Exhibit 2 to Brooks Declaration, # 4 Exhibit 3 to Brooks Declaration, # 5 Declaration 3V Declaration)(Brooks, Kenneth) Modified on 4/2/2015 (Krueger, M). (Entered: 03/26/2015)
- 04/02/2015 12 REPLY by Meenakshi Overseas LLC to Plaintiffs' OPPOSITION to 7 MOTION to DISMISS. (Wilson, Robert) Modified on 4/3/2015 (Mena-Sanchez, L). (Entered: 04/02/2015)
- 04/02/2015 13 REQUEST for Telephonic Appearance by Meenakshi Overseas LLC re 7 MOTION to DISMISS filed by Meenakshi Overseas LLC. (Wilson, Robert) (Entered: 04/02/2015)
- 04/03/2015 14 MINUTE ORDER issued by Courtroom Deputy M. Krueger for District Judge Troy L. Nunley on 4/3/2015: On the Court's own motion, Defendant's Motion to Dismiss (ECF No. 7) is hereby SUBMITTED without oral argument. Accordingly, the hearing set for 4/9/2015 is VACATED. If the Court determines oral argument is necessary, it will be scheduled at a later date. Defendant's Request to Appear Telephonically (ECF No. 13) is DENIED as MOOT. (TEXT ONLY ENTRY) (Krueger, M) (Entered: 04/03/2015)
- 04/29/2015 15 SUMMONS RETURNED EXECUTED: Meenakshi Overseas LLC served on 3/11/2015, answer due 4/1/2015. (Brooks, Kenneth) (Entered: 04/29/2015)
- 10/07/2015 16 MOTION to STAY by Meenakshi Overseas LLC. Motion Hearing set for 11/19/2015 at 02:00 PM in Courtroom 2 (TLN) before District Judge Troy L. Nunley. (Attachments: # 1 Memorandum Points and Authorities, # 2 Request for Judicial Notice, # 3 Declaration of Jason DeFrancesco, # 4 RJN Ex A, # 5 RJN Ex B, # 6 RJN Ex C, # 7 RJN Ex D, # 8 RJN Ex E, # 9 RJN Ex F, # 10 RJN Ex G, # 11 RJN Ex H, # 12 RJN Ex I, # 13 RJN Ex J, # 14 RJN Ex K, # 15 RJN Ex L, # 16 RJN Ex M, # 17 RJN Ex N, # 18 RJN Ex O)(DeFrancesco, Jason) Modified on 10/8/2015 (Meuleman, A). (Entered: 10/07/2015)
- 11/05/2015 17 OPPOSITION to 16 Motion to Stay by V.V.V. & Sons Edible Oils Limited. (Attachments: # 1 Declaration of Kenneth Brooks , # 2 Exhibit)(Brooks, Kenneth) Modified on 11/6/2015 (Krueger, M). (Entered: 11/05/2015)
- 11/09/2015 18 REQUEST for Telephonic Appearance by Meenakshi Overseas LLC re 16 Motion to Stay filed by Meenakshi Overseas LLC. (DeFrancesco, Jason) (Entered: 11/09/2015)
- 11/11/2015 19 REPLY by Meenakshi Overseas LLC to RESPONSE to 16 Motion to Stay. (DeFrancesco, Jason) (Entered: 11/11/2015)
- 11/12/2015 20 MINUTE ORDER issued by Courtroom Deputy M. Krueger for District Judge Troy L. Nunley on 11/12/2015: On the Court's own motion, Defendant's Motion to Stay (ECF No. 16) is hereby SUBMITTED without oral argument. Accordingly, the hearing set for 11/19/2015 is VACATED. If the Court determines oral argument is necessary, it will be scheduled at a later date. Defendant's Request to Appear Telephonically (ECF No. 18) is DENIED as MOOT. (TEXT ONLY

4000007339

ENTRY) (Krueger, M) (Entered: 11/12/2015)

- 03/31/2016 21 ORDER signed by District Judge Troy L. Nunley on 3/31/2016 ORDERING 7 Defendant's Motion to Dismiss is DENIED; and Defendant's 16 Motion to Stay is GRANTED in PART and DENIED in PART. (Reader, L) (Entered: 03/31/2016)
- 04/13/2016 22 STIPULATION and PROPOSED ORDER to Extend Time to Respond to the Complaint (ECF 1) by Meenakshi Overseas LLC. (Attachments: # 1 Exhibit Exh. 1, # 2 Exhibit Exh. 2, # 3 Proposed Order)(DeFrancesco, Jason) Modified on 4/14/2016 (Krueger, M). (Entered: 04/13/2016)
- 04/15/2016 23 STIPULATION AND ORDER signed by District Judge Troy L. Nunley on 4/14/2016 ORDERING the defendant to respond to the 1 Complaint by 5/14/2016. (Michel, G.) (Entered: 04/15/2016)
- 05/05/2016 24 STIPULATION and PROPOSED ORDER to lift stay and RECONSIDERATION re 7 MOTION to DISMISS, 21 Order by Meenakshi Overseas LLC. (Attachments: # 1 Proposed Order) (DeFrancesco, Jason) Modified on 5/5/2016 (Kaminski, H). (Entered: 05/05/2016)
- 05/06/2016 25 STIPULATION and ORDER signed by District Judge Troy L. Nunley on 5/6/16 ORDERING the STAY as ordered in ECF 21 LIFTED and the Court will reconsider Defendant's motion (ECF 7) in view of the '654 mark. No responsive pleading is due from Defendant until the Court rules on the motion. (Jackson, T) (Entered: 05/06/2016)
- 02/14/2017 26 ORDER signed by District Judge Troy L. Nunley on 2/13/2017 ORDERING 7 the Court finds that the elements for res judicata are satisfied as to mark '654. Therefore, the TTAB opposition proceedings precludes Plaintiff was asserting any further claims regarding mark '654. Defendant's Motion to Dismiss is GRANTED WITH PREJUDICE with respect to '654. (Reader, L) Modified on 2/14/2017 (Reader, L). (Entered: 02/14/2017)
- 02/14/2017 27 [DISREGARD ENTERED JUDGMENT IN ERROR]JUDGMENT dated *2/14/2017* in favor of Defendant against Plaintiff pursuant to order, signed by District Judge Troy L. Nunley on 2/13/2017. (Reader, L) Modified on 2/14/2017 (Reader, L). (Entered: 02/14/2017)
- 02/14/2017 28 CLERK'S NOTICE of DOCKET CORRECTION 27 Please DISREGARD Judgment entered this day; ENTERED in ERROR. [TEXT ONLY] (Reader, L) (Entered: 02/14/2017)
- 02/14/2017 29 MINUTE ORDER issued by Courtroom Deputy M. Krueger for District Judge Troy L. Nunley on 2/14/2017: In light of the Court's Order (ECF No. 26), this case is now ready to be scheduled. The parties are directed to file a Joint Status Report within 30 days of this Minute Order. Failure to timely file may result in the imposition of sanctions. (TEXT ONLY ENTRY) (Krueger, M) (Entered: 02/14/2017)
- 03/16/2017 30 JOINT STATUS REPORT by V.V.V. & Sons Edible Oils Limited. (Brooks, Kenneth) (Entered: 03/16/2017)
- 04/07/2017 31 MOTION to AMEND the 1 Complaint by V.V.V. & Sons Edible Oils Limited. Motion Hearing set for 5/18/2017 at 02:00 PM in Courtroom 2 (TLN) before District Judge Troy L. Nunley. (Attachments: # 1 Exhibit Amended Complaint, # 2 Memorandum, # 3 Proposed Order) (Brooks, Kenneth) (Entered: 04/07/2017)
- 04/21/2017 32 OPPOSITION by Meenakshi Overseas LLC to 31 Motion for Leave to amend the Complaint. (Attachments: # 1 Declaration of Jason DeFrancesco, # 2 Exhibit Nos 1-7)(DeFrancesco, Jason) Modified on 4/25/2017 (Reader, L). (Entered: 04/21/2017)
- 04/24/2017 33 REQUEST TO APPEAR TELEPHONICALLY at 05/18/17 hearing one 31 Motion to Amend. (DeFrancesco, Jason) (Entered: 04/24/2017)
- 04/26/2017 34 MINUTE ORDER issued by Judicial Assistant, D. Morrison for District Judge Troy L. Nunley on 04/26/2017: In light of Plaintiff V.V.V. & Sons Edible Oils Limited pending Motion to Amend the Complaint (ECF No. 31), the Court hereby DEFERS scheduling of this case until after the issuance of an order on the motion. The parties shall file an updated Joint Status Report, if necessary, within 30 days of the Court's ruling on Plaintiff's pending motion. (TEXT ONLY ENTRY) (Morrison, D) (Entered: 04/26/2017)
- 05/03/2017 35 MINUTE ORDER issued by Courtroom Deputy M. Krueger for District Judge Troy L. Nunley on 5/3/2017: On the Court's own motion, Plaintiff's Motion to Amend the Complaint (ECF No. 31) is hereby SUBMITTED without oral argument. Accordingly, the hearing set for 5/18/2017 is VACATED. Plaintiff may still file a reply brief in accordance with Local Rule 230(d) and the hearing date of 5/18/2017. Defendant's Request to Appear Telephonically (ECF No. 33) is DENIED as MOOT. (TEXT ONLY ENTRY) (Krueger, M) (Entered: 05/03/2017)
- 05/11/2017 36 REPLY by V.V.V. & Sons Edible Oils Limited to 32 Opposition. (Attachments: # 1 Declaration of Kenneth C. Brooks, # 2 Exhibits A-J)(Brooks, Kenneth) (Entered: 05/11/2017)
- 05/17/2017 37 SURREPLY by Meenakshi Overseas LLC re 31 Motion for Leave to Amend the Complaint. (Attachments: # 1 Declaration of Jason DeFrancesco, # 2 Exhibit A)(DeFrancesco, Jason) Modified on 5/18/2017 (Zignago, K.). (Entered: 05/17/2017)
- 08/18/2017 38 ORDER signed by District Judge Troy L. Nunley on 8/17/2017 DENYING 31 Motion to Amend the Complaint. (Michel, G.) (Entered: 08/18/2017)
- 09/18/2017 39 MOTION to WITHDRAW as ATTORNEY by V.V.V. & Sons Edible Oils Limited. Motion Hearing set for 10/19/2017 at 02:00 AM in Courtroom 2 (TLN) before District Judge Troy L.

TCCC007340

Nunley. (Attachments: # 1 Memorandum in Support, # 2 Declaration of Kenneth C. Brooks, # 3 Proposed Order)(Brooks, Kenneth) Modified on 9/20/2017 (Kastilahn, A). (Entered: 09/18/2017)

