

8/3/94

Joe Jregonig, Jerry Hosenheider, Gary Swartz, Bob Smithers  
 Pat Hoss (Gary's banker)

- Chair of Bd. in France told Pres of US Comp. they wouldn't be able to take label to another part of France + use it → has made them uneasy

- Won't sell Hilbert plant until trademark issue is settled

\* At this point, Swartz is only buyer for the plant  
 no dollar figures mentioned ~ \$300,000 bottom for bldg. + land

Swartz - time is right to do something to tell Bel they don't have a chance of taking business to Kentucky ~ don't have production

- Swartz thinks his employees will stay w/ him

Swartz's back-up option ~ Jhil plant (come equipment + willing to lease)

\* Milk Marketing Bd. not happy about WISPRIDE label leaving



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

JAMES E. DOYLE  
ATTORNEY GENERAL

Burneatta L. Bridge  
Deputy Attorney General

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
608/266-1221

August 5, 1994

The Honorable Alvin R. Ott  
State Representative  
318 North, State Capitol  
Madison, Wisconsin 53702

Dear Mr. Ott:

After considerable unexpected delay, we have now received the basic information that enables us to begin an evaluation of the trademark status of the WISPRIDE mark in light of the fact that the current owner of the mark, Fromageries Bel, Inc., of Fort Lee, New Jersey, has given notice that it will cease cheesemaking operations in Hilbert, Wisconsin early next year and will transfer their entire manufacturing and distribution operations to Kentucky.

Documentation of two pertinent trademark registrations are attached as Exhibits 2 and 3. The first appears to be the original registration of the WISPRIDE mark by the Wisconsin Cheese Publicity Association, Inc., of Kiel, Wisconsin, as of November 16, 1937. We have information indicating that the mark was renewed in 1957 and again in 1977. The notation on Exhibit 2 indicates the renewal was in the name of the Calumet Cheese Company, Inc., of Hilbert, Wisconsin. It is our understanding that Fromageries Bel acquired the company and the WISPRIDE mark about eight or nine years ago, subsequent to the last renewal. The mark will be up for renewal again in 1997.

You have asked whether it is proper for Fromageries Bel, Inc., to continue to use the WISPRIDE mark after it leaves Wisconsin and whether other Wisconsin based entities could use the mark. It is my opinion that since Fromageries Bel, Inc., is the owner of record of the mark at this time, it would not be proper for another company to use the mark at this time. However, it is also my opinion that the registration of the mark is subject to cancellation under 15 U.S.C. § 1064, and that upon cancellation, the mark would be available for use by a qualified company.

The federal trademark law provides that a petition to cancel a registration of a mark may be made at any time "if the registered mark is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used." 15 U.S.C. § 1064(3). There is no question in my mind that the use of the mark WISPRIDE

The Honorable Alvin R. Ott  
Page 2

in connection with cheese products represents that the cheese comes from Wisconsin. It follows that to use the mark in connection with cheese products which do not come from Wisconsin would constitute misrepresentation as to source.

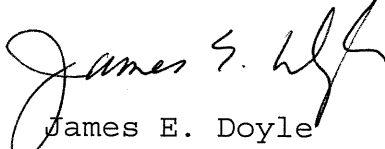
The component "WIS" is a commonly used and widely known abbreviation for the state of Wisconsin. In conjunction with the term "PRIDE" the clear connotation elevates the association to a matter of pride in and/or by the state of Wisconsin or its citizenry. It is hard to imagine any other meaningful connotation.

Whatever the isolated import of the word WISPRIDE, the owner of the mark has in fact sought to establish a strong association with the state of Wisconsin as the source of the products bearing its labels, as evidenced by the labels shown on Exhibit 1 attached hereto. Just in case some consumer in the past might miss the intended connotation of the mark, the labels proudly proclaim not only WISPRIDE but also THE PRIDE OF WISCONSIN. Furthermore, one of the labels incorporates a graphic representation of the very distinctive borders of the state of Wisconsin.

As part of the larger law of unfair competition, the purpose of trademark law is to prevent confusion as to origin of goods and to prevent fraud and misrepresentation as to their source. Bicentennial Com'n v. Olde Bradford Co., Inc. 26 Pa. Cmwlth. 636, 365 A.2d 172, 176 (1976). In furtherance of this purpose, the trademark office will refuse to register marks that are "deceptive" in general and that are "primarily geographically deceptively misdescriptive" in particular. 15 U.S.C. § 1052 (a) and (e)(3), respectively. Clearly this has been no problem during the prior history of the mark since the product has come from a Wisconsin based company. I am confident that a Kentucky cheesemaker could not register the mark WISPRIDE afresh today and it follows that the attempted relocation of a proper mark from Wisconsin to any other state constitutes strong grounds for cancellation of the mark under 15 U.S.C. § 1064.

If you would like to discuss the matter further, including issues regarding identification of proper parties, timing, etc., please contact Assistant Attorney General Robert Larsen at 266-3076.

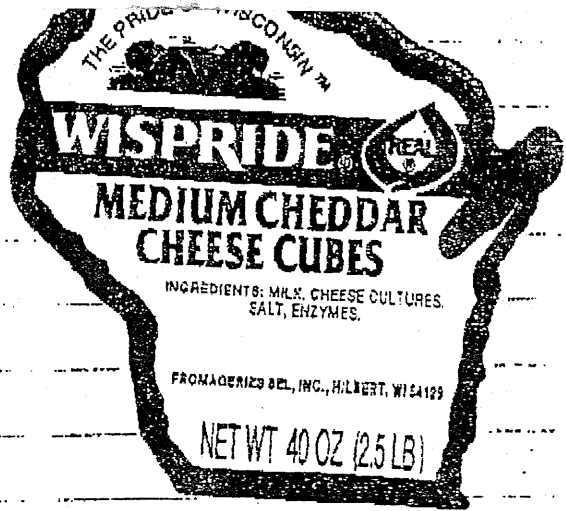
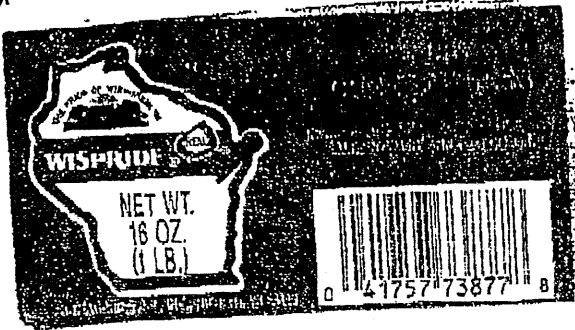
Sincerely,

  
James E. Doyle  
Attorney General

JED:RWL:jlb

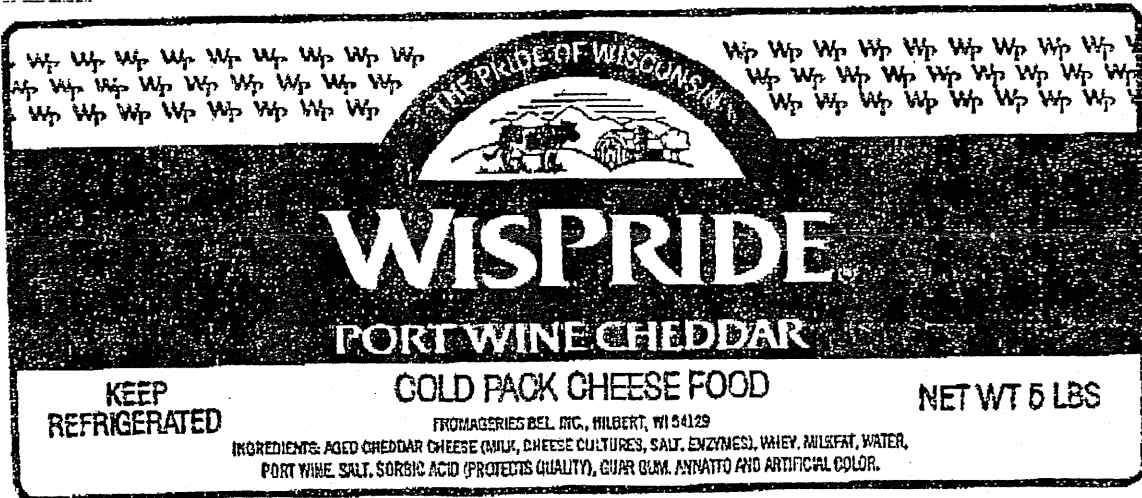
Enclosures

|  |                      |                |
|--|----------------------|----------------|
| Post-It™ brand fax transmittal memo 7671 |                      | # of pages ▶ 5 |
| To<br>Rep. Al Ott                        | From<br>Greg Hubbard |                |
| Co.                                      | Co.                  |                |
| Dept. 03                                 | Phone #              |                |
| Fax # 414-989-1255                       | Fax #                |                |



**WISPRIDE**  
A SHARP CHEDDAR  
LIGHT COLD PACK CHEESE FOOD  
\*50% FAT REDUCTION COMPARED TO THE AVERAGE OF OTHER NATIONAL BRANDS. FAT HAS BEEN REDUCED FROM 7% TO 3% PER EACH POUND. \*SEE NUTRITION FACTS.  
KEEP REFRIGERATED

BEST IF  
USED BY



# United States Patent Office

710,025

Registered Jan. 17, 1961

AFFIDAVIT SEC. 8  
ACCEPTED

PRINCIPAL REGISTER  
Trademark

AFFIDAVIT SEC 15  
RECEIVED 6-23-66

Ser. No. 83,776, filed Oct. 22, 1959

WISPRIDE

Calumet Cheese Company, Inc. (Wisconsin corporation),  
doing business as Calumet Cheese Co., Inc.,  
Hilbert, Wis.

