

In the Office Action having a mailing date of October 1, 2019, the Examining Attorney has requested that Applicant amend its identification of goods. Consistent with the recommendations of the Examining Attorney, Applicant has amended the identification of goods in the Application as follows:

Yogurt drinks; in Class 29;

Cakes; Frozen cakes; Individually packaged, single serve cakes; Crackers; Cheese crackers; Savoury crackers; Baking chocolate; Chocolate chips; Chocolate chunks (Based on Intent to Use and Section 44(d)); Rice-based snack food, namely, squares; Breakfast cereals; Ready-to-eat cereals; Cereal bars and granola-based ~~B~~breakfast bars; Snack bars composed primarily of ~~fruit and~~ cereals and also containing dried fruits; Baked snacks, namely, granola bars and granola bites; Snack foods, namely, granola bars; Snack foods, namely, granola clusters or granola balls; Ready-to-eat cereal derived food bars; Soft baked cookies; Ready-to-eat granola; Granola based snack foods; Granola based cereals; (Based on Use in Commerce and Section 44(d)); and

Smoothies; ~~Yogurt drinks~~; Fruit smoothies; Fruit juices; in Class 32;

An additional filing fee is submitted herewith for the additional class.

In the Office Action, the Examining Attorney has also requested a specimen of use for the following goods in Class 30: “Rice-based snack food, namely, squares; Breakfast cereals; Ready-to-eat cereals; Cereal bars and granola-based breakfast bars; Snack bars composed primarily of cereals and also containing dried fruits; Baked snacks, namely, granola bars and granola bites; Snack foods, namely, granola bars; Snack foods, namely, granola clusters or granola balls; Ready-to-eat cereal derived food bars; Soft baked cookies; Ready-to-eat granola; Granola based snack foods; Granola based cereals.” Applicant submits herewith a substitute specimen showing use of the applied-for mark in commerce in connection with these goods. Applicant further includes herewith a verified statement that the substitute specimen was in use

in commerce on or in connection with these goods at least as early as the filing date of the application.

In the Office Action, the Examining Attorney has also requested clarification of Applicant's entity designation. Applicant is a corporation legally organized in Canada. A search of the USPTO records will show many applicant and registrant Canada corporations with names including "Ltd.", and Applicant's designation is accurate and complete and consistent with the designations of these other applicants and registrants.

Applicant notes that the Examining Attorney has searched the office's database for registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). Applicant further submits that the requirements of the Examining Attorney have been fully satisfied and the application is now believed to be in condition for registration. Favorable action is respectfully requested.