- 09/18/2017 40 MOTION to DISMISS by Meenakshi Overseas LLC. Motion Hearing set for 10/19/2017 at 02:00 PM in Courtroom 2 (TLN) before District Judge Troy L. Nunley. (Attachments: # 1 Affidavit, # 2 Exhibits A - H)(DeFrancesco, Jason) (Entered: 09/18/2017)
- 09/18/2017 41 (DIREGARD, Attorney to file correct Motion) MOTION for SANCTIONS Rule 11, safe harbor declaration by Meenakshi Overseas LLC. Motion Hearing set for 9/19/2018 at 02:00 PM in Courtroom 2 (TLN) before District Judge Troy L. Nunley. (Attachments: # 1 Exhibit A - G) (DeFrancesco, Jason) Modified on 9/20/2017 (Kastilahn, A). (Entered: 09/18/2017)
- 09/18/2017 42 JOINT STATUS REPORT by V.V.V. & Sons Edible Oils Limited. (Brooks, Kenneth) (Entered: 09/18/2017)
- 09/20/2017 43 MOTION for SANCTIONS by Meenakshi Overseas LLC. Motion Hearing set for 10/19/2017 at 02:00 PM in Courtroom 2 (TLN) before District Judge Troy L. Nunley. (Attachments: # 1 Declaration J. DeFrancesco in support of motion, # 2 Exhibits A - G)(DeFrancesco, Jason) (Entered: 09/20/2017)
- 09/22/2017 44 OPPOSITION by Meenakshi Overseas LLC to 39 Motion to Withdraw (Attachments: # 1 DeFrancesco Declaration)(DeFrancesco, Jason) (Entered: 09/22/2017)
- 09/22/2017 45 REQUEST TO APPEAR TELEPHONICALLY at the October 19, 2017 Hearing by Meenakshi Overseas LLC. (DeFrancesco, Jason) Modified on 9/22/2017 (Krueger, M). (Entered: 09/22/2017)
- 10/05/2017 46 OPPOSITION by V.V.V. & Sons Edible Oils Limited to 43 Motion for Sanctions. (Attachments: # 1 Declaration of Kenneth C. Brooks)(Brooks, Kenneth) Mod (Entered: 10/05/2017)
- 10/05/2017 47 OPPOSITION by V.V.V. & Sons Edible Oils Limited to 40 Motion to Dismiss. (Brooks, Kenneth) (Entered: 10/05/2017)
- 10/06/2017 48 NOTICE OF WITHDRAWAL of 39 Motion to Withdraw as Attorney by V.V.V. & Sons Edible Oils Limited. (Brooks, Kenneth) (Entered: 10/06/2017)
- 10/12/2017 49 REPLY by Meenakshi Overseas LLC re 46 Opposition to Motion, 43 Motion for Sanctions. (Attachments: # 1 Declaration of DeFrancesco)(DeFrancesco, Jason) Modified on 10/13/2017 (Kaminski, H). (Entered: 10/12/2017)
- 10/13/2017 50 MINUTE ORDER (Text Only) issued by Courtroom Deputy J. Streeter for District Judge Troy L. Nunley on 10/13/2017: On the Court's own motion, Defendant's Motion to Dismiss and Motion for Sanctions (ECF Nos. 40 and 43) are hereby SUBMITTED without oral argument. Accordingly, the hearing set for 10/19/2017 is VACATED. If the Court determines oral argument is necessary, it will be scheduled at a later date. Request to Appear Telephonically (ECF No. 45) DENIED as moot. (Streeter, J) (Entered: 10/13/2017)
- 10/18/2017 51 MINUTE ORDER issued by Judicial Assistant, D. Morrison for District Judge Troy L. Nunley on 10/18/2017: The parties filed a Joint Status Report on September 18, 2017 as required by the Court's order requiring joint status report. A review of the docket shows a pending motion to dismiss. Accordingly, the Court will defer the scheduling of this action until after the issuance of an order on the motion. The parties shall file an updated Joint Status Report, if necessary, within 30 days of the Court's ruling. (TEXT ONLY ENTRY)(Morrison, D) (Entered: 10/18/2017)
- 05/07/2018 52 ORDER signed by District Judge Troy L. Nunley on 5/4/18: 40 Motion to Dismiss is GRANTED. 43 Motion for Rule 11 Sanctions is DENIED and Request for attorneys' fees and costs is GRANTED. Defendant has fourteen (14) days from the entry of this judgment to file with the Court a motion analyzing the amount of legal fees it requests for filing the instant motions. Plaintiff's request for Rule 11 sanctions and attorney's fees is DENIED. (Kaminski, H) (Entered: 05/07/2018)
- 05/07/2018 53 JUDGMENT dated *5/7/18* pursuant to order signed by District Judge Troy L. Nunley on 5/4/18. (Kaminski, H) (Entered: 05/07/2018)
- 05/16/2018 54 MOTION for 18-DAY EXTENSION OF TIME to file motion analyzing the amount of legal fees by Meenakshi Overseas LLC. (DeFrancesco, Jason) Modified on 5/17/2018 (Benson, A.). (Entered: 05/16/2018)
- 05/16/2018 55 PROPOSED ORDER re 54 Motion for Extension of Time. (DeFrancesco, Jason) Modified on 5/17/2018 (Benson, A.). (Entered: 05/16/2018)
- 05/18/2018 56 ORDER signed by District Judge Troy L. Nunley on 5/18/2018 GRANTING 54 Motion for Extension of Time. (Zignago, K.) (Entered: 05/18/2018)
- 06/06/2018 57 NOTICE of APPEAL by V.V.V. & Sons Edible Oils Limited as to 52 Order. (Filing fee \$ 505, receipt number 0972-7700108) (Brooks, Kenneth) Modified on 6/7/2018 (Fabillaran, J). (Entered: 06/06/2018)
- 06/07/2018 58 APPEAL PROCESSED to Ninth Circuit re 57 Notice of Appeal filed by V.V.V. & Sons Edible Oils Limited. Notice of Appeal filed *6/6/2018*, Complaint filed *12/23/2014* and Appealed

TCCC007341

Order / Judgment filed *5/7/2018*. Court Reporter: *N/A*. * Fee Status: Paid on 6/6/2018 in the amount of \$505.00* (Attachments: # 1 Appeal Information) (Fabillaran, J) (Entered: 06/07/2018)

- 06/08/2018 59 MOTION for ATTORNEY FEES, Fee Statement and Request by Meenakshi Overseas LLC. (Attachments: # 1 Declaration Jason DeFrancesco, # 2 Declaration John Rannells, # 3 Declaration Robert Wilson, # 4 Proposed Order)(DeFrancesco, Jason) Modified on 6/11/2018 (Fabillaran, J). (Entered: 06/08/2018)
- 06/11/2018 60 WITHDRAWAL of 59 Motion for Attorney Fees Fee, Statement and Request filed by Meenakshi Overseas LLC. (DeFrancesco, Jason) Modified on 6/12/2018 (Fabillaran, J). (Entered: 06/11/2018)
- 06/11/2018 61 USCA CASE NUMBER 18-16071 for 57 Notice of Appeal filed by V.V.V. & Sons Edible Oils Limited. (York, M) (Entered: 06/11/2018)

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TCCC007342

EXHIBIT 10

PART 1

United States of America

United States Patent and Trademark Office



Reg. No. 4,476,796
Registered Feb. 4, 2014
Int. Cls.: 29 and 30

TRADEMARK
PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; COOKING OIL; CUT VEGETABLES; DRIED FRUITS; DRIED LENTILS; EDIBLE OILS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; SESAME OIL; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE OILS; VEGETABLE-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED VEGETABLE-BASED ENTREES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

FOR: BREAD MIXES; CEREAL BASED SNACK FOOD; CORN-BASED SNACK FOODS; CREPES; FLOUR; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; RELISH; RICE; RICE-BASED SNACK FOODS; ROASTED MAIZE; SNACK MIX CONSISTING PRIMARILY OF CRACKERS, PRETZELS AND/OR POPPED POPCORN; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PRE-PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.



Michelle K. Lee
Deputy Director of the United States
Patent and Trademark Office

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

Reg. No. 4,476,796 THE COLOR(S) RED, GREEN, WHITE, AND GOLD IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE STYLIZED WORD "GARDEN" IN THE COLOR RED; BELOW THE WORD "GARDEN" IS A DESIGN OF GRASS IN THE COLOR GREEN; THE DESIGN OF GRASS EXTENDS ALONG THE LENGTH OF THE WORD "GARDEN"; THE LETTER "G" OF THE WORD "GARDEN" IS PARTIALLY EXTENDING INTO THE DESIGN OF GRASS; BELOW DESIGN OF GRASS IS THE WORD "NAMKEEN" IN THE COLOR GREEN; THE WORDS "GARDEN" AND "NAMKEEN" AND THE DESIGN OF GRASS ARE LOCATED INSIDE OF AN ELLIPTICAL BACKGROUND IN THE COLOR WHITE; THE WORDS "GARDEN" AND "NAMKEEN" AND THE DESIGN OF GRASS ARE LOCATED INSIDE OF 3 CONCENTRIC ELLIPTICAL RINGS; FIRST ELLIPTICAL RING IN THE COLOR RED; THE SECOND ELLIPTICAL RING IN THE COLOR GREEN; THE THIRD ELLIPTICAL RING IN THE COLOR GOLD.

THE ENGLISH TRANSLATION OF "NAMKEEN" IN THE MARK IS "SALTY".

SER. NO. 85-712,966, FILED 8-25-2012.

WON TEAK OH, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

Rogers

Reg. No. 4,307,743

Registered Mar. 26, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI
ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF SOFT
DRINKS; SOFT DRINKS, NAMELY, SODAS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

SER. NO. 85-539,127, FILED 2-10-2012.

GINA HAYES, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

RAIPUR BHAJIA HOUSE

Reg. No. 4,416,226

MEENAXI GANDHI (UNITED STATES INDIVIDUAL)

Registered Oct. 8, 2013

4 MARCOLS COURT
EDISON, NJ 08820

Int. Cl.: 43

FOR: RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

SERVICE MARK

FIRST USE 1-7-2013; IN COMMERCE 1-7-2013.

SUPPLEMENTAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

THE WORDING "RAIPUR BHAJIA" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 85-817,338, FILED P.R. 1-7-2013; AM. S.R. 7-22-2013.

MARC LEIPZIG, EXAMINING ATTORNEY



Sean Street

Deputy Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

HOT FIRE

Reg. No. 4,419,866

Registered Oct. 15, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION)
2500B HAMILTON BOULEVARD
SOUTH PLAIN, NJ 07080

FOR: ENERGY DRINKS; NON-ALCOHOLIC DRINKS, NAMELY, ENERGY SHOTS, IN
CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 7-10-2013; IN COMMERCE 7-10-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-792,931, FILED 12-3-2012.

BERYL GARDNER, EXAMINING ATTORNEY



Sean Street

Deputy Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,399,052

Registered Sep. 10, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION)
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: SESAME OIL, VEGETABLE COOKING OIL, BANANA CHIPS; CUT VEGETABLES; DRIED FRUITS; DRIED LENTILS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED VEGETABLE-BASED ENTREES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 11-0-2012; IN COMMERCE 11-0-2012.

FOR: BREAD MIXES; CEREAL BASED SNACK FOOD; CREPES; FLOUR; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; RELISH; RICE; RICE-BASED SNACK FOODS; ROASTED MAIZE; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PRE-PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 11-0-2012; IN COMMERCE 11-0-2012.

THE MARK CONSISTS OF THE STYLIZED YELLOW WORDING "DEVAM" ON A BLUE BACKGROUND.



Sean Street Lee
Acting Director of the United States Patent and Trademark Office

THE COLOR(S) BLUE AND YELLOW IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE ENGLISH TRANSLATION OF THE WORD "DEVAM" IN THE MARK IS "DEMIGOD".

Reg. No. 4,399,052 SER. NO. 85-792,882, FILED 12-3-2012.

BERYL GARDNER, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

Kamlesh

Reg. No. 4,338,759

Registered May 21, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION)
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: PROCESSED NUTS, NAMELY, PEANUTS, CASHEW NUTS; PRESERVED FRUITS, PRESERVED VEGETABLES, DRIED FRUITS, DRIED VEGETABLES, CANNED COOKED FRUITS, COOKED VEGETABLES, FRIED POTATOES; SOYBEAN PREPARATIONS, NAMELY, SOY-BASED FOOD BEVERAGE USED AS A MILK SUBSTITUTE; SOYBEAN OIL FOR COOKING; CANNED SOYBEAN, DRIED SOYBEAN; PROCESSED BEANS, NAMELY, BROAD BEANS; PREPARED MEALS CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; PREPARED MEAT PRODUCTS, NAMELY, PATE; DRY LENTILS, PICKLES, POTATO CHIPS; POTATO FINGERS, NAMELY, FRENCH FRIED POTATOES; MARGARINE, CANNED SEAFOOD, FROZEN SEAFOOD, PULSES, JAMS, JELLIES, MARMALADE, YOGHURT, EDIBLE OILS, PRESERVED BEANS FOR FOOD, PROCESSED BEANS, AND PROCESSED POTATOES; DAIRY PRODUCTS, NAMELY, MILK, MILK BEVERAGES CONTAINING FRUITS AND MILK BASED BEVERAGES CONTAINING COFFEE; SNACK MIXES CONSISTING PRIMARILY OF CANDIED NUTS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-0-2012; IN COMMERCE 1-0-2012.



Sean Street

Acting Director of the United States Patent and Trademark Office

FOR: SOY-BASED ICE CREAM SUBSTITUTE; PREPARED MEAT PRODUCTS, NAMELY, MEAT PIES; DAIRY PRODUCTS, NAMELY, ICE CREAM, ICE MILK; BREAD, MALT BREAD, PRESERVED BREAD, BUTTER BREAD, BUNS, CAKES, CAKE PASTE, NAMELY, ICING, EDIBLE DECORATIONS FOR CAKES; CAKE POWDER, NAMELY, CAKE MIXES; SWEETS, NAMELY, CANDY; SALTY SNACK MIXES PREPARED FROM CEREALS AND FLOUR AND CONSISTING PRIMARILY OF CRACKERS, PRETZELS, AND POPPED POPCORN; BISCUITS, COOKIES, COFFEE AND TEAS, SANDWICHES, CHOCOLATES, SUGAR SYRUP, HONEY, BAKING POWDER, FOOD AND SNACK PRODUCTS MADE FROM CEREALS, NAMELY, A MIXTURE PEPPERMINT CANDY, CONFECTIONERY, NAMELY, FROZEN CONFECTIONS; CHEWING-GUM; CRUSHED OR GROUND MATERIALS, NAMELY, WHEAT, FINE FLOUR, COARSE WHEAT FLOUR; RICE, SPICES, COCOA BASED BEVERAGES; SEASONINGS, SALT, MUSTARD, VINEGAR SAUCES, AND TURMERIC POWDER, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-0-2012; IN COMMERCE 1-0-2012.