For: CHEESE, in CLASS 46.  
First use in or about December 1947; in commerce in  
on about December 1947.  
Owner of Reg. No. 351,930.

EXHIBIT

3

46  
Registered Nov. 16, 1937

Trade-Mark 351,930

**RENEWED**

*Calumet Cheese Company, Inc.,  
Hilbert, Wis.*

**UNITED STATES PATENT OFFICE**

Wisconsin Cheese Publicity Association, Inc.,  
Kiel, Wis.

Act of February 20, 1905

Application August 24, 1936, Serial No. 382,543

**WISPRIDE**

**STATEMENT**

*To all whom it may concern:*

Be it known that Wisconsin Cheese Publicity Association, Inc., a corporation duly organized under the laws of the State of Wisconsin and having a principal place of business in the city of Kiel, in the county of Manitowoc, State of Wisconsin, and doing business at Kiel, Wisconsin, has adopted and used the trade-mark as shown in the accompanying drawing, for CHEESE, in Class 46, Foods and ingredients of foods.

The trade-mark has been continuously used in the business of said corporation since July 20, 1936.

The trade-mark is applied or affixed to the

goods by means of directly printing, stamping, or otherwise delineating the trade-mark thereon.

The undersigned hereby appoints Ira Milton Jones, registration No. 10,811, whose postal address is 110 East Wisconsin Avenue, Milwaukee, Wisconsin, his attorney to prosecute this application for registration, with full powers of substitution and revocation, and to make alterations and amendments therein, to receive the certificate, and to transact all business in the Patent Office connected therewith.

WISCONSIN CHEESE PUBLICITY  
ASSOCIATION, INC..

By C. C. BRICK,  
President.

**EXHIBIT**

2



123 West Washington Avenue  
P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018

Tommy G. Thompson, Governor  
Robert N. Trunzo, Secretary

*File-ARJ*

August 22, 1994

Mr. Robert Fievet  
FROMAGERIES BEL S.A.  
Direction Generale  
16 Blvd. Malesherbes  
Paris, France 75008

Dear Mr. Fievet:

I am disappointed that Fromageries Bel, Inc. is intending to close its Wispride Division plant in Hilbert, Wisconsin and move the operations to Kentucky. Although I understand the closing represents a very difficult business decision for your firm, I am deeply concerned about the impact on the 123 employees and their future employment opportunities and on the small community of Hilbert, in which you have been a major employer.

One of the issues I am concerned with is the continued use of the "WISPRIDE" trademark. I understand that the company intends to continue using the "WISPRIDE" trademark, which is very popular and profitable, for cheese that will be produced in Kentucky. The office of Wisconsin Attorney General has evaluated the trademark issue, firmly believes that the State has reason to challenge its use on products made out of Wisconsin.

I want to notify you that if the "WISPRIDE" trademark is used for a product that is made in Kentucky or in any jurisdiction other than Wisconsin, I will request the Office of Attorney General and the Wisconsin Milk Marketing Board, another Wisconsin organization knowledgeable of and having a vested interest in this issue, proceed to implement their independent strategies of vigorously pursuing all legal remedies to halt use of the trademark.

I will be pleased to discuss this issue with you and other representatives of Fromageries Bel, Inc. I trust you will understand the depth of my concern on this issue.

Sincerely,

Robert N. Trunzo  
SECRETARY

RNT:jw

cc: Mr. Bertrand Dufort, Fromageries Bel S.A.  
Mr. Patrick Robbe, Fromageries Bel, Inc.



**TOMMY G. THOMPSON**

**Governor  
State of Wisconsin**

*Pat Robbe  
6-1393*

October 3, 1994

Mr. Patrick Robbe  
Fromageries Bel, Inc.  
2050 Center Street  
Fort Lee, New Jersey 10605

Dear Mr. Robbe:

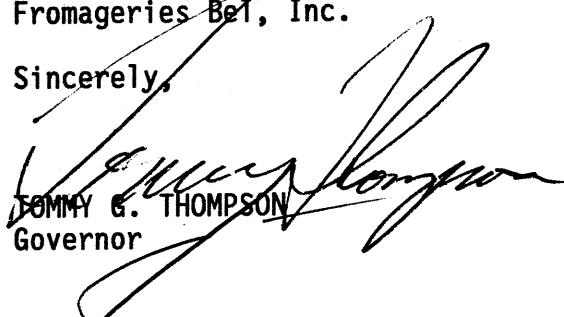
There has been a substantial amount of correspondence exchanged between your firm and the State of Wisconsin since Fromageries Bel, Inc. announced its intentions to close its Wispride Division plant in Hilbert, Wisconsin and move the operations to Kentucky. Your announcement has been a tremendous blow to this small community, and I remain deeply concerned about the impact on the 123 employees and their future employment opportunities.

As you know, I am disturbed about the use of the "WISPRIDE" trademark. I do not contest your ownership rights to this trademark; however, I believe the continued use of this trademark for cheese that will be produced in Kentucky is deceptive. Wisconsin is one of the leading dairy states in the nation, and consumers throughout the country associate cheese, particularly with a "WISPRIDE" label, with Wisconsin.

I want you to know that if the "WISPRIDE" trademark is used for a product that is made in Kentucky or in any jurisdiction other than Wisconsin, the State of Wisconsin will examine and pursue vigorously all legal remedies to halt the deceptive use of this trademark. I trust you understand the depth of my concern on this issue.

I will be pleased to discuss this issue with you and other representatives of Fromageries Bel, Inc.

Sincerely,

  
TOMMY G. THOMPSON  
Governor



10/21/04

File / 770-Bel  
w/

Russian market for WI  
products ? any constituents

Nick

Mary Geroch  
Greg Kaiser

Capital Ideas

715-235-0995

VM 664-6403

- \$6 million price tag  
(5.8 mil)

815 E. 6th St  
MENDONIE  
54751

FAX: 715-235-0886

Gary looking to piecemeal \$ together (bad idea)

- he may never get it to go through
- Gary has none of his own \$ in the deal to lose

- they have lender willing to go whole \$6 mil

8 1/2 - 8 3/4 % rate (Gary called them about 2 mil)

they take royalties off the product

- Gary could use outside help on marketing / finance

CFO

- he can run the factory, but needs help w/ the numbers; sales dept
- SBA program (SCORE) - possible financial businessman to help

business plan / cash flow has to be reviewed by Greg / Mary

going to bank is different from going to investor bank

(Fro Bel - French Mafia)

? another buyer w/ financial knowledge - qualified buyer needed

Gary isn't working with Mary + Greg

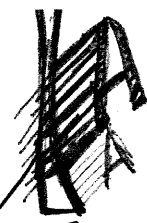
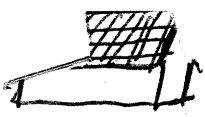
Paul Stihl - one of Gary's private investors (? 1 million)

\* Al call Gary

Hardisty +  
Simon  
Lourdes  
Kentucky

4  
5

29



Mary Groch - 6 pm Fri:

V.M.  
715-664-6004

\* David Simon - Inv. Group.

off. 715-235-0995

incoherent - financial  
hefty fees - upfront

Credibility

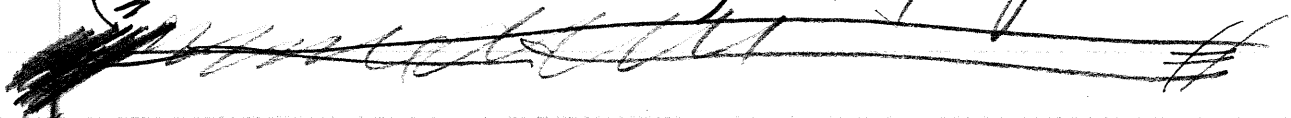
\* Don Friedlach  
Retired

How long do you have to live in  
WI.? from Missouri?

(10 days) register

Jerome Buelow 989-1438 -

(ONP 608-375-3212) Marilyn Janke 4:29



Gary Schwartz

✓ Alert - people in Madison  
✓ A.G.'s / Gov's Office - Pat Loss.

✓ Fro Bel - responding

- \* Reg. Village Bd. meeting  
Tues. Night - / meeting 15<sup>th</sup>  
News release - ? no

\* ? Can village start a declaratory judgement  
suit.

