

Form PTO-1594 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005)

RECORDATION FORM COVER SHEET TRADEMARKS ONLY

U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Tri Valley Growers

- Individual(s), Association, General Partnership, Limited Partnership, Corporation-State, Other

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment, Merger, Security Agreement, Change of Name, Other: Assignment way of

Execution Date: Bill of Sale 5/4/2001

2. Name and address of receiving party(ies)

Name: California olive Growers

Internal Address: Tom Lindemann

Street Address: 12806 Road 26

City: Madera State: CA Zip: 93637

- Individual(s) citizenship, Association, General Partnership, Limited Partnership, Corporation-State: California, Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) 74533698

B. Trademark Registration No.(s) 1992358

Additional number(s) attached Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Darlene Floriano

Internal Address: California Olive Growers

Street Address: 12806 Road 26

City: Madera State: CA Zip: 93637

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 3.41) \$ 40.00

- Enclosed, Authorized to be charged to deposit account

8. Deposit account number:

N/A

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Darlene Floriano Name of Person Signing

[Signature] Signature

10/31/03 Date

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

OP \$40.00 1992358

Latest Status Info

Page 1 of 2

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-10-30 18:58:10 ET

Serial Number: 74533698

Registration Number: 1992358

**X** Mark (words only): OBERTI

Current Status: A Section 8 affidavit has been accepted.

Date of Status: 2003-09-25

Filing Date: 1994-06-06

Registration Date: 1996-08-13

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 900 -Warehouse (Newington)

Date In Location: 2003-09-30

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. Tri Valley Growers

**Address:**

Tri Valley Growers  
101 California Street  
San Francisco, CA 94111  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

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**GOODS AND/OR SERVICES**

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processed olives and olive oil

**International Class:** 029

**First Use Date:** 1935-12-15

**First Use in Commerce Date:** 1935-12-15

**Basis:** 1(a)

**ADDITIONAL INFORMATION**

**Prior Registration Number(s):**

532458

532658

**PROSECUTION HISTORY**

- 2003-09-25 - Section 8 (6-year) accepted
- 2002-10-09 - Post Registration action mailed - Section 8
- 2002-08-09 - Section 8 (6-year) and Section 15 Filed
- 2002-08-19 - PAPER RECEIVED
- 1996-08-13 - Registered - Principal Register
- 1996-05-21 - Published for opposition
- 1996-04-19 - Notice of publication
- 1996-03-05 - Approved for Pub - Principal Register (Initial exam)
- 1996-01-19 - Communication received from applicant
- 1995-08-31 - Final refusal mailed
- 1995-06-05 - Communication received from applicant
- 1994-12-01 - Non-final action mailed
- 1994-11-30 - Previous allowance count withdrawn
- 1994-11-18 - Approved for Pub - Principal Register (Initial exam)
- 1994-11-10 - Case file assigned to examining attorney

**CONTACT INFORMATION**

**Correspondent (Owner)**

RAYMOND L CARLSON (Attorney of record)

RAYMOND L CARLSON  
 GRISWOLD LASALLE COBB DOWD & GIN LLP  
 311 N DOUTY STREET  
 HANFORD, CA 93230





Commissioner for Trademarks  
2500 Crystal Drive  
Arlington, VA 22202-3514  
www.uspto.gov

REGISTRATION NO: 1992358 SERIAL NO: 74/533698 MAILING DATE: 09/25/2003  
REGISTRATION DATE: 08/13/1996  
MARK: OBERTI  
REGISTRATION OWNER: Tri Valley Growers

CORRESPONDENCE ADDRESS:  
RAYMOND L CARLSON  
GRISWOLD LASALLE COBB DOWD & GIN LLP  
311 N DOUTY STREET  
HANFORD, CA 93230

### NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

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THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):  
029.

WEST, JOYCE M  
PARALEGAL SPECIALIST  
POST-REGISTRATION DIVISION  
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**REGISTRATION NO:** 1,992,358

**DATE:** 10-09-2002

**REGISTRANT:** Tri Valley Growers

**CORRESPONDENT ADDRESS:**

RAYMOND L. CARLSON  
GRISWOLD LASALLE COBB DOWD & GIN, LLP  
311 N. DOUTY STREET  
HANFORD, CA 93230

**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
TMPostRegistration@uspto.gov

**MARK:** OBERTI

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:**

N/A

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

**POST REGISTRATION OFFICE ACTION**

**RE:** Registration Number 1,992,358

The Combined Section 8 Affidavit and Section 9 Renewal Application was received on 8-19-2002. The Section 8 Affidavit is accepted. However, renewal is refused for the following reason(s):

The Section 9 Renewal Application for the above-identified registration received on 8-19-2002 was filed too early. The Trademark Act requires a Section 9 Renewal Application to be filed within one year before the registration expiration date, or during the 6-month grace period after the registration expiration date. 15 U.S.C. §1059. Furthermore, effective October 30, 1999, the law was amended to require the owner of the registration to file a Section 8 Affidavit within one year before the registration expiration date, or during the 6-month grace period after the registration expiration date to avoid cancellation of the registration. 15 U.S.C. §1058.

The Renewal Application will remain in the file, but will not be processed. A filing fee of \$100 will applied towards the Six Year Section 8 Affidavit, also since the Affidavit was filed during the 6 months grace period, a filing fee of \$100 will be applied towards the grace peiod fee. A refund of \$200 will be processed in due course.


The Trademark Act requires that the current owner of the registration file the Section 8 Affidavit. 15 U.S.C. §1058. It is unclear whether the party who filed the Section 8 Affidavit is the current owner.

Office records show TRI VALLEY GROWERS rather than CALIFORNIA OLIVE GROWERS, as the owner of the registration. The information submitted is sufficient to establish ownership of the registration by CALIFORNIA OLIVE GROWERS. However, since this information has not been recorded with the Assignment Services Division, Office records will continue to show TRI VALLEY GROWERS as the current registrant and the Section 8 notice of acceptance will issue in that name unless the ownership information is recorded with the Assignment Services Division.

The owner has six months from the mailing date of this Office Action to record the (assignment/change of name) with the Assignment Services Division. If the owner does not intend to record the change, the undersigned paralegal should be notified by telephone so the Section 8 notice of acceptance can be issued immediately in the name of TRI VALLEY GROWERS, the registrant of record. If a response to this inquiry is not received by the end of the response period, the Section 8 notice of acceptance will issue in the name of the registrant of record.

**A COMPLETE RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE MAILING DATE OF THIS LETTER. THE OWNER MUST RESPOND TO ALL INQUIRIES SET FORTH IN THIS LETTER TO AVOID CANCELLATION OF THE REGISTRATION.**

**PLEASE BE ADVISED THAT IF THE WRONG PARTY FILED THE SECTION 8 AFFIDAVIT, THE CURRENT OWNER MUST FILE A NEW AFFIDAVIT BEFORE THE GRACE PERIOD EXPIRES AND PAY THE FEE FOR FILING THE NEW AFFIDAVIT. THE OWNER MUST ALSO PAY THE GRACE PERIOD FEE, IF THE NEW AFFIDAVIT IS FILED DURING THE GRACE PERIOD.**

  
JOYCE WEST  
PARALEGAL  
POST REGISTRATION DIVISION  
(703) 308-9500 EX: 217

**How to respond to this Office Action:**

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the registration number, the words 'Post Registration' and the examiner's name on the upper right corner of each page of your response.

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

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINER.**