Reg. No. 4,338,759 THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE WORDING "KAMLESH" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 85-744,976, FILED 10-3-2012.

DAVID COLLIER, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

Bikaneri

Reg. No. 4,357,190

Registered June 25, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION)
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: PROCESSED NUTS, NAMELY, PEANUTS, CASHEW NUTS; PRESERVED FRUITS, PRESERVED VEGETABLES, DRIED FRUITS, DRIED VEGETABLES, CANNED COOKED FRUITS, COOKED VEGETABLES, FRIED POTATOES; SOYBEAN PREPARATIONS, NAMELY, SOY-BASED FOOD BEVERAGE USED AS A MILK SUBSTITUTE; SOYBEAN OIL FOR COOKING; CANNED SOYBEAN, DRIED SOYBEAN; PROCESSED BEANS, NAMELY, BROAD BEANS; PREPARED MEALS CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; PREPARED MEAT PRODUCTS, NAMELY, PATE; DRY LENTILS, PICKLES, POTATO CHIPS; POTATO FINGERS, NAMELY, FRENCH FRIED POTATOES; MARGARINE, CANNED SEAFOOD, FROZEN SEAFOOD, PULSES, JAMS, JELLIES, MARMALADE, YOGHURT, EDIBLE OILS, PRESERVED BEANS FOR FOOD, PROCESSED BEANS, AND PROCESSED POTATOES; DAIRY PRODUCTS, NAMELY, MILK, MILK BEVERAGES CONTAINING FRUITS AND MILK BASED BEVERAGES CONTAINING COFFEE; SNACK MIXES CONSISTING PRIMARILY OF CANDIED NUTS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-0-2012; IN COMMERCE 1-0-2012.



Sean Street

Acting Director of the United States Patent and Trademark Office

FOR: SOY-BASED ICE CREAM SUBSTITUTE; PREPARED MEAT PRODUCTS, NAMELY, MEAT PIES; DAIRY PRODUCTS, NAMELY, ICE CREAM, ICE MILK; BREAD, MALT BREAD, PRESERVED BREAD, BUTTER BREAD, BUNS, CAKES, CAKE PASTE, NAMELY, ICING, EDIBLE DECORATIONS FOR CAKES; CAKE POWDER, NAMELY, CAKE MIXES; SWEETS, NAMELY, CANDY; SALTY SNACK MIXES PREPARED FROM CEREALS AND FLOUR AND CONSISTING PRIMARILY OF CRACKERS, PRETZELS, AND POPPED POPCORN; BISCUITS, COOKIES, COFFEE AND TEAS, SANDWICHES, CHOCOLATES, SUGAR SYRUP, HONEY, BAKING POWDER, FOOD AND SNACK PRODUCTS MADE FROM CEREALS, NAMELY, A MIXTURE PEPPERMINT CANDY, CONFECTIONERY, NAMELY, FROZEN CONFECTIONS; CHEWING-GUM; CRUSHED OR GROUND MATERIALS, NAMELY, WHEAT, FINE FLOUR, COARSE WHEAT FLOUR; RICE, SPICES, COCOA BASED BEVERAGES; SEASONINGS, SALT, MUSTARD, VINEGAR SAUCES, AND TURMERIC POWDER, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-0-2012; IN COMMERCE 1-0-2012.

Reg. No. 4,357,190 THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE WORDING "BIKANERI" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 85-744,953, FILED 10-3-2012.

DAVID COLLIER, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,360,363
Registered July 2, 2013
Int. Cls.: 29 and 30

TRADEMARK
PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; CANDIED FRUIT SNACKS; CANDIED NUTS; COOKING OIL; CUT VEGETABLES; DRIED FRUITS; DRIED LENTILS; EDIBLE OILS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; SESAME OIL; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE OILS; VEGETABLE-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED VEGETABLE-BASED ENTREES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

FOR: BREAD MIXES; CANDIES; CANDY; CEREAL BASED SNACK FOOD; CORN-BASED SNACK FOODS; CRACKERS; CREPES; FLOUR; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PRE-MIXED PANCAKE BATTER; PRETZELS; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; RELISH; RICE; RICE-BASED SNACK FOODS; ROASTED MAIZE; SNACK MIX CONSISTING PRIMARILY OF CRACKERS, PRETZELS AND/OR POPPED POPCORN; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PRE-PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.



Steven Street
Acting Director of the United States Patent and Trademark Office

THE NAME "JAGDISH" DOES NOT IDENTIFY A LIVING INDIVIDUAL.

THE COLOR(S) GREEN AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

Reg. No. 4,360,363 THE MARK CONSISTS OF THE STYLIZED WORD "JAGDISH" IN THE COLOR GREEN;
THE WORD "JAGDISH" IS OUTLINED IN THE COLOR WHITE; THE WORD "JAGDISH" IS
ENCLOSED IN A RECTANGULAR BACKGROUND IN THE COLOR GREEN.

THE WORDING "JAGDISH" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 85-733,536, FILED 9-20-2012.

DAVID COLLIER, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,541,513
Registered June 3, 2014
Int. Cls.: 29 and 30

TRADEMARK
PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; CUT VEGETABLES; DRIED FRUITS; DRIED LENTILS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED VEGETABLE-BASED ENTREES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

FOR: ASIAN NOODLES; BREAD MIXES; CEREAL BASED SNACK FOOD; CREPES; FLOUR; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; MEAL KITS CONSISTING PRIMARILY OF NOODLES; MIX FOR MAKING COMBINED NOODLE AND SAUCE DISH; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; NOODLE-BASED PREPARED MEALS; NOODLES; NOODLES AND SAUCE MIXES COMBINED IN UNITARY PACKAGES; NOODLES AND SEASONING MIXES COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND PROCESSED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND SEASONING TOPPINGS COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, DEHYDRATED VEGETABLES, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS AND DEHYDRATED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS AND FLAVORINGS COMBINED IN UNITARY PACKAGES; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PASTA AND NOODLES; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; RELISH; RICE; RICE-BASED SNACK FOODS; ROASTED MAIZE; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PRE-



Michelle K. Lee
Deputy Director of the United States
Patent and Trademark Office

Reg. No. 4,541,513 PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

THE MARK CONSISTS OF THE STYLIZED WORD "SAGA" IN THE COLOR WHITE; WITH LETTERS "S", "A", "G", AND "A" OF THE WORD "SAGA" OUTLINED IN THE COLOR BLACK; THE WORD "SAGA" IS ENCLOSED IN AN ELLIPSE IN THE COLOR RED.

THE COLOR(S) WHITE, BLACK, AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 85-712,971, FILED 8-25-2012.

WON TEAK OH, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

Paagal

Reg. No. 4,367,070

Registered July 16, 2013

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI
ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; CANDIED FRUIT SNACKS; CUT VEGETABLES; DEHYDRATED FRUIT SNACKS; DRIED FRUIT-BASED SNACKS; DRIED FRUITS; DRIED LENTILS; FRUIT CHIPS; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO CHIPS; POTATO-BASED SNACK FOODS; SNACK DIPS; SNACK MIX CONSISTING OF DEHYDRATED FRUIT AND PROCESSED NUTS; SNACK MIX CONSISTING OF PRIMARILY OF PROCESSED NUTS, SEEDS, DRIED FRUIT AND ALSO INCLUDING CHOCOLATE; SNACK MIX CONSISTING OF WASABI PEAS, PROCESSED NUTS, DEHYDRATED FRUIT AND/OR RAISINS; SNACK MIX CONSISTING PRIMARILY OF DEHYDRATED FRUITS, PROCESSED NUTS AND ALSO INCLUDING SESAME STICKS; SNACK MIX CONSISTING PRIMARILY OF PROCESSED FRUITS, PROCESSED NUTS AND/OR RAISINS; SOY CHIPS; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE-BASED SNACK FOODS; YUCCA CHIPS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-668,756, FILED 7-4-2012.

WON TEAK OH, EXAMINING ATTORNEY



Sean Street

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

TAMCON

Reg. No. 4,523,111

Registered Apr. 29, 2014

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION)
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: CONDIMENTS AND SAUCES WITH DAIRY BASE, NAMELY, HOLLANDAISE SAUCE, BUTTERMILK RANCH SALAD DRESSING, BLUE CHEESE SALAD DRESSING; OIL BASED CONDIMENTS FOR SALADS, NAMELY, VINEGAR OIL DRESSING AND CHILI OIL FOR USE AS A SEASONING OR CONDIMENT; COCOA-BASED CONDIMENTS FOR FOOD AND DRINK; CONDIMENT, NAMELY, PEPPER SAUCE, FOOD CONDIMENT CONSISTING PRIMARILY OF KETCHUP AND SALSA; PICKLED GINGER; RELISH; PICKLE RELISH; HORSE RADISH; MUSTARDS; CHUTNEYS; CURRY POWDERS; CURRY PASTES; SOYA BEAN PASTE; SALSA DIPS; SALSA; FLAVORED SALSA; MARINADES; MARINADES CONTAINING HERBS; MARINADES CONTAINING SEASONINGS; MARINADES CONTAINING SPICES; CHOCOLATE-BASED SPREAD; SYRUPS FOR FOOD, NAMELY, FRUIT SYRUP, CHOCOLATE SYRUP, CORN SYRUP, MAPLE SYRUP, MOLASSES SYRUP, POWDERED STARCH SYRUP FOR FOOD, AND HERBAL AND BALSAMIC INFUSED SYRUPS AS FOOD CONDIMENTS; HONEY; GRAVY; GRAVY MIXES; DRY GRANULATED SEASONING MIX FOR MAKING GRAVY; DRIED CONDIMENTS IN POWDER FORM, NAMELY, DRIED CHILI PEPPERS, DRIED CHIVES, DRIED HERBS; SALT; PEPPER; COOKING SAUCES AND CONCENTRATED COOKING SAUCES; VEGETABLE SAUCES, NAMELY, ARTICHOKE SAUCE, CHILI SAUCE, HOT CHILI PEPPER SAUCE, CHIMICHURRI SAUCE, CURRY SAUCE, PESTO SAUCE, WILD MUSHROOM COOKING SAUCE, ROAST VEGETABLE COOKING SAUCE, ONION COOKING SAUCE; TOMATO SAUCE; BROWN COOKING SAUCE MADE OF MALT, VINEGAR, CANE MOLASSES, GLUCOSE SYRUP FOR CULINARY PURPOSES, SUGAR, RICE FLOUR, CORN FLOUR, TAMARIND BEAN PASTE, DRIED SHALLOTS FOR USE AS SEASONING, SPICES, NAMELY, GROUND GINGER, BLACK PEPPER, GROUND CORIANDER, CHILI POWDER, GROUND CLOVES, GARLIC POWDER, CURRY SAUCE, CHILI SAUCE, HOT SAUCE; SOYA SAUCE; SWEET AND SOUR SAUCE; TARTAR SAUCE; SAUCES FOR USE WITH PASTA; BARBECUED MEAT; SAUCES FOR USE WITH FISH; SAUCES FOR USE WITH VEGETABLES, NAMELY, SALAD SAUCES; SAUCES FOR USE WITH DESSERTS, NAMELY, CHOCOLATE SAUCE; CUSTARD; CUSTARD MIXES; CUSTARD POWDER; DRIED SAUCE MIXES IN POWDER FORM; FOOD DRESSINGS, NAMELY, SALAD DRESSINGS; MAYONNAISE; VINAI-GRETTES; HERB DRESSINGS FOR MEAT AND SALADS; VINEGARS, NAMELY, BALSAMIC VINEGAR, FRUIT VINEGAR, VEGETABLE VINEGAR, MUSTARD FLAVORED VINEGAR, PEPPER FLAVORED VINEGAR, WINE VINEGAR AND BEER VINEGAR; SNACK DIPS, NAMELY, DIPS CONTAINING CHOCOLATE AND DIPS CONTAINING TOFFEE; CONFEC-



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

Reg. No. 4,523,111 TIONERY, NAMELY, CHOCOLATE, CHOCOLATE SAUCES, CHOCOLATE DIPPERS, CHOCOLATE SPREADS; CHOCOLATE BARS; TEA; ICED TEA; COFFEE; ICED COFFEE; CHOCOLATE-BASED BEVERAGES; HOT CHOCOLATE; CHOCOLATE BISCUITS; SYRUP FOR FOOD, NAMELY, POWDERED STARCH SYRUP; GOLDEN SYRUP; MAPLE SYRUP; GLAZES FOR FOOD SEASONING, NAMELY, HAM GLAZE, BALSAMIC GLAZES, FRUIT FLAVORED GLAZES, VEGETABLE FLAVORED GLAZES AND HERB FLAVORED GLAZES; COOKING ESSENCES, NAMELY, COFFEE ESSENCE FOR USE IN COOKING; FRUIT COULIS; VEGETABLE COULIS FOR SEASONING; GARLIC PASTE FOR USE AS A SEASONING; CHUTNEY SOUP, IN CLASS 30 (U.S. CL. 46).