Sergento Mark Bark.  
told employees - 1 1/2 yrs to turn Hillbert  
operation around.

Gary @  
Meeting

Nov. 15<sup>th</sup> - Cheese Makers meeting  
10 AM new by Bd. -  
Beare

Car.

133587

**McGLEW AND TUTTLE, P.C.**

*Counselors at Law*

SCARBOROUGH STATION

SCARBOROUGH, NEW YORK 10510-0827

TEL: (914) 941-5600

PATENT, TRADEMARK  
COPYRIGHT, AND UNFAIR  
COMPETITION CAUSES

DOWNTOWN OFFICE  
THE WOOLWORTH BUILDING  
LAURENCE G. DENGLER J.D., OF COUNSEL  
233 BROADWAY  
SUITE 4701  
NEW YORK, NY 10279

RENE PERRET J.D., OF COUNSEL

CABLE ADDRESS: PATENTEST NEWYORK  
TELEX: 423536 MANT UI  
FACSIMILE: (914) 941-5855

REPLY TO: SCARBOROUGH OFFICE

JOHN J. MCGLEW J.D., NY, NJ, DC BARS  
JOHN JAMES MCGLEW J.D., NY, NJ, DC BARS  
JESS M. COLLEN J.D., NY, MA, DC BARS  
MARION R. TUTTLE J.D.  
HILDA S. D. MCGLEW J.D., NY, NJ, BARS  
JANE F. COLLEN J.D., NY, MA, DC BARS  
CECELIA M. PERRY J.D., NJ BAR ONLY  
ARTHUR T. FATTIBENE J.D., CT, DC BARS ONLY

CHRISTOPHER D. GOODMAN, PATENT AGENT  
THEOBALD DENGLER, PATENT AGENT  
CLARIO CECCON J.D., PATENT AGENT  
HILDA S. MCGLEW M.D., PATENT AGENT

November 10, 1994

**VIA FEDERAL EXPRESS**

Hon. Tommy G. Thompson, Governor  
State of Wisconsin  
Room 115 East State Capitol  
Box 7863  
Madison, Wisconsin 53707

RE: Fromageries Bel v. State of Wisconsin  
Trademark: WISPRIDE  
Reg. No.: 351,930  
Issued: November 16, 1937  
Our Ref.: T-40,220

Dear Governor Thompson:

I am counsel to Fromageries Bel and am replying to your letter of October 3, 1994 directed to Mr. Robbé, President of Fromageries Bel Inc. This concerns the trademark WISPRIDE.

As I have explained in a prior letter to Mr. Trunzo (dated September 6, 1994 - copy attached), there is no legal basis upon which to challenge Fromageries Bel's WISPRIDE trademark. Fromageries Bel appreciates your acknowledgement of their uncontested ownership rights in the mark. However, any perceived basis for challenging the mark on grounds of deceptiveness, descriptiveness, or any similar basis, is contrary to the federal Trademark Laws of the United States.

1. A trademark is entitled to federal registration unless it resembles a previously registered mark, it is objectionable for other specific reasons (such as the mark includes representation of deceased president, a national insignia of the United States, contains scandalous matter, etc.), or unless the mark:

RECEIVED  
NOV 11 1994

Governor Thompson  
November 10, 1994  
Page 2

*...when used on or in connection with the goods of the Applicant is primarily geographically descriptive or deceptively misdescriptive of them...*

The Lanham Act, § 2.

2. WISPRIDE is a coined term. The mark is not WISCONSIN. It is not WISCONSIN CHEESE. It is a word which has been created by Fromageries Bel or its predecessors. Even if the mark suggested that WISPRIDE cheese was produced in Wisconsin, there is no prohibition in the federal statute against suggestive trademarks. This is a universal, fundamental principle of trademark law at the state and federal level. (Just as a point of information, the product will likely continue to contain cheese from Wisconsin, even when manufactured in Kentucky).

3. Even should we proceed upon the State's presumption that the mark is geographically descriptive or misdescriptive, it is still protectible if it has become distinctive as used on the goods as a result of exclusive, continuous use in commerce.

The Trademark Act (Section 1052(f)) permits the trademark owner to use marks which are geographically *descriptive* or geographically *misdescriptive*. In short, when a mark has been used in the United States for five years (let alone over 50 years), the law is allowed to presume that the meaning to consumers has become the trademark significance rather than any geographic significance.

Fromageries Bel is willing to discuss certain modifications to its package label and related trademark usage, though under no legal obligation to do so. Such potential modifications could be directed toward current label usage of a map of Wisconsin, for instance. But to be clear, there is no legal dispute regarding the WISPRIDE mark and Fromageries Bel will continue to use WISPRIDE without interruption and without alteration.

Governor Thompson  
November 10, 1994  
Page 3

CONCLUSION

With all due respect, Fromageries Bel is not taking an "aggressive" position. This is not one lawyer's interpretation. This, too, is bedrock, mainline, trademark law. The Attorney General, or any other official in the State of Wisconsin, can not raise any possible bona fide, good faith claim against Fromageries Bel's right to use and control its intellectual property, a fact which can be verified by any of the several excellent law firms in Milwaukee.

I do not represent my client with respect to issues of corporate structure and do not presume to speak for Fromageries Bel with respect to shifting manufacturing operations from Wisconsin to Kentucky. But there is no nexus between the site of manufacture of the WISPRIDE products and Fromageries Bel's right to freely use and exploit its ownership of the WISPRIDE mark.

I would be happy to discuss this issue further with you and <sup>meet</sup>~~met~~, together with Fromageries Bel, or together with any representative of your staff or administration.

Very truly yours,  
MOGLEW AND TUTTLE, P.C.

  
Jess M. Collen

JMC:tm

T40220.L4

Enclosed:

copy of letter sent to Mr. Trunzo dated September 6, 1994  
photocopy of 15 USC 1052

**McGLEW AND TUTTLE, P.C.**

*Counselors at Law*

SCARBOROUGH STATION

SCARBOROUGH, NEW YORK 10510-0827

TEL: (914) 941-5600

JOHN J. MCGLEW J.D., NY, NJ, DC BARS  
JOHN JAMES MCGLEW J.D., NY, NJ, DC BARS  
JESS M. COLLEN J.D., NY, MA, DC BARS  
MARION R. TUTTLE J.D.  
HILDA S. D. MCGLEW J.D., NY, NJ, BARS  
JANE F. COLLEN J.D., NY, MA, DC BARS  
CECELIA M. PERRY J.D., NJ BAR ONLY  
ARTHUR T. FATTIBENE J.D., CT, DC BARS ONLY

CHRISTOPHER D. GOODMAN, PATENT AGENT  
THEOBALD DENGLER, PATENT AGENT  
CLARIO CECCON J.D., PATENT AGENT  
HILDA S. MCGLEW M.D., PATENT AGENT

PATENT, TRADEMARK  
COPYRIGHT, AND UNFAIR  
COMPETITION CAUSES

DOWNTOWN OFFICE  
THE WOOLWORTH BUILDING  
LAURENCE G. DENGLER J.D., OF COUNSEL  
233 BROADWAY  
SUITE 4701  
NEW YORK, NY 10279

RENE PERRET J.D., OF COUNSEL

CABLE ADDRESS: PATENTEST NEWYORK  
TELEX: 423536 MANT UI

FACSIMILE: (914) 941-5855

REPLY TO: SCARBOROUGH OFFICE

September 6, 1994

263 8922 352

263 8922 352

**VIA FEDERAL EXPRESS**

Mr. Robert Trunzo  
Secretary  
Wisconsin Department of Development  
123 West Washington Avenue  
P.O. Box 7970  
Madison, Wisconsin 53707

Re: Trademark : WISPRIDE  
Our Ref. : T-40,220

Dear Mr. Trunzo:

I have been asked to communicate directly with you in response to your letter dated August 22, 1994 to a Mr. Robert Fievet, Chairman of Fromageries Bel in Paris.

Our firm specializes exclusively in the practice of trademark and other areas of Intellectual Property law. I just recently provided a somewhat detailed opinion, at the request of Mr. Fievet, addressing the possibility of a challenge to the rights to use the WISPRIDE trademark. I have already rendered an opinion for Mr. Fievet for use in his letter to the Governor. I am happy to send to you a copy.

WISPRIDE's trademark is owned by Fromageries Bel Inc., as applied to cheese products. The registration for this trademark has been owned by Fromageries Bel (or its predecessors) for over fifty (50) years. According to your view, the WISPRIDE mark may suggest the State of Wisconsin. Even if this were shown to be true, such a suggestion does not have any legal effect upon our client's rights to use this trademark with respect to cheese.