FIRST USE 11-7-2013; IN COMMERCE 11-7-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-853,107, FILED 2-18-2013.

BERYL GARDNER, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

SAGAR

Reg. No. 4,368,673

Registered July 16, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION)
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BEVERAGES HAVING A MILK BASE; DAIRY PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; EDIBLE OILS; GHEE; YOGURTS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-4-2013; IN COMMERCE 2-4-2013.

FOR: CHOCOLATE CANDIES; FROZEN YOGURT; ICE CREAMS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-4-2013; IN COMMERCE 2-4-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE ENGLISH TRANSLATION OF "SAGAR" IN THE MARK IS "OCEAN".

SER. NO. 85-841,292, FILED 2-5-2013.

BERYL GARDNER, EXAMINING ATTORNEY



Sean Street

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

Bournvita

Reg. No. 4,206,026

Registered Sep. 11, 2012

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI
ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BASES FOR MAKING MILK SHAKES; BEVERAGES CONSISTING PRINCIPALLY OF MILK; BEVERAGES HAVING A MILK BASE; CHOCOLATE MILK; DRIED MILK POWDER; MILK BEVERAGES CONTAINING FRUITS; MILK DRINKS CONTAINING FRUITS; MILK POWDER; MILK SHAKES; MILK-BASED BEVERAGES WITH CHOCOLATE; MILK-BASED BEVERAGES WITH HIGH MILK CONTENT; MILK-BASED ENERGY DRINKS; NUT-BASED MILK; POWDERED MILK; PROTEIN MILK; STRAWBERRY MILK; VANILLA MILK, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-1-2008; IN COMMERCE 1-1-2008.

FOR: CHOCOLATE POWDER; CHOCOLATE-BASED BEVERAGES; CHOCOLATE-BASED BEVERAGES WITH MILK; COCOA; COCOA BEVERAGES WITH MILK; COCOA POWDER; COCOA-BASED BEVERAGES; COCOA-BASED CONDIMENTS AND SEASONINGS FOR FOOD AND DRINK; HOT CHOCOLATE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-1-2008; IN COMMERCE 1-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE WORDING "BOURNVITA" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 85-540,380, FILED 2-11-2012.

GINA HAYES, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

BRIJWASI SWEETS

Reg. No. 4,324,528

Registered Apr. 23, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; CHEESE; CHEESE FOOD; CHEESE, NAMELY, PANEER; COOKING OIL; CUT VEGETABLES; DRIED FRUITS; DRIED LENTILS; EDIBLE OILS; FOOD PACKAGE COMBINATIONS CONSISTING PRIMARILY OF CHEESE, MEAT AND/OR PROCESSED FRUIT; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT-BASED SNACK FOOD; LEMON JUICE FOR COOKING PURPOSES; MILK; MILK CURD; NUT-BASED SNACK FOODS; PICKLES; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; PREPARED AND PREPACKAGED MEALS AND ENTREES CONSISTING PRIMARILY OF EGG WITH ONE OR MORE OF MEAT, FISH, POULTRY, VEGETABLE, CHEESE OR ONION; PROCESSED CHEESE; SESAME OIL; SOFT CHEESE; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE OILS; VEGETABLE-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED VEGETABLE-BASED ENTREES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.



Sean Street
Acting Director of the United States Patent and Trademark Office

FOR: BREAD; BREAD FLAVOURED WITH SPICES; BREAD MIXES; CEREAL BASED SNACK FOOD; CORN-BASED SNACK FOODS; CREPES; FLOUR; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; MIXES FOR MAKING BREADING; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; RELISH; RICE; RICE FLOUR; RICE-BASED SNACK FOODS; ROASTED MAIZE; SNACK MIX CONSISTING PRIMARILY OF CRACKERS, PRETZELS AND/OR POPPED POPCORN; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PRE-PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

Reg. No. 4,324,528 FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

THE WORDING BRIJWASI HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 85-757,122, FILED 10-18-2012.

DAVID COLLIER, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

RAIPUR BHAJIA HOUSE

Reg. No. 4,319,191

Registered Apr. 9, 2013

Int. Cl.: 30

TRADEMARK

SUPPLEMENTAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.,
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BREAD MIXES; CEREAL BASED SNACK FOOD; CHINESE STEAMED DUMPLINGS (SHUMAI, COOKED); CHINESE STUFFED DUMPLINGS (GYOZA, COOKED); CORN FLOUR; CORN STARCH FLOUR; CREPES; DUMPLINGS; EDIBLE FLOUR; FISH DUMPLINGS; FLOUR; FLOUR FOR FOOD; FLOUR FOR MAKING DUMPLINGS OF GLUTINOUS RICE; FLOUR-BASED CHIPS; FROZEN FLOUR-FREE FOODS, NAMELY WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; GRAIN-BASED SNACK FOODS; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; POTATO FLOUR; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; PROCESSED GRAINS; PULSE FLOUR FOR FOOD; RELISH; RICE; RICE CAKES; RICE DUMPLINGS DRESSED WITH SWEET BEAN JAM (ANKORO); RICE FLOUR; RICE STARCH FLOUR; RICE-BASED SNACK FOODS; ROASTED MAIZE; SEASONED RICE CAKES WITH FISH, MEAT, CHICKEN AND VEGETABLE TOPPINGS; SOYA FLOUR, TAPIOCA, TAPIOCA FLOUR; VEGETABLE CONCENTRATES USED FOR SEASONING; WAFERS; WHEAT FLOUR; WHEAT STARCH FLOUR; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PRE-PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).



FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-724,024, FILED P.R. 9-8-2012; AM. S.R. 2-8-2013.

David Collier

Acting Director of the United States Patent and Trademark Office

DAVID COLLIER, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,331,719
Registered May 7, 2013
Int. Cl.: 30

TRADEMARK
PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: ASIAN NOODLES; BREAD MIXES; CEREAL BASED SNACK FOOD; CREPES; DUMPLINGS; FISH DUMPLINGS; FLOUR; FLOUR FOR MAKING DUMPLINGS OF GLUTINOUS RICE; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; GRAIN-BASED SNACK FOODS; MEAL KITS CONSISTING PRIMARILY OF NOODLES; MIX FOR MAKING COMBINED NOODLE AND SAUCE DISH; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; NOODLE-BASED PREPARED MEALS; NOODLES; NOODLES AND SAUCE MIXES COMBINED IN UNITARY PACKAGES; NOODLES AND SEASONING MIXES COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND PROCESSED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND SEASONING TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, DEHYDRATED VEGETABLES, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS, EDIBLE OIL, AND DEHYDRATED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS, EDIBLE OIL, AND FLAVORINGS COMBINED IN UNITARY PACKAGES; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PASTA AND NOODLES; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; PROCESSED GRAINS; PULSE FLOUR FOR FOOD; RELISH; RICE; RICE-BASED SNACK FOODS; ROASTED MAIZE; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PRE-PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).



FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

Sean Street
Acting Director of the United States Patent and Trademark Office

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

THE COLOR(S) RED, YELLOW, AND BEIGE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

Reg. No. 4,331,719 THE MARK CONSISTS OF THE WORDING "JAI MAHARASHTRA" IN THE COLOR RED; THE WORDING "JAI MAHARASHTRA" IS OUTLINED IN THE COLOR YELLOW; THE WORDING "JAI MAHARASHTRA" IS ENCLOSED IN A RECTANGULAR BACKGROUND IN THE COLOR BEIGE.

THE ENGLISH TRANSLATION OF THE WORD "JAI" IN THE MARK IS "VICTORY".

SER. NO. 85-724,021, FILED 9-8-2012.

DAVID COLLIER, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,341,587

Registered May 28, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; COOKING OIL; CUT VEGETABLES; DRIED FRUITS; DRIED LENTILS; EDIBLE OILS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; SESAME OIL; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE OILS; VEGETABLE-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED VEGETABLE-BASED ENTREES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

FOR: ASIAN NOODLES; BREAD MIXES; CEREAL BASED SNACK FOOD; CREPES; FLOUR; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; MEAL KITS CONSISTING PRIMARILY OF NOODLES; MIX FOR MAKING COMBINED NOODLE AND SAUCE DISH; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; NOODLE-BASED PREPARED MEALS; NOODLES; NOODLES AND SAUCE MIXES COMBINED IN UNITARY PACKAGES; NOODLES AND SEASONING MIXES COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND PROCESSED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND SEASONING TOPPINGS COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, DEHYDRATED VEGETABLES, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS, EDIBLE OIL, AND DEHYDRATED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS, EDIBLE OIL, AND FLAVORINGS COMBINED IN UNITARY PACKAGES; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PASTA AND NOODLES; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; RELISH; RICE; RICE-BASED SNACK FOODS; ROASTED MAIZE; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING



Sean Street Lee
Acting Director of the United States Patent and Trademark Office

Reg. No. 4,341,587 PRIMARILY OF PASTA OR RICE; PRE-PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

THE MARK CONSISTS OF THE STYLIZED WORDS "INSTA" AND "MAGIC" IN THE COLOR WHITE; WITH LETTERS "I", "N", "S", "T", AND "A" OF THE WORD "INSTA" OUTLINED IN THE COLOR BLACK; WITH LETTERS "M", "A", "G", "I", AND "C" OF THE WORD "MAGIC" OUTLINED IN THE COLOR BLACK; THE LETTER "I" IN THE WORD "MAGIC" HAS A STAR DESIGN REPLACING THE TITTLE THE STAR DESIGN IS IN THE COLOR WHITE; THE STAR DESIGN IS OUTLINED IN THE COLOR BLACK; THE WORD "INSTA" IS LOCATED TO THE LEFT OF THE WORD "MAGIC"; THE WORD "INSTA" IS IN A LEFT SUPERSCRIPIT POSITION TO THE WORD "MAGIC"; THE WORDS "INSTA" AND "MAGIC" AND STAR DESIGN ARE ENCLOSED IN AN ELLIPSE IN THE COLOR RED.

THE COLOR(S) WHITE, BLACK, AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 85-712,975, FILED 8-25-2012.

WON TEAK OH, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

Guruji

Reg. No. 4,292,452

Registered Feb. 19, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BOTTLED ARTESIAN WATER; BOTTLED DRINKING WATER; COFFEE-FLAVORED SOFT DRINK; COLA DRINKS; COLAS; CONCENTRATES AND POWDERS USED IN THE PREPARATION OF ENERGY DRINKS AND FRUIT-FLAVORED BEVERAGES; CONCENTRATES FOR MAKING FRUIT DRINKS; CONCENTRATES, SYRUPS OR POWDERS FOR MAKING SOFT DRINKS OR TEA-FLAVORED BEVERAGES; CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF SOFT DRINKS; CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF SPORTS AND ENERGY DRINKS; DISTILLED DRINKING WATER; DRINKING WATER WITH VITAMINS; DRINKING WATERS; ENERGY DRINKS; ENERGY DRINKS ENHANCED WITH VITAMINS; FLAVORED BOTTLED WATER; FLAVORED ENHANCED WATER; FRUIT DRINKS AND FRUIT JUICES; FRUIT FLAVORED SOFT DRINKS; FRUIT FLAVOURED DRINKS; FRUIT-BASED BEVERAGES; FRUIT-BASED SOFT DRINKS FLAVORED WITH TEA; FRUIT-FLAVORED BEVERAGES; ISOTONIC DRINKS; ISOTONIC NON-ALCOHOLIC DRINKS; MINERAL AND CARBONATED WATERS; MIXED FRUIT JUICE; NON-ALCOHOLIC DRINKS, NAMELY, ENERGY SHOTS; POP; POWDERS USED IN THE PREPARATION OF FRUIT-BASED BEVERAGES; POWDERS USED IN THE PREPARATION OF ISOTONIC SPORTS DRINKS AND SPORTS BEVERAGES; PREPARATIONS FOR MAKING BEVERAGES, NAMELY, ENERGY DRINKS; PURIFIED BOTTLED DRINKING WATER; SOFT DRINKS; SOFT DRINKS FLAVORED WITH TEA; SOFT DRINKS, NAMELY, SODAS; SOFT DRINKS, NAMELY, CARBONATED BEVERAGES; SPARKLING WATER; SPORTS DRINKS; SPORTS DRINKS CONTAINING ELECTROLYTES; SPORTS DRINKS ENHANCED WITH VITAMINS; SPORTS DRINKS, NAMELY, ENERGY DRINKS; SPORTS DRINKS, NAMELY, PERFORMANCE DRINKS; SPORTS DRINKS, NAMELY, RECOVERY DRINKS; SPRING WATER; SYRUPS FOR MAKING FRUIT-FLAVORED DRINKS; SYRUPS FOR MAKING SOFT DRINKS; WATER BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).



FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

Sean Street
Acting Director of the United States Patent and Trademark Office

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

Reg. No. 4,292,452 THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

THE ENGLISH TRANSLATION OF "GURUJI" IN THE MARK IS "SPIRITUAL TEACHER".

SER. NO. 85-712,156, FILED 8-24-2012.

WON TEAK OH, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

KALVERT

Reg. No. 4,292,449

Registered Feb. 19, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI
ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BOTTLED ARTESIAN WATER; BOTTLED DRINKING WATER; COFFEE-FLAVORED SOFT DRINK; COLA DRINKS; COLAS; CONCENTRATES AND POWDERS USED IN THE PREPARATION OF ENERGY DRINKS AND FRUIT-FLAVORED BEVERAGES; CONCENTRATES FOR MAKING FRUIT DRINKS; CONCENTRATES, SYRUPS OR POWDERS FOR MAKING SOFT DRINKS OR TEA-FLAVORED BEVERAGES; CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF SOFT DRINKS; CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF SPORTS AND ENERGY DRINKS; DISTILLED DRINKING WATER; DRINKING WATER WITH VITAMINS; DRINKING WATERS; ENERGY DRINKS; ENERGY DRINKS ENHANCED WITH VITAMINS; FLAVORED BOTTLED WATER; FLAVORED ENHANCED WATER; FRUIT DRINKS AND FRUIT JUICES; FRUIT FLAVORED SOFT DRINKS; FRUIT FLAVOURED DRINKS; FRUIT-BASED BEVERAGES; FRUIT-BASED SOFT DRINKS FLAVORED WITH TEA; FRUIT-FLAVORED BEVERAGES; ISOTONIC DRINKS; ISOTONIC NON-ALCOHOLIC DRINKS; MINERAL AND CARBONATED WATERS; MIXED FRUIT JUICE; NON-ALCOHOLIC DRINKS, NAMELY, ENERGY SHOTS; POP; POWDERS USED IN THE PREPARATION OF FRUIT-BASED BEVERAGES; POWDERS USED IN THE PREPARATION OF ISOTONIC SPORTS DRINKS AND SPORTS BEVERAGES; PREPARATIONS FOR MAKING BEVERAGES, NAMELY, ENERGY DRINKS; PURIFIED BOTTLED DRINKING WATER; SOFT DRINKS; SOFT DRINKS FLAVORED WITH TEA; SOFT DRINKS, NAMELY, SODAS; SOFT DRINKS, NAMELY, CARBONATED BEVERAGES; SPARKLING WATER; SPORTS DRINKS; SPORTS DRINKS CONTAINING ELECTROLYTES; SPORTS DRINKS ENHANCED WITH VITAMINS; SPORTS DRINKS, NAMELY, ENERGY DRINKS; SPORTS DRINKS, NAMELY, PERFORMANCE DRINKS; SPORTS DRINKS, NAMELY, RECOVERY DRINKS; SPRING WATER; SYRUPS FOR MAKING FRUIT-FLAVORED DRINKS; SYRUPS FOR MAKING SOFT DRINKS; WATER BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).



FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

Sean Street
Acting Director of the United States Patent and Trademark Office

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-711,771, FILED 8-24-2012.

Reg. No. 4,292,449 WON TEAK OH, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

GARBADDAS

Reg. No. 4,292,092

Registered Feb. 19, 2013

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI
ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; CANDIED FRUIT SNACKS; CUT VEGETABLES; DEHYDRATED FRUIT SNACKS; DRIED FRUIT-BASED SNACKS; DRIED FRUITS; DRIED LENTILS; FRUIT CHIPS; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO CHIPS; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; SNACK DIPS; SNACK MIX CONSISTING OF DEHYDRATED FRUIT AND PROCESSED NUTS; SNACK MIX CONSISTING OF PRIMARILY OF PROCESSED NUTS, SEEDS, DRIED FRUIT AND ALSO INCLUDING CHOCOLATE; SNACK MIX CONSISTING OF WASABI PEAS, PROCESSED NUTS, DEHYDRATED FRUIT AND/OR RAISINS; SNACK MIX CONSISTING PRIMARILY OF DEHYDRATED FRUITS, PROCESSED NUTS AND ALSO INCLUDING SESAME STICKS; SNACK MIX CONSISTING PRIMARILY OF PROCESSED FRUITS, PROCESSED NUTS AND/OR RAISINS; SOY CHIPS; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE-BASED SNACK FOODS; YUCCA CHIPS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-668,763, FILED 7-4-2012.

WON TEAK OH, EXAMINING ATTORNEY



Sean Street

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,341,546

Registered May 28, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; COOKING OIL; CUT VEGETABLES; DRIED FRUITS; DRIED LENTILS; EDIBLE OILS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; SESAME OIL; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE OILS; VEGETABLE-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED VEGETABLE-BASED ENTREES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

FOR: ASIAN NOODLES; BREAD MIXES; CEREAL BASED SNACK FOOD; CREPES; FLOUR; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; MEAL KITS CONSISTING PRIMARILY OF NOODLES; MIX FOR MAKING COMBINED NOODLE AND SAUCE DISH; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; NOODLE-BASED PREPARED MEALS; NOODLES; NOODLES AND SAUCE MIXES COMBINED IN UNITARY PACKAGES; NOODLES AND SEASONING MIXES COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND PROCESSED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND SEASONING TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, DEHYDRATED VEGETABLES, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS, EDIBLE OIL, AND DEHYDRATED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS, EDIBLE OIL, AND FLAVORINGS COMBINED IN UNITARY PACKAGES; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PASTA AND NOODLES; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; RELISH; RICE; RICE-BASED SNACK FOODS; ROASTED MAIZE; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING



Sean Street
Acting Director of the United States Patent and Trademark Office

Reg. No. 4,341,546 PRIMARILY OF PASTA OR RICE; PRE-PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

THE MARK CONSISTS OF THE WORD "DUMDAR" IN CAPITAL LETTERS IN THE COLOR WHITE WITH CAPITAL LETTERS OUTLINED IN THE COLOR BLACK; THE WORD "DUMDAR" IS ENCLOSED IN A CIRCLE IN THE COLOR RED.

THE COLOR(S) BLACK, WHITE, AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE WORDING "DUMDAR" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 85-707,143, FILED 8-18-2012.

WON TEAK OH, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

JuicyLite

Reg. No. 4,210,151

Registered Sep. 18, 2012

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI
ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: APPLE JUICE BEVERAGES; COCONUT JUICE; CONCENTRATED FRUIT JUICE;
CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF SOFT DRINKS;
FRUIT JUICES AND FRUIT DRINKS; FRUIT JUICES, NAMELY, APRICOT, GRAPEFRUIT,
GUAVA, MANGO JUICE; GRAPE JUICE; GRAPE JUICE BEVERAGES; MIXED FRUIT JUICE;
ORANGE JUICE; ORANGE JUICE BEVERAGES; PINEAPPLE JUICE BEVERAGES; SOFT
DRINKS, NAMELY, CARBONATED SOFT DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND
48).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-593,072, FILED 4-10-2012.

GINA HAYES, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

Rim Zim

Reg. No. 4,210,150

Registered Sep. 18, 2012

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI
ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF SOFT
DRINKS; SOFT DRINKS, NAMELY, CARBONATED SOFT DRINKS, IN CLASS 32 (U.S. CLS.
45, 46 AND 48).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-592,003, FILED 4-8-2012.

GINA HAYES, EXAMINING ATTORNEY



David J. Kyffes

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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United States of America
United States Patent and Trademark Office

GOLD SPOT

Reg. No. 4,274,498

Registered Jan. 15, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI
ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF SOFT
DRINKS; SOFT DRINKS, NAMELY, SODAS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-1-2008; IN COMMERCE 1-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 85-540,291, FILED 2-11-2012.

GINA HAYES, EXAMINING ATTORNEY



David J. Kyffes

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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United States of America
United States Patent and Trademark Office

London Baker

Reg. No. 4,303,967

Registered Mar. 19, 2013

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI
ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BISCUITS AND BREAD; BUNS; CAKES; COOKIES; FLOUR; PASTRIES, IN CLASS
30 (U.S. CL. 46).

FIRST USE 1-1-2008; IN COMMERCE 1-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

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

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT
IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SER. NO. 85-536,099, FILED 2-7-2012.

GINA HAYES, EXAMINING ATTORNEY



Sean Street

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,374,260

Registered Jan. 22, 2008

TRADEMARK
PRINCIPAL REGISTER

ROOP

SHREE BHAVANI, INC (NEW JERSEY CORPORATION), DBA JAI BHAVANI FRUITS & VEGETABLES,
133 HALLECK AVENUE
JERSEY CITY, NJ 07306

FOR: PROCESSED GRAINS; PROCESSED WHEAT; BAKERY DESSERTS; FLOUR; SAUCES; CHUTNEY; RICE; BAKERY GOODS; BISCUITS; COOKIES; SPICES; BREAD; FROZEN AND PREPARED MEALS CONSISTING PRIMARILY OF PASTA AND RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 10-22-2007; IN COMMERCE 10-22-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE ENGLISH TRANSLATION OF THE HINDU WORD "ROOP" IN THE MARK IS "BEAUTY" OR "FIGURE".

SN 78-902,216, FILED 6-6-2006.

ADA HAN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,866,636

Registered Oct. 26, 2010

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE INC. (NEW JERSEY CORPORATION)
11A JANE PLACE
EDISON, NJ 08820

FOR: RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 11-10-2009; IN COMMERCE 11-10-2009.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PREMIUM SONA MASOORI RICE", APART FROM THE MARK AS SHOWN.

THE COLOR(S) RED, WHITE, AND BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORD "MURUGAN" IN THE COLOR WHITE IN LARGE FONT WITHIN A BANNER IN THE COLOR BLUE; BELOW THE "MURUGAN" WORD IS A CIRCLE IN THE COLOR RED THAT HAS A DEPICTION OF GRAIN STALKS IN THE COLOR WHITE; TO THE LEFT OF THE EMBLEM IS THE WORD "PREMIUM" IN THE COLOR RED WITHIN A CURVED AND RAISED RECTANGULAR BORDER IN THE COLOR BLUE; BELOW THE CIRCLE IS THE WORDING "SONA MASOORI RICE" IN THE COLOR BLUE IN LARGE FONT.

SER. NO. 77-868,907, FILED 11-10-2009.

LINDA E. BLOHM, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 3,869,402
Registered Nov. 2, 2010
Int. Cl.: 30

MEENAXI ENTERPRISE INC. (NEW JERSEY CORPORATION)
11A JANE PLACE
EDISON, NJ 08820

FOR: RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 11-10-2009; IN COMMERCE 11-10-2009.

TRADEMARK

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PREMIUM SONA MASOORI RICE", APART FROM THE MARK AS SHOWN.

PRINCIPAL REGISTER

THE COLOR(S) RED, WHITE, AND BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORD "HYDRABADI" IN THE COLOR WHITE IN LARGE FONT WITHIN A BANNER IN THE COLOR BLUE; BELOW THE "HYDRABADI" WORD IS A STYLIZED BUILDING STRUCTURE IN THE COLOR RED; TO THE LEFT OF THE EMBLEM IS THE WORD "PREMIUM" IN THE COLOR RED WITHIN A CURVED AND RAISED RECTANGULAR BORDER IN THE COLOR BLUE; BELOW THE CIRCLE IS THE WORDING "SONA MASOORI RICE" IN THE COLOR BLUE IN LARGE FONT.

SER. NO. 77-868,888, FILED 11-10-2009.