I welcome the fact that the Attorney General has evaluated this question; any legal analysis will be able to readily confirm that the State has no legal responsibility to challenge the rights of the company in that company's proprietary property. The State of Wisconsin has no direct, indirect, or other property interest in Fromageries Bel's trademarks. The law does not grant unto any state or other government an interest in the trademark of companies which do business within its borders. The State of New York, for better or worse, would have no claim to control the PEPSI-COLA trademark if

Mr. Robert Trunzo  
Page 2  
September 6, 1994

Pepsico moved out of New York. The legal analysis does not change in the matter of WISPRIDE simply because the first three letters of Fromageries Bel's trademark are the same first three letters as in the name of the State Wisconsin.

To give you another example with which you may be familiar, the Waltham Watch which originated in Waltham Massachusetts, has long since been owned by companies outside that state, with ownership being successively in the name of companies from Illinois, Florida, and now a company in New York. The goods sold under this brand have long since stopped emanating from Massachusetts. Neither the city of Waltham nor the Commonwealth of Massachusetts have any grounds to stop or restrict that name. To consumers, the name WALTHAM represents a specific brand of watch emanating from the specific company, rather than the watch which comes from a single New England town. The above cases are not entirely analogous our circumstances, since Fromageries Bel does not use a verbatim place location. Fromageries Bel has coined a trademark.

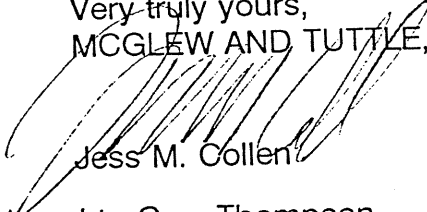
Even had the WISPRIDE mark ever suggested "Wisconsin", it would still be the exclusive legally-protectible property of the manufacturer. Perhaps most critically, even if the mark were merely a descriptive trademark - and unquestionably it is not - the law still regularly grants exclusive rights to such marks after five years; WISPRIDE has been in use for over 50 years.

I would welcome the opportunity to speak with the Attorney General's office. We're certainly open to hearing your views and any legal arguments which have lead you to believe that the State of Wisconsin has any basis for challenging our ownership of the trademark WISPRIDE.

In our view, quite respectfully, the idea that the state would have any right to the WISPRIDE mark, any control over the WISPRIDE mark, or any grounds for challenging this mark are based upon misinformation.

Such a claim has no foundation in American Trademark law; it contradicts the purpose of our trademark laws.

Very truly yours,  
MCGLEW AND TUTTLE, P.C.

  
Jess M. Collen

JMC:wff/tm  
T40220.L2  
Enc.:

Opinion to Mr. Fievet as enclosed to Gov. Thompson



2. Trade-marks Registrable on the Principal Register; Concurrent Registration.

no trade-mark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless

- a) Consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, disrepute.
- b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or any State or municipality, or of any foreign nation, or any simulation thereof.
- (c) Consists of or comprises a name, portrait, signature identifying a particular living individual except by his written consent, or the name,

(Pub.904)

Fed Statutes

signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow.

(d) Consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive: Provided, That if the Commissioner determines that confusion, mistake, or deception is not likely to result from the continued use by more than one person of the same or similar marks under conditions and limitations as to the mode or place of use of the marks or the goods on or in connection with which such marks are used, concurrent registrations may be issued to such persons when they have become entitled to use such marks as a result of their concurrent lawful use in commerce prior to (1) the earliest of the filing dates of the applications pending or of any registration issued under this chapter; (2) July 5, 1947, in the case of registrations previously issued under the Act of March 3, 1881, or February 20, 1905, and continuing in full force and effect on that date; or (3) July 5, 1947, in the case of applications filed under the Act of February 20, 1905, and registered after July 5, 1947. Use prior to the filing date of any pending application or a registration shall not be required when the owner of such application or registration consents to the grant of a concurrent registration to the applicant. Concurrent registrations may also be issued by the Commissioner when a court of competent jurisdiction has finally determined that more than one person is entitled to use the same or similar marks in commerce. In issuing concurrent registrations, the Commissioner shall prescribe conditions and limitations as to the mode or place of use of the mark or the goods on or in connection with which such mark is registered to the respective persons.

(e) Consists of a mark which, (1) when used on or in connection with the goods of the applicant is merely descriptive or deceptively misdescriptive of them, or (2) when used on or in connection with the goods of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, except as indications of regional origin may be registrable under section 1054 of this title, or (3) is primarily merely a surname.

(f) Except as expressly excluded in paragraphs (a), (b), (c), and (d) of this section, nothing in this

chapter shall prevent the registration of a mark used by the applicant which has become distinctive of the applicant's goods in commerce. The Commissioner may accept as prima facie evidence that the mark has become distinctive, as used on or in connection with the applicant's goods in commerce, proof of substantially exclusive and continuous use thereof as a mark by the applicant in commerce for the five years before the date on which the claim of distinctiveness is made. Leg.H. July 5, 1946, ch. 540, § 2, 60 Stat. 428; October 9, 1962, P.L. 87-772 § 2, 76 Stat. 769; January 2, 1975, P.L. 93-596 § 1, 88 Stat. 1949; November 16, 1988, P.L. 100-667 § 104, 102 Stat. 3937.

11/15/94 Pat Goss, Terry Grosenheider, Gary Swartz

- talk to Bill (? McCoshen) about going to AG for opinion
- Gary doesn't want risk that is involved in starting a lawsuit against Fro Bel on trademark issue
- Gary "if AG says no, we'll all drop it"

? AI hold committee hearing on issue (Terry's idea)

- Fro Bel not interested in selling business until trademark issues are resolved (Catch 22)

Al → Call Gary on Wednesday

Call Pat Goss 1st 6-1393

\* I think Gary has some wild ideas about the state's role in this matter.

He has the most to gain - the state has very little - however, Gary feels as though the state should be doing everything so he's not at risk!

+ New letter Fro Bel. - Declaratory Judgment Law Suite - Injunction  
Goss - A.G.'s - anything further to do.  
Preliminary work to be done.



Label is issue !!!

Thiel - private-label.

Wise-Price Label

Grosenheider - attitude problem.

# Village of Hilbert

26 North Sixth Street  
HILBERT, WISCONSIN 54129

414-853-3241

November 17, 1994

ARM

From Bel

Mr. Al Ott  
State Representative  
318 North, State Capital  
Madison, WI 53707

Dear Mr. Ott:

On behalf of the Village of Hilbert and the Village Board, I would like to take this time to thank you for all of the work that you have done regarding the "Wispride" symbol.

We can't stress the amount of impact that using the "Wispride" symbol and the closing of the plant will have on the small community of Hilbert. The cheese industry has played a big part of our economic system and the fact that we are losing one of the two cheese industries is very disturbing to us also.

Also, the trademark of "Wispride" has become symbolic with the community of Hilbert and Hilbert has been long known as the "Home of Wispride".

Also, I have contacted Brad Bauer of the Extension office and he will be coming in to talk to the Village Board on Tuesday, December 13, 1994 at 6:30 p.m. at the village hall so that he made be brought up to date regarding Fromageries Bel and maybe discuss some of the things that the village can do.

We want to thank you for everything that you have done so far and we ask that we be kept up to date on any happenings regarding the plant closing and the use of the "Wispride" symbol. If we can be of any assistance, please feel free to contact me.

Sincerely,

Harold Sippel

Harold Sippel  
Village President

Put on  
Calendar  
I will

BEHNKE. DEC  
sent 12/7/94

Al

①

As a fellow class mate I was wandering if you ever did anything more or try to get a business to buy our place of employment which is Fromageries Bel Inc. 129 N 7th Street of Hilbert. I have been with company going on almost 28 yrs. and now I will have ~~to~~ to start all over again with nothing!

I seen you at our plant once only shortly after they gave us plant closing notice. I thought after I see you there I thought gee maybe there is a chance he'll get someone to buy the place or a least try! since you're a congressmen I thought gee he should have some pull with industry to get something agoing!

But alas to day you have done or haven't seen anything in the papers that you're trying  
(over)

You're probably wondering who<sup>3</sup>  
I am writing you!  
Well here it is;

Ronald L. Behnke  
528 Madison Street  
Burlington, Wisconsin  
54110

telephone 756-3383

Will be waiting to hear  
from you most agreeently!

Show us a least that you  
made a big overall try for  
us as well as one of your  
fellow, classmates from high  
school!

I am also Vietnam veteran  
so any help for employment  
after Jan, would also maybe  
helpful!

Once again sincere Thanks!  
for your time!

## CONTACTS:

1. WPS Ted Penn (414) 433-1627
2. Wis. Electric 1 800 662-4797
3. DOD Dennis Russell (414) 498-6302
4. Wis. Central Railroad Bob Larson  
(414) 497-5130
5. Forward Wisconsin (414) 359-2359
6. East Central Regional Planning Commission (414) 729-4770

*File w/  
Fromagerie Bel  
APM*

## Marketing Opportunities:

1. WPS available building listing
2. Wis. Electric Ill. industry data base mailing.
3. Forward Wisconsin listing
4. Wis. Central vacancy to demand match program.
5. Paid advertisement in Marketplace Magazine.