LINDA E. BLOHM, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85712971

Filing Date: 08/25/2012

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	\\TICRS\EXPORT16\IMAGEOUT\16\857\129\85712971\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Saga
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	The color(s) white, black, and red is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized word "Saga" in the color white; with letters "S", "a", "g", and "a" of the word "Saga" outlined in the color black; the word "Saga" is enclosed in an ellipse in the color red.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	550 x 274
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Meenaxi Enterprise, Inc.
DBA/AKA/TA/FORMERLY	DBA Meenaxi Enterprise, Inc.
*STREET	2500B Hamilton Boulevard
*CITY	South Plainfield
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	07080
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION

TCCC006654

* STATE/COUNTRY OF INCORPORATION	New Jersey
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	029
* IDENTIFICATION	Banana chips; Cooking oil; Cut vegetables; Dried fruits; Dried lentils; Edible oils; Frozen pre-packaged entrees consisting primarily of seafood; Frozen vegetables; Fruit-based snack food; Nut-based snack foods; Pickles; Potato-based snack foods; Pre-packaged dinners consisting of meat, poultry, seafood or vegetables ; Sesame oil; Soy-based snack foods; Vegetable chips; Vegetable oils; Vegetable-based snack foods; Frozen pre-packaged entrees consisting primarily of meat, fish, poultry or vegetables; Frozen pre-packaged vegetable-based entrees
* FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/02/2012
FIRST USE IN COMMERCE DATE	At least as early as 01/02/2012
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\857\129\85712971\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	digitally photographed package
* INTERNATIONAL CLASS	030
* IDENTIFICATION	Asian noodles; Bread mixes; Cereal based snack food; Crepes; Flour; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Grain-based chips; Meal kits consisting primarily of noodles; Mix for making combined noodle and sauce dish; Mixes for making baking batters; Mixes for making batters for fried foods; Noodle-based prepared meals; Noodles; Noodles and sauce mixes combined in unitary packages; Noodles and seasoning mixes combined in unitary packages; Noodles, sauce, and processed vegetables combined in unitary packages; Noodles, sauce, and seasoning toppings combined in unitary packages; Noodles, sauce, and topping combined in unitary packages; Noodles, sauce, dehydrated vegetables, and topping combined in unitary packages; Noodles, seasonings, edible oil, and dehydrated vegetables combined in unitary packages; Noodles, seasonings, edible oil, and flavorings combined in unitary packages; Packaged meal mixes consisting primarily of pasta or rice; Pancake mixes; Pasta; Pasta and noodles; Pre-mixed pancake batter; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Relish; Rice; Rice-based snack foods; Roasted maize; Tapioca; Wafers; Wheat-based snack foods; Frozen pre-packaged entrees consisting primarily of pasta or rice; Pre-packaged meals consisting primarily of pasta or rice
* FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/02/2012
FIRST USE IN COMMERCE DATE	At least as early as 01/02/2012
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\857\129\85712971\xml1\FTK0004.JPG
SPECIMEN DESCRIPTION	digitally photographed package

ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
SIGNIFICANCE OF MARK	Saga appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the goods/services listed in the application, no geographical significance, nor any meaning in a foreign language.
ATTORNEY INFORMATION	
NAME	Suraj Chivukula, Esq.
ATTORNEY DOCKET NUMBER	TM-220
FIRM NAME	Law Offices of Suraj Chivukula, LLC
STREET	536 New Brunswick Road
CITY	Somerset
STATE	New Jersey
COUNTRY	United States
ZIP/POSTAL CODE	08873
PHONE	732-801-8219
EMAIL ADDRESS	suraj@chivukulalaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	Suraj Chivukula, Esq.
FIRM NAME	Law Offices of Suraj Chivukula, LLC
*STREET	536 New Brunswick Road
*CITY	Somerset
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE	08873
PHONE	732-801-8219
*EMAIL ADDRESS	suraj@chivukulalaw.com;suraesq@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	275

*TOTAL FEE PAID	550
SIGNATURE INFORMATION	
* SIGNATURE	/suraj chivukula/
* SIGNATORY'S NAME	Suraj Chivukula, Esq.
* SIGNATORY'S POSITION	Attorney of record, NJ & DC bar member
SIGNATORY'S PHONE NUMBER	732-801-8219
* DATE SIGNED	08/25/2012

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85712971

Filing Date: 08/25/2012

To the Commissioner for Trademarks:

MARK: Saga (stylized and/or with design, see [mark](#))

The literal element of the mark consists of Saga.

The color(s) white, black, and red is/are claimed as a feature of the mark. The mark consists of the stylized word "Saga" in the color white; with letters "S", "a", "g", and "a" of the word "Saga" outlined in the color black; the word "Saga" is enclosed in an ellipse in the color red.

The applicant, Meenaxi Enterprise, Inc., DBA Meenaxi Enterprise, Inc., a corporation of New Jersey, having an address of

2500B Hamilton Boulevard
South Plainfield, New Jersey 07080
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 029: Banana chips; Cooking oil; Cut vegetables; Dried fruits; Dried lentils; Edible oils; Frozen pre-packaged entrees consisting primarily of seafood; Frozen vegetables; Fruit-based snack food; Nut-based snack foods; Pickles; Potato-based snack foods; Pre-packaged dinners consisting of meat, poultry, seafood or vegetables; Sesame oil; Soy-based snack foods; Vegetable chips; Vegetable oils; Vegetable-based snack foods; Frozen pre-packaged entrees consisting primarily of meat, fish, poultry or vegetables; Frozen pre-packaged vegetable-based entrees

In International Class 029, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/02/2012, and first used in commerce at least as early as 01/02/2012, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) digitally photographed package.

[Specimen File 1](#)

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 030: Asian noodles; Bread mixes; Cereal based snack food; Crepes; Flour; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Grain-based chips; Meal kits consisting primarily of noodles; Mix for making combined noodle and sauce dish; Mixes for making baking batters; Mixes for making batters for fried foods; Noodle-based prepared meals; Noodles; Noodles and sauce mixes combined in unitary packages; Noodles and seasoning mixes combined in unitary packages; Noodles, sauce, and processed vegetables combined in unitary packages; Noodles, sauce, and seasoning toppings combined in unitary packages; Noodles, sauce, and topping combined in unitary packages; Noodles, sauce, dehydrated vegetables, and topping combined in unitary packages; Noodles, seasonings, edible oil, and dehydrated vegetables combined in unitary packages; Noodles, seasonings, edible oil, and flavorings combined in unitary packages; Packaged meal mixes consisting primarily of pasta or rice; Pancake mixes; Pasta; Pasta and noodles; Pre-mixed pancake batter; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Relish; Rice; Rice-based snack foods; Roasted maize; Tapioca; Wafers; Wheat-based snack foods; Frozen pre-packaged entrees consisting primarily of pasta or rice; Pre-packaged meals consisting primarily of pasta or rice

In International Class 030, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/02/2012, and first used in commerce at least as early as 01/02/2012, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) digitally photographed package.

TCCC006658

[Specimen File1](#)

Saga appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the goods/services listed in the application, no geographical significance, nor any meaning in a foreign language.

The applicant's current Attorney Information:

Suraj Chivukula, Esq. of Law Offices of Suraj Chivukula, LLC
536 New Brunswick Road
Somerset, New Jersey 08873
United States

The attorney docket/reference number is TM-220.

The applicant's current Correspondence Information:

Suraj Chivukula, Esq.
Law Offices of Suraj Chivukula, LLC
536 New Brunswick Road
Somerset, New Jersey 08873
732-801-8219(phone)
suraj@chivukulalaw.com;suraesq@gmail.com (authorized)

A fee payment in the amount of \$550 has been submitted with the application, representing payment for 2 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /suraj chivukula/ Date Signed: 08/25/2012
Signatory's Name: Suraj Chivukula, Esq.
Signatory's Position: Attorney of record, NJ & DC bar member

RAM Sale Number: 7352
RAM Accounting Date: 08/27/2012

Serial Number: 85712971
Internet Transmission Date: Sat Aug 25 19:17:51 EDT 2012
TEAS Stamp: USPTO/FTK-XX.XX.XX.XX-201208251917515956
04-85712971-490c0d8136ae6e692aeb8d99496b
e4ac2a-CC-7352-20120825185037162909

TCCC006659







Trademark/Service Mark Application, Principal Register

Serial Number: 85853107

Filing Date: 02/18/2013

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85853107
MARK INFORMATION	
*MARK	TAMCON
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	TAMCON
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Meenaxi Enterprise, Inc.
*STREET	2500B Hamilton Boulevard
*CITY	South Plainfield
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	07080
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	New Jersey
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	030
	Condiments, namely, dairy based condiments, namely, hollandaise sauce, buttermilk ranch dressing, light cream sauce, blue cheese dressing, to accompany food and drink, oil based condiments, namely, vinegar oil dressing, to accompany food and drink; chili oil for use as a seasoning or condiment, cocoa-based condiments for food and drink, pepper sauce, food condiment consisting primarily of ketchup and salsa, pickled ginger; relishes; pickle relish; horseradish; mustards; chutneys; curry powders; curry pastes; soya bean paste; vegetable pastes; meat pastes; fish pastes; salsa dips; salsa; flavored salsa; marinades; marinades containing herbs; marinades containing seasonings; marinades containing spices; chocolate spread; syrups for food, namely, fruit syrup, chocolate syrup, corn syrup, maple syrup, molasses syrup, powdered starch syrup for

<p>*IDENTIFICATION</p>	<p>food, herb and balsamic flavored syrups to accompany food; honey; gravy; gravy mixes; granulated seasoning mix for making gravy; dried condiments in powder form, namely, dried chili peppers, dried chives, dried herbs; salt; pepper; cooking sauces and concentrated cooking sauces; vegetable sauces, namely, artichoke sauce, chili sauce, hot chili pepper sauce, chimichurri sauce, curry sauce, pesto sauce, wild mushroom sauce, roast vegetable sauce, onion sauce; tomato sauce; brown sauce made of malt, vinegar, tomatoes, tomato juice, cane molasses, spirit vinegar, glucose syrup that contains sulphites, sugar, dried dates, rice flour, salt, corn flour, tamarind, dried shallots, spices, namely, ground ginger, black pepper, ground coriander, chili powder, ground cloves, garlic powder, stabilizer, namely, Xanthan gum; curry sauce; chilli sauce; hot sauce; pepper sauce; soya sauce; sweet and sour sauce; tartar sauce. sauces for use with pasta; sauces for use with meats; sauces for use with fish; sauces for use with vegetables, namely, salad sauces; sauces for use with desserts; custard; custard mixes; custard powder; chocolate sauce; dried sauce mixes in powder form; food dressings, namely, salad dressings; mayonnaise; vinaigrettes; herb dressings for meat and salads; vinegars; balsamic vinegar; fruit vinegar; vegetable vinegar; mustard flavored vinegar; pepper flavored vinegar; wine vinegar; beer vinegar; snack dips, namely, dips containing chocolate and dips containing toffee; confectionery, namely, chocolate, chocolate sauces, chocolate dippers, chocolate spreads; chocolate bars; tea; iced tea; coffee; iced coffee; chocolate-based beverages; hot chocolate; chocolate biscuits; syrup for food, namely, powdered starch syrup; golden syrup; maple syrup; glazes for food, namely, ham glaze, balsamic glazes, fruit flavored glazes, vegetable flavored glazes, herb flavored glazes; cooking essences, namely, coffee essence for use in cooking; fruit coulis; vegetable coulis; garlic paste for use as a seasoning; Tamrind Paste; Chatney Soup</p>
<p>FILING BASIS</p>	<p>SECTION 1(b)</p>
<p>ATTORNEY INFORMATION</p>	
<p>NAME</p>	<p>JungJin Lee</p>
<p>FIRM NAME</p>	<p>Lee, Lee & Associates, P.C.</p>
<p>INTERNAL ADDRESS</p>	<p>Ste 234</p>
<p>STREET</p>	<p>2531 Jackson Rd.</p>
<p>CITY</p>	<p>Ann Arbor</p>
<p>STATE</p>	<p>Michigan</p>
<p>COUNTRY</p>	<p>United States</p>
<p>ZIP/POSTAL CODE</p>	<p>48103</p>
<p>PHONE</p>	<p>866-400-2507</p>
<p>FAX</p>	<p>800-689-7978</p>
<p>EMAIL ADDRESS</p>	<p>jj@llapc.com</p>
<p>AUTHORIZED TO COMMUNICATE VIA EMAIL</p>	<p>Yes</p>
<p>OTHER APPOINTED ATTORNEY</p>	<p>Jason R. Lee</p>
<p>CORRESPONDENCE INFORMATION</p>	

NAME	JungJin Lee
FIRM NAME	Lee, Lee & Associates, P.C.
INTERNAL ADDRESS	Ste 234
STREET	2531 Jackson Rd.
CITY	Ann Arbor
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48103
PHONE	866-400-2507
FAX	800-689-7978
EMAIL ADDRESS	jj@llapc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/jjl/
SIGNATORY'S NAME	JungJin Lee
SIGNATORY'S POSITION	Attorney of record, Michigan bar member
DATE SIGNED	02/18/2013

Trademark/Service Mark Application, Principal Register

Serial Number: 85853107

Filing Date: 02/18/2013

To the Commissioner for Trademarks:

MARK: TAMCON (Standard Characters, see [mark](#))

The literal element of the mark consists of TAMCON.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Meenaxi Enterprise, Inc., a corporation of New Jersey, having an address of
2500B Hamilton Boulevard
South Plainfield, New Jersey 07080
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 030: Condiments, namely, dairy based condiments, namely, hollandaise sauce, buttermilk ranch dressing, light cream sauce, blue cheese dressing, to accompany food and drink, oil based condiments, namely, vinegar oil dressing, to accompany food and drink; chili oil for use as a seasoning or condiment, cocoa-based condiments for food and drink, pepper sauce, food condiment consisting primarily of ketchup and salsa, pickled ginger; relishes; pickle relish; horseradish; mustards; chutneys; curry powders; curry pastes; soya bean paste; vegetable pastes; meat pastes; fish pastes; salsa dips; salsa; flavored salsa; marinades; marinades containing herbs; marinades containing seasonings; marinades containing spices; chocolate spread; syrups for food, namely, fruit syrup, chocolate syrup, corn syrup, maple syrup, molasses syrup, powdered starch syrup for food, herb and balsamic flavored syrups to accompany food; honey; gravy; gravy mixes; granulated seasoning mix for making gravy; dried condiments in powder form, namely, dried chili peppers, dried chives, dried herbs; salt; pepper; cooking sauces and concentrated cooking sauces; vegetable sauces, namely, artichoke sauce, chili sauce, hot chili pepper sauce, chimichurri sauce, curry sauce, pesto sauce, wild mushroom sauce, roast vegetable sauce, onion sauce; tomato sauce; brown sauce made of malt, vinegar, tomatoes, tomato juice, cane molasses, spirit vinegar, glucose syrup that contains sulphites, sugar, dried dates, rice flour, salt, corn flour, tamarind, dried shallots, spices, namely, ground ginger, black pepper, ground coriander, chili powder, ground cloves, garlic powder, stabilizer, namely, Xanthan gum; curry sauce; chilli sauce; hot sauce; pepper sauce; soya sauce; sweet and sour sauce; tartar sauce. sauces for use with pasta; sauces for use with meats; sauces for use with fish; sauces for use with vegetables, namely, salad sauces; sauces for use with desserts; custard; custard mixes; custard powder; chocolate sauce; dried sauce mixes in powder form; food dressings, namely, salad dressings; mayonnaise; vinaigrettes; herb dressings for meat and salads; vinegars; balsamic vinegar; fruit vinegar; vegetable vinegar; mustard flavored vinegar; pepper flavored vinegar; wine vinegar; beer vinegar; snack dips, namely, dips containing chocolate and dips containing toffee; confectionery, namely, chocolate, chocolate sauces, chocolate dippers, chocolate spreads; chocolate bars; tea; iced tea; coffee; iced coffee; chocolate-based beverages; hot chocolate; chocolate biscuits; syrup for food, namely, powdered starch syrup; golden syrup; maple syrup; glazes for food, namely, ham glaze, balsamic glazes, fruit flavored glazes, vegetable flavored glazes, herb flavored glazes; cooking essences, namely, coffee essence for use in cooking; fruit coulis; vegetable coulis; garlic paste for use as a seasoning; Tamrind Paste; Chatney Soup
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

JungJin Lee and Jason R. Lee of Lee, Lee & Associates, P.C.

Ste 234
2531 Jackson Rd.
Ann Arbor, Michigan 48103
United States

The applicant's current Correspondence Information:

JungJin Lee
Lee, Lee & Associates, P.C.
Ste 234

TCCC006666

2531 Jackson Rd.
Ann Arbor, Michigan 48103
866-400-2507(phone)
800-689-7978(fax)
jj@llapc.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /jjl/ Date: 02/18/2013
Signatory's Name: JungJin Lee
Signatory's Position: Attorney of record, Michigan bar member
RAM Sale Number: 85853107
RAM Accounting Date: 02/19/2013

Serial Number: 85853107
Internet Transmission Date: Mon Feb 18 21:43:58 EST 2013
TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XXX-201302182143587
64056-85853107-50048b0e1a636613601e7f80c
fcaf5d4e7c221f97cd8d3c8af51db18618a81851
-CC-13518-20130218213754580422

TAMCON

Generated on: This page was generated by TSDR on 2019-08-16 12:58:58 EDT

Mark: GARDEN NAMKEEN



US Serial Number: 85712966

Application Filing Date: Aug. 25, 2012

US Registration Number: 4476796

Registration Date: Feb. 04, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 04, 2014

Publication Date: Nov. 19, 2013

Mark Information

Mark Literal Elements: GARDEN NAMKEEN

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized word "Garden" in the color red; below the word "Garden" is a design of grass in the color green; the design of grass extends along the length of the word "Garden"; the letter "G" of the word "Garden" is partially extending into the design of grass; below design of grass is the word "Namkeen" in the color green; the words "Garden" and "Namkeen" and the design of grass are located inside of an elliptical background in the color white; the words "Garden" and "Namkeen" and the design of grass are located inside of 3 concentric elliptical rings; first elliptical ring in the color red; the second elliptical ring in the color green; the third elliptical ring in the color gold.

Color Drawing: Yes

Color(s) Claimed: The color(s) red, green, white, and gold is/are claimed as a feature of the mark.

Disclaimer: "NAMKEEN"

Translation: The English translation of "Namkeen" in the mark is "salty".

Design Search Code(s): 05.13.03 - Grasses

26.03.17 - Ovals, concentric; Ovals within ovals; Concentric ovals; Concentric ovals and ovals within ovals

Related Properties Information

International Registration Number: 1341513

International Application(s) /Registration(s) Based on this Property: A0065376/1341513

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

TCCC006669

For: Banana chips; Cooking oil; Cut vegetables; Dried fruits; Dried lentils; Edible oils; Frozen pre-packaged entrees consisting primarily of seafood; Frozen vegetables; Fruit-based snack food; Nut-based snack foods; Pickles; Potato-based snack foods; Pre-packaged dinners consisting of meat, poultry, seafood or vegetables; Sesame oil; Soy-based snack foods; Vegetable chips; Vegetable oils; Vegetable-based snack foods; Frozen pre-packaged entrees consisting primarily of meat, fish, poultry or vegetables; Frozen pre-packaged vegetable-based entrees

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 02, 2012

Use in Commerce: Jan. 02, 2012

For: Bread mixes; Cereal based snack food; Corn-based snack foods; Crepes; Flour; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Grain-based chips; Mixes for making baking batters; Mixes for making batters for fried foods; Packaged meal mixes consisting primarily of pasta or rice; Pancake mixes; Pasta; Pre-mixed pancake batter; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Relish; Rice; Rice-based snack foods; Roasted maize; Snack mix consisting primarily of crackers, pretzels and/or popped popcorn; Tapioca; Wafers; Wheat-based snack foods; Frozen pre-packaged entrees consisting primarily of pasta or rice; Pre-packaged meals consisting primarily of pasta or rice

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 02, 2012

Use in Commerce: Jan. 02, 2012

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Meenaxi Enterprise, Inc.

DBA, AKA, Formerly: DBA Meenaxi Enterprise, Inc.

Owner Address: 2500B Hamilton Boulevard
South Plainfield, NEW JERSEY 07080
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JungJin Lee

Attorney Primary Email Address: jj@llapc.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JUNGJIN LEE
Trademark Lawyer Law Firm, PLLC
P.O. Box 512
ANN ARBOR, MICHIGAN 48106-0512
UNITED STATES

Phone: 800-529-2218

Fax: 734-661-0513

Correspondent e-mail: docket@trademarklawyerfirm.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

TCCC006670

Date	Description	Proceeding Number
Feb. 04, 2019	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Nov. 15, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 04, 2014	REGISTERED-PRINCIPAL REGISTER	
Nov. 19, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 19, 2013	PUBLISHED FOR OPPOSITION	
Oct. 30, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 11, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Oct. 09, 2013	EXPARTE APPEAL TERMINATED	712966
Oct. 09, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 03, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 03, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 03, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 03, 2013	EXAMINERS AMENDMENT -WRITTEN	72152
Sep. 26, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Sep. 26, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Sep. 18, 2013	ASSIGNED TO LIE	76568
Sep. 12, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Sep. 12, 2013	EX PARTE APPEAL-INSTITUTED	712966
Sep. 12, 2013	JURISDICTION RESTORED TO EXAMINING ATTORNEY	712966
Sep. 12, 2013	EXPARTE APPEAL RECEIVED AT TTAB	
Jun. 04, 2013	NOTIFICATION FOR REQ FOR RECON DENIED NO APPEAL FILED	
Jun. 04, 2013	ACTION FOR REQ FOR RECON DENIED NO APPEAL FILED E-MAILED	
Jun. 04, 2013	ACTION REQ FOR RECON DENIED NO APPEAL FILED COUNTED NOT MAILED	72152
May 15, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 15, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 15, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Mar. 12, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 12, 2013	FINAL REFUSAL E-MAILED	
Mar. 12, 2013	FINAL REFUSAL WRITTEN	72152
Feb. 27, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 26, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 26, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 26, 2013	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 26, 2013	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 29, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 29, 2012	NON-FINAL ACTION E-MAILED	6325
Oct. 29, 2012	NON-FINAL ACTION WRITTEN	72152
Oct. 24, 2012	ASSIGNED TO EXAMINER	72152
Sep. 05, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 04, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 29, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 04, 2014

Proceedings

Summary

Number of 1
Proceedings:

TCCC006671

Type of Proceeding: Exparte Appeal

Proceeding Number: [85712966](#)

Filing Date: Sep 12, 2013

Status: Terminated

Status Date: Oct 09, 2013

Interlocutory Attorney:

Plaintiff(s)

Name: Meenaxi Enterprise, Inc.

Correspondent Address: JungJin Lee
Lee, Lee & Associates, P.C.
Ste 2342531 Jackson Rd.
Ann Arbor MI , 48103
UNITED STATES

Correspondent e-mail: jj@llapc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GARDEN NAMKEEN	Registered	85712966	4476796

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Sep 12, 2013	
2	APPEAL ACKNOWLEDGED; CASE REMANDED	Sep 12, 2013	
3	INSTITUTED	Sep 12, 2013	
4	REQ FOR RECON	Sep 12, 2013	
5	TERMINATED	Oct 09, 2013	

From: TMOOfficialNotices@USPTO.GOV
Sent: Monday, February 4, 2019 01:06 AM
To: docket@trademarklawyerfirm.com
Subject: Official USPTO Courtesy Reminder of Required Trademark Registration Maintenance Filing Under Section 8: U.S. Trademark RN 4476796: GARDEN NAMKEEN (Stylized/Design)

U.S. Serial Number: 85712966
U.S. Registration Number: 4476796
U.S. Registration Date: Feb 4, 2014
Mark: GARDEN NAMKEEN (Stylized/Design)
Owner: Meenaxi Enterprise, Inc.

Feb 4, 2019

**U.S. PATENT AND TRADEMARK OFFICE ("USPTO") COURTESY REMINDER
OF REQUIRED TRADEMARK REGISTRATION MAINTENANCE FILING UNDER SECTION 8**

WARNING: Your trademark registration will be CANCELLED if you do not file the required document below during the specified statutory time period.

The above-identified registration registered on Feb 4, 2014. Therefore, the owner of the registration must file a Declaration of Use and/or Excusable Nonuse under §8 of the Trademark Act anytime between now and Feb 4, 2020. For an additional fee, the owner may file the declaration within the six-month grace period that ends on Aug 4, 2020. See 15 U.S.C. §1058. The current fee for filing a declaration under §8 is \$125 per class if the filing is made via the Trademark Electronic Application System ("TEAS") and \$225 if the filing is made on paper, and the additional fee for filing during the six-month grace period is \$100 per class if the filing is made via TEAS and \$200 if the filing is made on paper. 37 C.F.R. §2.6.

If the registration meets the requirements of §15 of the Trademark Act, the owner may additionally file an optional Declaration of Incontestability under §15. See 15 U.S.C. §1065. The current fee for filing a declaration under §15 is \$200 per class if the filing is made via TEAS and \$300 per class if the filing is made on paper. 37 C.F.R. §2.6.