## Possible opportunity enforcement work:

1. Create an inventory of the skills of the available labor force.
2. Line up all financing possibilities.
3. Conduct a "possible use" study of the facility for more direct marketing opportunities.
4. Work with WPS to create a community profile.
5. Analyze the future direction of Hilbert and formulate the action plan needed to achieve the vision.

# Village of Hilbert

---

26 North Sixth Street

414-853-3241

HILBERT, WISCONSIN 54129

December 19, 1994

Fromageries Bel, Inc.  
Alain Barbet  
Vice Pres., Finance and Administration  
2050 Center Ave.  
Fort Lee, NJ 07024

Dear Alain:

We regret hearing of your final decision to close the plant in Hilbert effective January 31, 1995. We can't stress the point enough the adverse effects that the closing will have on the community and the people that work there.

Excepting the effects that this will have, we would like to offer our assistance to you in the marketing of your facility. Today, we had a meeting with Gary Swartz regarding assisting with the marketing of the buildings. He informed us that your plans are not to begin marketing your buildings until April 1995. We would like to offer our assistance now in marketing your building with resources that are available to local municipalities. These include Wisconsin Public Service (WPS), Wisconsin Electric, Department of Development (DOD), Wisconsin Central Railroad, Forward Wisconsin and East Central Regional Planning Commission.

The Village would like to ask you for your approval to assist you with the marketing of your buildings through these avenues. If you would choose to accept our assistance, we ask that you provide us with the name of a person that could act as a liaison between the village and your company in joint marketing efforts.

We look forward to hearing from you.

Sincerely,



Harold Sippel  
Village President

cc: Brad Bauer, UW Extension Office  
Gary Swartz, Plant Manager, Fromageries Bel, Inc.  
Dennis Russell, Department of Development  
Ted Pen, Wisconsin Public Service



3

TOMMY G. THOMPSON

Governor  
State of Wisconsin

October 3, 1994

Mr. Patrick Robbe  
Fromageries Bel, Inc.  
2050 Center Street  
Fort Lee, New Jersey 10605

Dear Mr. Robbe:

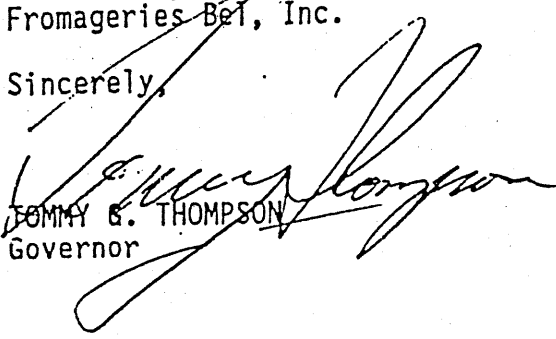
There has been a substantial amount of correspondence exchanged between your firm and the State of Wisconsin since Fromageries Bel, Inc. announced its intentions to close its Wispride Division plant in Hilbert, Wisconsin and move the operations to Kentucky. Your announcement has been a tremendous blow to this small community, and I remain deeply concerned about the impact on the 123 employees and their future employment opportunities.

As you know, I am disturbed about the use of the "WISPRIDE" trademark. I do not contest your ownership rights to this trademark; however, I believe the continued use of this trademark for cheese that will be produced in Kentucky is deceptive. Wisconsin is one of the leading dairy states in the nation, and consumers throughout the country associate cheese, particularly with a "WISPRIDE" label, with Wisconsin.

I want you to know that if the "WISPRIDE" trademark is used for a product that is made in Kentucky or in any jurisdiction other than Wisconsin, the State of Wisconsin will examine and pursue vigorously all legal remedies to halt the deceptive use of this trademark. I trust you understand the depth of my concern on this issue.

I will be pleased to discuss this issue with you and other representatives of Fromageries Bel, Inc.

Sincerely,

  
TOMMY G. THOMPSON  
Governor



Tommy G. Thompson, Governor  
Robert N. Trunzo, Secretary

August 22, 1994

Mr. Robert Fievet  
FROMAGERIES BEL S.A.  
Direction Generale  
16 Blvd. Malesherbes  
Paris, France 75008

Dear Mr. Fievet:

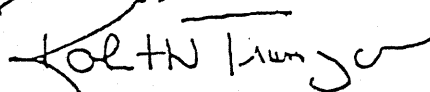
I am disappointed that Fromageries Bel, Inc. is intending to close its Wispride Division plant in Hilbert, Wisconsin and move the operations to Kentucky. Although I understand the closing represents a very difficult business decision for your firm, I am deeply concerned about the impact on the 123 employees and their future employment opportunities and on the small community of Hilbert, in which you have been a major employer.

One of the issues I am concerned with is the continued use of the "WISPRIDE" trademark. I understand that the company intends to continue using the "WISPRIDE" trademark, which is very popular and profitable, for cheese that will be produced in Kentucky. The office of Wisconsin Attorney General has evaluated the trademark issue, firmly believes that the State has reason to challenge its use on products made out of Wisconsin.

I want to notify you that if the "WISPRIDE" trademark is used for a product that is made in Kentucky or in any jurisdiction other than Wisconsin, I will request the Office of Attorney General and the Wisconsin Milk Marketing Board, another Wisconsin organization knowledgeable of and having a vested interest in this issue, proceed to implement their independent strategies of vigorously pursuing all legal remedies to halt use of the trademark.

I will be pleased to discuss this issue with you and other representatives of Fromageries Bel, Inc. I trust you will understand the depth of my concern on this issue.

Sincerely,



Robert N. Trunzo  
SECRETARY

RNT:jw

cc: Mr. Bertrand Dufort, Fromageries Bel S.A.  
Mr. Patrick Robbe, Fromageries Bel, Inc.



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

JAMES E. DOYLE  
ATTORNEY GENERAL

Burneatta L. Bridge  
Deputy Attorney General

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
608/266-1221

August 5, 1994

The Honorable Alvin R. Ott  
State Representative  
318 North, State Capitol  
Madison, Wisconsin 53702

Dear Mr. Ott:

After considerable unexpected delay, we have now received the basic information that enables us to begin an evaluation of the trademark status of the WISPRIDE mark in light of the fact that the current owner of the mark, Fromageries Bel, Inc., of Fort Lee, New Jersey, has given notice that it will cease cheesemaking operations in Hilbert, Wisconsin early next year and will transfer their entire manufacturing and distribution operations to Kentucky.

Documentation of two pertinent trademark registrations are attached as Exhibits 2 and 3. The first appears to be the original registration of the WISPRIDE mark by the Wisconsin Cheese Publicity Association, Inc., of Kiel, Wisconsin, as of November 16, 1937. We have information indicating that the mark was renewed in 1957 and again in 1977. The notation on Exhibit 2 indicates the renewal was in the name of the Calumet Cheese Company, Inc., of Hilbert, Wisconsin. It is our understanding that Fromageries Bel acquired the company and the WISPRIDE mark about eight or nine years ago, subsequent to the last renewal. The mark will be up for renewal again in 1997.

You have asked whether it is proper for Fromageries Bel, Inc., to continue to use the WISPRIDE mark after it leaves Wisconsin and whether other Wisconsin based entities could use the mark. It is my opinion that since Fromageries Bel, Inc., is the owner of record of the mark at this time, it would not be proper for another company to use the mark at this time. However, it is also my opinion that the registration of the mark is subject to cancellation under 15 U.S.C. § 1064, and that upon cancellation, the mark would be available for use by a qualified company.

The federal trademark law provides that a petition to cancel a registration of a mark may be made at any time "if the registered mark is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used." 15 U.S.C. § 1064(3). There is no question in my mind that the use of the mark WISPRIDE

The Honorable Alvin R. Ott  
Page 2

in connection with cheese products represents that the cheese comes from Wisconsin. It follows that to use the mark in connection with cheese products which do not come from Wisconsin would constitute misrepresentation as to source.

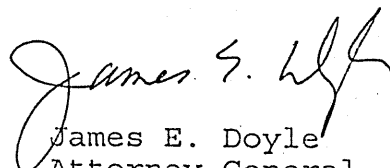
The component "WIS" is a commonly used and widely known abbreviation for the state of Wisconsin. In conjunction with the term "PRIDE" the clear connotation elevates the association to a matter of pride in and/or by the state of Wisconsin or its citizenry. It is hard to imagine any other meaningful connotation.

Whatever the isolated import of the word WISPRIDE, the owner of the mark has in fact sought to establish a strong association with the state of Wisconsin as the source of the products bearing its labels, as evidenced by the labels shown on Exhibit 1 attached hereto. Just in case some consumer in the past might miss the intended connotation of the mark, the labels proudly proclaim not only WISPRIDE but also THE PRIDE OF WISCONSIN. Furthermore, one of the labels incorporates a graphic representation of the very distinctive borders of the state of Wisconsin.