To expedite processing, the owner is encouraged to file through the USPTO's official website using TEAS. Official forms for filing Declarations of Use and/or Excusable Nonuse under §8 and Combined Declarations of Use and Incontestability under §§8 and 15 are available through TEAS at <https://www.uspto.gov/trademarks-application-process/filing-online/registration-maintenancerenewalcorrection-forms>.

For information regarding how to record ownership documents such as assignments, name changes and mergers, please see TMEP §503. To expedite recordation, the owner is encouraged to file requests for recordation through the Electronic Trademark Assignment System ("ETAS") at <https://etas.uspto.gov>.

For further information regarding the maintenance of a trademark registration, including future maintenance filings, please consult the USPTO website at <https://www.uspto.gov/learning-and-resources/trademark-faqs>.

This reminder notice is being sent only as a courtesy to those trademark owners who have authorized e-mail communication and maintain a current e-mail address with the USPTO. Failure by the USPTO to send a reminder or non-receipt of a reminder does not excuse a trademark owner from meeting the statutory obligations for maintaining a trademark registration. If a registration is cancelled and/or expired due to the failure to timely file required maintenance documents, it cannot be reinstated or revived.

Correspondence transmitted through TEAS is considered to have been filed on the date the USPTO receives the transmission, in Eastern Time, regardless of whether that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. 37 C.F.R. §2.195(a)(2).

To check the status of this registration, go to https://tsdr.uspto.gov/#caseNumber=85712966&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199.

In order to be eligible for future e-mail reminders of maintenance filings, please remember to authorize e-mail communication when filing your maintenance documents through TEAS.

TCCC006673

Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85712966
REGISTRATION NUMBER	4476796
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION	
MARK	GARDEN NAMKEEN (stylized and/or with design, see https://tmng-gl.uspto.gov/resting2/api/img/85712966/large)
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	JUNGIN LEE LEE, LEE & ASSOCIATES, P.C. STE 2342531 JACKSON RD. ANN ARBOR Michigan 48103 US 866-400-2507 800-689-7978 jj@llapc.com
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	JUNGIN LEE Trademark Lawyer Law Firm, PLLC P.O. Box 512 ANN ARBOR Michigan United States 48106-0512 800-529-2218 734-661-0513 docket@trademarklawyerfirm.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	
SIGNATURE SECTION	
SIGNATURE	/jjl/
SIGNATORY NAME	JungJin Lee
SIGNATORY DATE	11/15/2016
SIGNATORY POSITION	Attorney of Record, MI Bar Member
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Nov 15 11:02:17 EST 2016
	USPTO/CCA-XX.XX.XXX.XX-20 161115110217284951-857491

TCCC006674

TEAS STAMP

06-5707d0586d418697fca48f
2e57acaddb68391242116a9ae
5528fbaf1cef2b22a1-N/A-N/
A-20161110141629676191

United States of America

United States Patent and Trademark Office



Reg. No. 4,476,796

Registered Feb. 4, 2014

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.
2500B HAMILTON BOULEVARD
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; COOKING OIL; CUT VEGETABLES; DRIED FRUITS; DRIED LENTILS; EDIBLE OILS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; SESAME OIL; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE OILS; VEGETABLE-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED VEGETABLE-BASED ENTREES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

FOR: BREAD MIXES; CEREAL BASED SNACK FOOD; CORN-BASED SNACK FOODS; CREPES; FLOUR; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; RELISH; RICE; RICE-BASED SNACK FOODS; ROASTED MAIZE; SNACK MIX CONSISTING PRIMARILY OF CRACKERS, PRETZELS AND/OR POPPED POPCORN; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PRE-PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

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



Michelle K. Lee
Deputy Director of the United States
Patent and Trademark Office

TCCC006676

Reg. No. 4,476,796 THE COLOR(S) RED, GREEN, WHITE, AND GOLD IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE STYLIZED WORD "GARDEN" IN THE COLOR RED; BELOW THE WORD "GARDEN" IS A DESIGN OF GRASS IN THE COLOR GREEN; THE DESIGN OF GRASS EXTENDS ALONG THE LENGTH OF THE WORD "GARDEN"; THE LETTER "G" OF THE WORD "GARDEN" IS PARTIALLY EXTENDING INTO THE DESIGN OF GRASS; BELOW DESIGN OF GRASS IS THE WORD "NAMKEEN" IN THE COLOR GREEN; THE WORDS "GARDEN" AND "NAMKEEN" AND THE DESIGN OF GRASS ARE LOCATED INSIDE OF AN ELLIPTICAL BACKGROUND IN THE COLOR WHITE; THE WORDS "GARDEN" AND "NAMKEEN" AND THE DESIGN OF GRASS ARE LOCATED INSIDE OF 3 CONCENTRIC ELLIPTICAL RINGS; FIRST ELLIPTICAL RING IN THE COLOR RED; THE SECOND ELLIPTICAL RING IN THE COLOR GREEN; THE THIRD ELLIPTICAL RING IN THE COLOR GOLD.

THE ENGLISH TRANSLATION OF "NAMKEEN" IN THE MARK IS "SALTY".

SER. NO. 85-712,966, FILED 8-25-2012.

WON TEAK OH, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, November 19, 2013 00:20 AM
To: jj@llapc.com
Subject: Official USPTO Notification: TMOG Publication Confirmation for U.S. Trademark SN 85712966

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 85-712,966
Mark: GARDEN NAMKEEN(STYLIZED/DESIGN)
International Class(es): 029, 030
Owner: Meenaxi Enterprise, Inc.
Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Nov 19, 2013.

To View the Mark in the TMOG:

1. Click on the following link or paste the URL into an internet browser: http://www.uspto.gov/web/trademarks/tmog/20131119_OG.pdf#page=00000122.
2. Locate your mark on the displayed page.

If the TMOG PDF file does not open to the page containing your mark (you must have an Adobe Reader installed on your workstation), click on the following link or paste the URL into an internet browser to review the Frequently Asked Questions about the Trademark Official Gazette: http://www.uspto.gov/trademarks/resources/tm_og_faqs.jsp.

To View the Mark in the Next Generation TMOG (eOG):

Click on the following link or paste the URL into an internet browser: <http://tmog.uspto.gov/#date=2013-11-19&serial=85712966>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To view this notice and other documents for this application on-line, go to <http://tsdr.uspto.gov/search.action?sn=85712966>. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

TCCC006679



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Oct 30, 2013

NOTICE OF PUBLICATION

1. Serial No.:
85-712,966
2. Mark:
GARDEN NAMKEEN
(STYLIZED/DESIGN)
3. International Class(es):
29, 30
4. Publication Date:
Nov 19, 2013
5. Applicant:
Meenaxi Enterprise, Inc.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

jj@llapc.com

TCCC006680

From: TMOfficialNotices@USPTO.GOV
Sent: Wednesday, October 30, 2013 03:16 AM
To: jj@llapc.com
Subject: Official USPTO Notification: Issuance of Notice of Publication for Serial Number 85712966

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 85712966) is scheduled to publish in the *Official Gazette* on Nov 19, 2013. To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=85712966>. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

TCCC006681

Trademark Snap Shot Publication & Issue Review Stylesheet
(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	85712966	FILING DATE	08/25/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OH, WON TEAK	L.O. ASSIGNED	114

PUB INFORMATION

RUN DATE	10/12/2013		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	10/11/2013		
LITERAL MARK ELEMENT	GARDEN NAMKEEN		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	GARDEN NAMKEEN
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

CURRENT OWNER INFORMATION

TCCC006682

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Meenaxi Enterprise, Inc.
ADDRESS	2500B Hamilton Boulevard South Plainfield, NJ 07080
ENTITY	03-CORPORATION
CITIZENSHIP	New Jersey
DBA/AKA	DBA Meenaxi Enterprise, Inc.

GOODS AND SERVICES

INTERNATIONAL CLASS	029
DESCRIPTION TEXT	Banana chips; Cooking oil; Cut vegetables; Dried fruits; Dried lentils; Edible oils; Frozen pre-packaged entrees consisting primarily of seafood; Frozen vegetables; Fruit-based snack food; Nut-based snack foods; Pickles; Potato-based snack foods; Pre-packaged dinners consisting of meat, poultry, seafood or vegetables; Sesame oil; Soy-based snack foods; Vegetable chips; Vegetable oils; Vegetable-based snack foods; Frozen pre-packaged entrees consisting primarily of meat, fish, poultry or vegetables; Frozen pre-packaged vegetable-based entrees
INTERNATIONAL CLASS	030
DESCRIPTION TEXT	Bread mixes; Cereal based snack food; Corn-based snack foods; Crepes; Flour; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Grain-based chips; Mixes for making baking batters; Mixes for making batters for fried foods; Packaged meal mixes consisting primarily of pasta or rice; Pancake mixes; Pasta; Pre-mixed pancake batter; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Relish; Rice; Rice-based snack foods; Roasted maize; Snack mix consisting primarily of crackers, pretzels and/or popped popcorn; Tapioca; Wafers; Wheat-based snack foods; Frozen pre-packaged entrees consisting primarily of pasta or rice; Pre-packaged meals consisting primarily of pasta or rice

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	029	FIRST USE DATE	01/02/2012	FIRST USE IN COMMERCE DATE	01/02/2012	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	030	FIRST USE DATE	01/02/2012	FIRST USE IN COMMERCE DATE	01/02/2012	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) red, green, white, and gold is/are claimed as a feature of the mark.
DISCLAIMER W/PREDETER TXT	"NAMKEEN"
DESCRIPTION OF MARK	The mark consists of the stylized word "Garden" in the color red; below the word "Garden" is a design of grass in the color green; the design of grass extends along the length of the word "Garden"; the letter "G" of the word "Garden" is partially extending into the design of grass; below design of grass is the word "Namkeen" in the color green; the words "Garden" and "Namkeen" and the design of grass are located inside of an elliptical background in the color white; the words "Garden" and "Namkeen" and the design of grass are located inside of 3 concentric elliptical rings; first elliptical ring in the color red; the second elliptical ring in the color green; the third elliptical ring in the color gold.
TRANSLATION	The English translation of "Namkeen" in the mark is "salty".

PROSECUTION HISTORY

TCCC006683

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/11/2013	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	035
10/09/2013	EXPT	T	EXPARTE APPEAL TERMINATED	034
10/09/2013	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	033
10/03/2013	XAEC	I	EXAMINER'S AMENDMENT ENTERED	032
10/03/2013	GNEA	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	031
10/03/2013	GNEA	O	EXAMINERS AMENDMENT E-MAILED	030
10/03/2013	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	029
09/26/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	028
09/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	027
09/18/2013	ALIE	A	ASSIGNED TO LIE	026
09/12/2013	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	025
09/12/2013	EXPI	T	EX PARTE APPEAL-INSTITUTED	024
09/12/2013	JURT	T	JURISDICTION RESTORED TO EXAMINING ATTORNEY	023
09/12/2013	EXAF	T	EXPARTE APPEAL RECEIVED AT TTAB	022
06/04/2013	RDX3	O	NOTIFICATION FOR REQ FOR RECON DENIED NO APPEAL FILED	021
06/04/2013	RDX1	O	ACTION FOR REQ FOR RECON DENIED NO APPEAL FILED E-MAILED	020
06/04/2013	RRDX	W	ACTION REQ FOR RECON DENIED NO APPEAL FILED COUNTED NOT MAILED	019
05/15/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	018
05/15/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	017
05/15/2013	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	016
03/12/2013	GNFN	O	NOTIFICATION OF FINAL REFUSAL EMAILED	015
03/12/2013	GNFR	O	FINAL REFUSAL E-MAILED	014
03/12/2013	CNFR	R	FINAL REFUSAL WRITTEN	013
02/27/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	012
02/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	011
02/26/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
02/26/2013	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	009
02/26/2013	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	008
10/29/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
10/29/2012	GNRT	F	NON-FINAL ACTION E-MAILED	006
10/29/2012	CNRT	R	NON-FINAL ACTION WRITTEN	005
10/24/2012	DOCK	D	ASSIGNED TO EXAMINER	004
09/05/2012	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	003
09/04/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
08/29/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	JungJin Lee
CORRESPONDENCE ADDRESS	JUNGJIN LEE LEE, LEE & ASSOCIATES, P.C. STE 2342531 JACKSON RD. ANN ARBOR, MI 48103
DOMESTIC REPRESENTATIVE	NONE

TCCC006684



Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	85712966	FILING DATE	08/25/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OH, WON TEAK	L.O. ASSIGNED	114

PUB INFORMATION

RUN DATE	10/10/2013		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	10/09/2013		
LITERAL MARK ELEMENT	GARDEN NAMKEEN		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	GARDEN NAMKEEN
MARK DRAWING CODE	3- AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

CURRENT OWNER INFORMATION

TCCC006686