As part of the larger law of unfair competition, the purpose of trademark law is to prevent confusion as to origin of goods and to prevent fraud and misrepresentation as to their source. Bicentennial Com'n v. Olde Bradford Co., Inc. 26 Pa. Cmwlth. 636, 365 A.2d 172, 176 (1976). In furtherance of this purpose, the trademark office will refuse to register marks that are "deceptive" in general and that are "primarily geographically deceptively misdescriptive" in particular. 15 U.S.C. § 1052 (a) and (e)(3), respectively. Clearly this has been no problem during the prior history of the mark since the product has come from a Wisconsin based company. I am confident that a Kentucky cheesemaker could not register the mark WISPRIDE afresh today and it follows that the attempted relocation of a proper mark from Wisconsin to any other state constitutes strong grounds for cancellation of the mark under 15 U.S.C. § 1064.

If you would like to discuss the matter further, including issues regarding identification of proper parties, timing, etc., please contact Assistant Attorney General Robert Larsen at 266-3076.

Sincerely,

  
James E. Doyle  
Attorney General

JED:RWL:jlb

Enclosures



## FROMAGERIES BEL, INC.

2050 Center Avenue • Fort Lee, New Jersey 07024 • Telephone: (201) 592-6601

July 14, 1994

### SENT BY FEDERAL EXPRESS

Village of Hilbert Board Members  
26 North Sixth Street  
Hilbert, Wisconsin 54129

Dear Members of the Board:

I am in receipt of your letter dated June 23, 1994 regarding our decision to close the Hilbert facility effective January 31, 1995.

We acknowledge your concerns and would like to make the following comments.

- We have never indicated that we would prevent anyone from purchasing the facility to keep it operational. On the contrary, we are actively seeking buyers who could keep part or all of our labor force employed in Hilbert. As of today, we have received several proposals and hope we can enter into a sales contract within the next couple of weeks.
- The WISPRIDE trademark belongs to Fromageries Bel and as indicated in the enclosed letter from our trademark counsel, there is no legal basis for any person or company, including the State of Wisconsin, to consider, even for a moment, the use of Fromageries Bel trademark.
- We understand the Village of Hilbert's concerns about the new waste water treatment facility and that it must be completed before the end of 1995. Obviously, Fromageries Bel's decision to close the manufacturing plant may indeed affect the Village's plans for the WWT facility. We cannot, however, take this element into consideration as we have not entered into a contractual agreement covering any obligation vis-à-vis the facility.

July 13, 1994  
Village of Hilbert Board Members

In view of the above, here are our answers to your proposed alternatives:

1. Our decision is final and we will not continue operations in Hilbert after March 31, 1995 once our manufacturing and distribution operations are completely transferred to Kentucky.
2. We are actively seeking a prospective buyer for the building and land but will not allow anyone to use the WISPRIDE trademark. Fromageries Bel would immediately be forced to bring suit for trademark infringement and unfair competition arising out of any use of the WISPRIDE mark by any other entity.
3. Fromageries Bel regrets any inconvenience to the Village but since it was not consulted as to the initial design of the building of the Waste Water Treatment facility, nor did it sign any contract to fund that facility, it is not able to honor the request that it fund any portion of its construction.

If you want to discuss these issues further please feel free to contact me at (201) 592-6601. As we make progress on the prospective sale of your property, we will keep the Board posted.

Sincerely,



Alain Barbet  
Vice President, Finance and  
Administration

encl: Letter from Jess Collen,  
McGlew and Tuttle

cc: P. Robbé, President  
G. Swartz, Plant Manager  
P. Friesler, Davis & Kuelthau

McGLEW AND TUTTLE, P.C.  
*International Patent and Trademark Law*

JOHN J. MCGLEW J.D., NY, NJ, DC BARS  
JOHN JAMES MCGLEW J.D., NY, NJ, DC BARS  
JESS M. COLLEN J.D., NY, MA, DC BARS  
MARION R. TUTTLE J.D.  
HILDA S. D. MCGLEW J.D., NY, NJ, BARS  
JANE F. COLLEN J.D., NY, MA, DC BARS  
CECELIA M. PERRY J.D., NJ BAR ONLY  
ARTHUR T. FATTIBENE J.D., CT, DC BARS ONLY

SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
TEL: (914) 941-5600

DOWNTOWN OFFICE  
THE WOOLWORTH BUILDING  
LAURENCE G. DENGLER J.D., OF COUNSEL  
233 BROADWAY  
SUITE 4701  
NEW YORK, NY 10279  
RENE PERRET J.D., OF COUNSEL

CHRISTOPHER D. GOODMAN, PATENT AGENT  
THEOBALD DENGLER, PATENT AGENT  
CLARIO CECCON J.D., PATENT AGENT  
HILDA S. MCGLEW M.D., PATENT AGENT

CABLE ADDRESS: PATENTEST NEWYORK  
TELEX: 423536 MANT UI  
FACSIMILE: (914) 941-5855

July 13, 1994

REPLY TO: SCARBOROUGH OFFICE

Mr. Robert Fievet  
FROMAGERIES BEL S.A.  
Direction Generale  
16 Boulevard Malesherbes  
Paris, FRANCE 75008

Re: Trademark : WISPRIDE  
Our Ref. : GF-FROMAIV.5

Dear Mr. Fievet:

Please allow me to offer my comments on the letter of June 21, 1994, from Wisconsin State Representative Ott.

There is no legal question regarding Fromageries Bel's exclusive ownership and control of the WISPRIDE mark, nor is there any interpretation under Wisconsin trademark law which would divest Fromageries Bel of its long held rights in the WISPRIDE trademark.

The WISPRIDE mark is a federally-registered trademark. This mark was granted United States trademark 351,930 on November 16, 1937. The mark was subsequently renewed for an additional 20-year term in 1957 and again for a second time in 1977.

This trademark registration is eligible again for renewal in 1997.

FEDERAL TRADEMARK PROTECTION - AN OVERVIEW

The Federal system of trademark registration grants the trademark registrant the exclusive right to use the mark in commerce. Fromageries Bel would immediately be

Mr. Robert Fievet  
July 13, 1994  
Page 2

forced to bring suit for trademark infringement and unfair competition arising out of any use of the WISPRIDE trademark by any other entity.

The WISPRIDE mark is a coined mark. It is entitled to the strongest deference and protection. Along the spectrum of trademarks, there is a range from the unprotectable generic mark, to the most favored coined term. There are many degrees in between. A generic term is one such as "soap" to identify soap, or "cheese" to identify cheese. WISPRIDE does not fall under the Generic category.

As it is the function of the trademark to identify the source of a product, a manufacturer using the word "soap" could never credibly argue that the purchasing public has come to associate the word "soap" with one specific company as the source of all soap. The Federal Court of Appeals with jurisdiction over Wisconsin (7th Circuit) has adopted and repeated the most often cited hierarchy of trademarks:

A term for which trademark protection is claimed will fit somewhere in the spectrum which ranges through (1) generic or common descriptive and (2) merely descriptive to (3) suggestive and (4) arbitrary or fanciful. As the ease with which hues in the solar spectrum may be classified on the basis of perception will depend upon where they fall in that spectrum, so it is with the term on the trademark spectrum. Miller Brewing Company v. G. Heileman Brewing Co., Inc., 195 U.S.P.Q. 281, 284 (Cir. 7. 1977).

There is a standard legal treatise by the name of Trademark Protection and Practice, edited by Jerome Gilson, Matthew Bender and Co. Inc., New York, 1993. For the purpose of explaining trademark law, the Gilson text has devised a ranking system for various words and their ability to function as trademarks. The least capable are awarded the score 0, with the most favored a score of 10. A generic term (such as "cheese" to describe cheese) is awarded 0 points. WISPRIDE is not a generic term.

Descriptive terms are those terms which may designate a particular characteristic of a product, such as TASTY, MILD or even WISCONSIN as applied to cheese products

Mr. Robert Fievet  
Page 3  
July 13, 1994

(WISCONSIN, being descriptive on the grounds that it describes the geographic source of the goods). WISPRIDE is not a descriptive term.

A familiar example of a geographic term given trademark protection is WALTHAM for watches produced in Waltham, Massachusetts. The U. S. Supreme Court has ruled that, in Professor McCarthy's words:

Once proof of secondary meaning is established, a geographically descriptive term will be protected in the same manner as any "strong" mark. McCarthy on Trademarks, 3d Edition, J. Thomas McCarthy, §14.05 [(2)] Clarke Boardman.

Descriptive trademarks, though ranking fairly low on the trademark scale, are given trademark protection when the trademark owner uses a particular mark exclusively for a period of time. The federal trademark statute refers to a five-year term as raising a presumption of distinctiveness (as established by the federal Trademark Act; the Lanham Act, 15 U.S.C. 1052(f)).

Climbing higher still up the ladder of trademark protectability, we find trademarks which are suggestive. Suggestive trademarks may call to mind a particular feature or characteristic of the product without actually describing the product. The word PASTURE may cause consumers to conjure up images of the type of setting where they believe their dairy products originate. However, since PASTURE would only make a favorable suggestion when applied to cheese or dairy products, but not describe such products, the word would be immediately available for use and protection as a trademark, even without any history of past use by the trademark owner.

Finally, we come to marks which are entirely invented or fanciful. Applying the word APPLE to computers is arbitrary. Inventing the word such as KODAK is also arbitrary. These are the strongest trademarks. The coined term WISPRIDE falls into this most favored class of protectable trademark.



Mr. Robert Fievet  
Page 4  
July 13, 1994

### CONCLUSION

WISPRIDE is not found in any dictionary. It is not found in any atlas, gazetteer, or any other reference book. It is the trademark of Fromageries Bel. It has been used exclusively as a trademark to identify the goods emanating from a specific company since the 1930's. As such, WISPRIDE has one meaning and one meaning only: as a designation of a particular product, emanating from a particular company. Such is the nature of trademarks. Such is the nature of protectable trademarks.

The suggestion that the WISPRIDE should be available for exclusive use by others in the State of Wisconsin runs contrary to every tenet and principal of American trademark law, and contrary to trademark laws as they have been interpreted by the federal and state courts in the State of Wisconsin.

The WISPRIDE mark does not tell consumers that a product emanates from the State of Wisconsin or is manufactured by Wisconsin residents. Even in 1937 when this trademark registration was first granted by the United States Patent Office (now the U.S. Patent and Trademark Office), there was an acknowledgment that the mark functioned as a trademark without any descriptive characteristic whatsoever. I do not want to belabor this by discussing the origins and evolution of trademark law in the United States, but I think it is significant for you to know that WISPRIDE as a trademark was registered at a time when descriptive marks were not generally permitted registration.

The WISPRIDE mark was first used on July 20, 1936, and the trademark application was filed only a month later on August 24, 1936. Registration was granted on November 16, 1937 without any requirement or proof that the mark had become distinctive. The Trademark Office accepted the fact that WISPRIDE was a true and proper trademark without any descriptive characteristics. The mark has been in continuous use for over half a century.

As a simple matter of trademark law, the WISPRIDE mark designates a single company as the source of the products sold under the WISPRIDE mark. There is no legal basis for any other person or company, including the State of Wisconsin, to consider, even for a moment, use of Fromageries Bel's trademark. Any other companies in Representative Ott's district, throughout the state, or nationwide are free to sell cheese

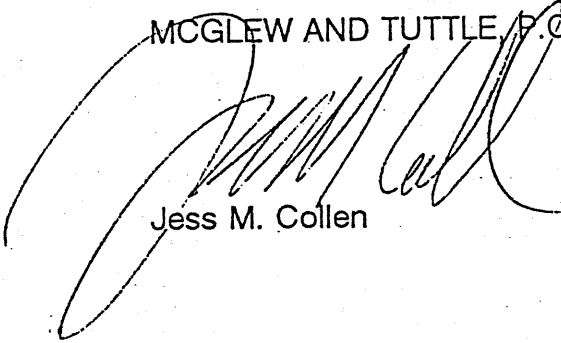
Mr. Robert Fievet  
Page 5  
July 13, 1994

products under their own marks. But any use of the WISPRIDE name, or any creation or adoption of any name confusingly similar to WISPRIDE violates the Lanham Act, Wisconsin state law and the common law.

Suggesting that the WISPRIDE brand may be available to other is not merely implausible. It contradicts the entire theory and purpose of U.S. federal and Wisconsin state trademark law.

Very truly yours,

MCGLEW AND TUTTLE, P.C.



Jess M. Collen

JMC:dec  
frombeV.11

# Village of Hilbert

Office of the  
VILLAGE CLERK/TREASURER

26 North Sixth Street  
HILBERT, WISCONSIN 54129

414-853-3241

June 23, 1994

Fromageries Bel, Inc.  
2050 Center Ave.  
Fort Lee, New Jersey 07024

ATTN: Alain Barbet  
Vice Pres., Finance and Administration

Dear Alain Barbet:

We are writing this letter in regard to your announcement that Fromageries Bel will be ceasing their cheese processing operation in the Village of Hilbert, Wisconsin. The information we have been given is that the closing will occur Jan. 31, 1995.

Because Fromageries Bel and the Village of Hilbert maintained a good working relationship for a number of years, the arrival of this news was indeed unpleasant.

The impact to our Village is significant for a number of reasons. They are as follows:

1. As many as 120 citizens of our small Village will lose their jobs. With little industry in our Village, their next employer will most likely take them to a new municipality.
2. You have indicated that your decision is to close the operation, and not to allow anyone to purchase the facility to keep it operational. We have been informed that there are parties interested in buying the business. If you would allow purchase and operation of the facility, the impact to Hilbert would be less severe.
3. We have been informed that you wish to take the Wispride label to Kentucky. This label has been the symbol of Wisconsin's, and indeed Hilbert's pride for many years.
4. Most damaging, is the fact that we are in the process of building a new waste water treatment facility. In the year of 1993, we were informed by the Department of

# Village of Hilbert

Office of the  
VILLAGE CLERK/TREASURER

26 North Sixth Street  
HILBERT, WISCONSIN 54129

414-853-3241

Natural Resources that our current facility was not able to properly process the waste water produced in our Village. Fromageries Bel was, and is, a high volume contributor to our treatment facility. We have plans in place to construct a new facility at the cost of approximately \$2,400,000.00. Construction is scheduled to begin in the upcoming months, with the Department of Natural Resources demanding a completion date of Dec. 1995. The plans were developed with the expectancy that Fromageries Bel would continue to need waste water treating capacity as it had in the past. The significant portion of the cost of construction that would have to be transferred from you to our citizens, will be a hardship for many.

With these issues at hand, we ask that you consider the following alternatives:

1. Change your decision and continue to successfully operate Fromageries Bel in Hilbert.
2. Sell the operation to a prospective buyer, and allow them to retain the Wispride label.
3. Fromageries Bel fund their share of the waste water treatment facility as originally planned.

With the extreme pressure of time placed upon us, we ask that you respond in writing with consideration and decision by July 15, 1994. Should you have questions, you may contact Dennis DuPrey at (414) 853-3241. We thank you for your time and attention.

Sincerely,

Hilbert Village Board members

12-28-94

Confidential

Bill Williams - WCA Attorney (by phone: John Umhoefer, Exec. Dir WCA)

Joe Tregonig

Bob Larson - AG office

AI

Kim

Krista Nahie - Gov's office

Jerry Grosenheider - DOD

Pat Goss

Gov's concerns (Goss)

1. Hilbert situation

- if no one comes into plant after Fro Bel leaves

2. WISPRIDE Label used in Kentucky

\* Fro Bel attorney goes Cotten has called Pat numerous times in last 3 weeks eager to meet

(Larson)

- Fro Bel owner on record of trademark

\* may have good case for cancellation of mark

Fro Bel evades this point

- drop borders of WI

- drop "The pride of WI"

- will want to keep WISPRIDE - we say no

Strengths of cancellation case: who can do it

(Sec. 1064 trademark law)

- any person who believes he will be damaged by mark (competitor, WCA, Gary Swartz, state)

(major pt. of trademark law is consumer protection)

Grounds

... do so to misrepresent the source of the goods..

- Fro Bel is misrepresenting the source

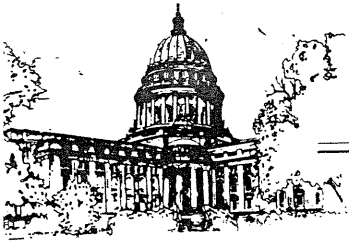
major problem → we lose if they continue to use WI products but only ship out of Kentucky (also - WI Milk Marketing Bd. gives \$ to companies outside of WI if they use a majority of WI products) (over 2/3)

(Grosenheider)

Goals → Ensure employment w/ the facility

Protect trademarks which play on WI as source of quality

\* Open a dialogue w/ Fro Bel - get facility sold



**ALVIN R. OTT**

February 16, 1995 State Representative  
3rd Assembly District

The Honorable Tommy G. Thompson, Governor  
State Capitol, Room 115 East  
Hand-Delivered

Dear Governor Thompson:

As I'm sure you are aware, the Fromageries Bel cheese processing plant in Hilbert, Wisconsin has closed its doors and moved its operations to Kentucky. This happened despite efforts by yourself, myself and many others to persuade the company not to close or at the very least to release the "WISPRIDE" trademark for exclusive use by others in the Wisconsin dairy industry. I would like to take this opportunity to thank you for your past support of the Village of Hilbert and the dairy industry.

To the best of my knowledge, Fromageries Bel is currently or soon will be placing the "WISPRIDE" label on cheese manufactured in Kentucky. I'm sure you'll agree with me that in the long run, this practice could have detrimental effects on Wisconsin's prestigious reputation as America's Dairyland. Why should we allow a company in Kentucky to use the "WISPRIDE" label which implies that the cheese was produced in Wisconsin?

I stand firm in my belief that this situation requires investigation by the Wisconsin Department of Justice (DOJ). I am asking you to order DOJ to investigate possible trademark infringement by Fromageries Bel. As leaders in Wisconsin, we need to do everything possible to defend our reputation for quality dairy products produced in Wisconsin. The initial loss of jobs in the Hilbert area is detrimental enough; we must not let the "WISPRIDE" label be moved out of Wisconsin without defending our dairy industry.

I thank you in advance for your consideration of my request. Please feel free to contact me if you would like to discuss this further.

Sincerely,

Alvin R. Ott  
State Representative  
3rd Assembly District

ARO:kjr

cc: Terry Grosenheider, DOD  
Secretary Alan Tracy, DATCP  
Joe Tregonig, DATCP  
Gary Swartz  
Hilbert Village Board



**Office:**  
348 North  
P.O. Box 8953, State Capitol  
(608) 266-5831

**Toll-free  
Legislative Hotline:**  
1 (800) 362-9472

**Home:**  
P.O. Box 112  
Forest Junction, Wisconsin 54123  
(414) 989-1240

**Ranking Member:** Agriculture, Forestry and Rural Affairs / **Member:** Environmental Resources; Labor and Job Training

Printed on recycled paper

3/30/95

~~April 1, 1996~~

Attorney General James Doyle  
Room 114 East  
State Capitol  
Hand-Delivered

Dear Attorney General Doyle:

I'm writing to ask for your fullest consideration of Governor Thompson's March 30th, 1995 letter asking you to investigate Fromageries Bel for possible trademark infringement.

As I'm sure you already know, Fromageries Bel closed its cheese processing plant in Hilbert, Wisconsin on January 31, 1995. The Hilbert operations were moved to Kentucky.

The loss of jobs in Hilbert created by this plant closing is extremely detrimental to this community of 1,200. I'm sure you'll agree that we must not let Fromageries Bel devastate us further. The State of Wisconsin must challenge Fromageries Bel's right to use the "WISPRIDE" label on cheese produced in Kentucky. The label clearly implies that the cheese or at least the majority of its ingredients are Wisconsin dairy products. I don't believe that we, as a state, would be out of line in asking Fromageries Bel to prove they are using dairy products from Wisconsin. As "America's Dairyland," we must defend our number one industry.

Thank you in advance for your consideration of this issue. Please feel free to contact me if you would like to discuss this further.

Sincerely,

Alvin R. Ott  
State Representative  
3rd Assembly District

ARO:kjr



# ALVIN R. OTT

State Representative  
3rd Assembly District

## NEWS RELEASE

**FOR FURTHER INFORMATION CONTACT:**  
State Representative Al Ott (608) 266-5831  
(414) 989-1240

**FOR IMMEDIATE RELEASE**  
**MARCH 30, 1995**

### GOVERNOR THOMPSON AND OTT ASK FOR FROMAGERIES BEL INVESTIGATION

Madison...Fromageries Bel, a cheese processing plant which recently moved its Hilbert, Wisconsin operations to Kentucky, may be investigated for possible trademark infringement, according to State Representative Al Ott (R-Forest Junction).

Governor Tommy Thompson delivered a letter to Attorney General James Doyle on March 30th urging him to open an investigation on Fromageries Bel to see whether they are violating the law by using the "WISPRIDE" label on cheese produced in Kentucky. The basis of the investigation is that "WISPRIDE" implies the product is made with ingredients from Wisconsin.

Governor Thompson's initiative is a direct result of a request made earlier this year by Representative Ott to begin a Department of Justice (DOJ) investigation. Ott had previously worked with DOJ and the Governor's office to get the "WISPRIDE" label voluntarily released by Fromageries Bel prior to their move so that it could be used exclusively in Wisconsin. Ott also wrote to the Chairman and Chief Executive Officer of Fromageries Bel last summer asking him to reconsider the closing of the Hilbert plant.

"Making an effort to bring the 'WISPRIDE' label back to Wisconsin is the least we can do since our efforts to persuade Fromageries Bel not to move their operations out of Hilbert were not successful," said Ott.

"It is my hope that we can bring another business into Hilbert that could possibly use the 'WISPRIDE' label if we are successful in getting it released," said Ott. "Allowing a company in Kentucky to use a label on their cheese which implies the cheese was made from quality Wisconsin dairy products is not something Governor Thompson or myself are willing to do."

Ott has also written to the Attorney General urging him to open the investigation. It is within Doyle's discretion not to act upon the request.

-30-



**Office:**  
318 North  
P.O. Box 8953, State Capitol  
(608) 266-5831

**Toll-free  
Legislative Hotline:**  
1 (800) 362-9472

**Home:**  
P.O. Box 112  
Forest Junction, Wisconsin 54123  
(414) 989-1240

**Ranking Member:** Agriculture, Forestry and Rural Affairs / **Member:** Environmental Resources; Labor and Job Training

Printed on recycled paper





**ALVIN R. OTT**

State Representative  
March 30, 1995 3rd Assembly District

Viola M. Kemp  
959 Sleepy Hollow Lane  
Menasha, WI 54952

Dear Viola,

Thank you for your recent letter regarding the "WISPRIDE" label. I truly enjoyed reading your letter and learning about the history of the "WISPRIDE" label. It sounds as though you have had a good life and many memories to cherish.

When Fromageries Bel first announced that they were moving their operations out of Hilbert, I worked with Governor Thompson to try and persuade the company to voluntarily release the "WISPRIDE" trademark for exclusive use in Wisconsin. Unfortunately, our efforts were not successful.

However, we have not given up. Just today, Governor Thompson, at my request, asked Attorney General James Doyle to open a investigation into possible trademark infringement by Fromageries Bel. The basis of the investigation is that by using the label on cheese produced in Kentucky, Fromageries Bel is implying that their products, or at least the majority of ingredients in the products, are from Wisconsin. I have enclosed a copy of a press release that I sent out today which contains more information regarding our efforts to bring the "WISPRIDE" label back to Wisconsin.

Thank you again for your lovely letter. I very much want to bring the "WISPRIDE" label back to Wisconsin, not only to uphold our dairy industry's excellent reputation, but also to allow you to continue to cherish your fond memories.

Sincerely,

*Good to hear from you.*

*Al*

Alvin R. Ott  
State Representative  
3rd Assembly District

ARO:kjr

P.S. I was related to Lester Ott. He was a brother to my grandfather.



Office:  
318 North  
P.O. Box 8953, State Capitol  
(608) 266-5831

Toll-free  
Legislative Hotline:  
1 (800) 362-9472

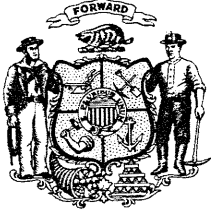
Home:  
P.O. Box 112  
Forest Junction, Wisconsin 54123  
(414) 989-1240

Ranking Member: Agriculture, Forestry and Rural Affairs / Member: Environmental Resources; Labor and Job Training

Printed on recycled paper



Lutheran, down the road from the  
factory and after the funeral I went to  
look one last time at the bedroom Gemma  
and I shared and cried. I am enclosing  
brochure that was in the Chase Journal  
in 1939 which I think was a nice write up.  
As I stated in the letter to Tom Thompson  
in part how we came up with the name  
Wes Prida. My sister Ben died 10 years ago  
right before I lost my husband. She and  
I sang for the wedding of Emmie and Mitchell  
Stanville in their front yard. That's a long  
time ago. Sis is 75 and here survived  
cancer for 11 years so I can say I was  
the lucky one in my family. It was though  
a bit of prayer I think helped me. So far  
so good. I read in the paper about  
Lester Ott dying. Is he related to you?  
P.S. I assumed he was. Well, I hope with  
all our writing to Tom Thompson it may  
help. I have enclosed the letter that  
I received from the Gov. so maybe  
something will be done about it, right??  
If you have time please answer as I  
like Kern



**TOMMY G. THOMPSON**

Governor  
State of Wisconsin

January 10, 1995

Viola M. Kemp  
959 Sleepy Hollow Lane  
Menasha, WI 54952

Dear Mrs. Kemp:

Thank you for the lovely card for Sue Ann. We are thankful she is on her way to a full recovery and we attribute much of her present health to the well wishes of the many concerned people like yourself who sent notes and kept Sue Ann in their prayers.

I also appreciate the time you took to write to tell me about your life and your concerns regarding WisPride. The Wispride trademark represents the pride Wisconsin has shown throughout history because of the many quality products our state produces.

I am currently working with Fromageries Bel, the company that owns the right to the WisPride trademark, and the Department of Development to do everything possible to keep Wispride where it belongs, in Wisconsin.

Sincerely,

A handwritten signature in cursive script that reads "Tommy G. Thompson".

TOMMY G. THOMPSON  
Governor

TGT/kn



## A CHEESE BUSINESS OF

# tomorrow

By Paul H. Mandt  
 associate editor  
*National Butter and Cheese Journal*

**J**UST north of Hilbert, Wis., on Highway 57, stands a large new white cement building. Cars are parked on the wide concrete driveway in front. Through the broad front windows may be seen the modernistic salesroom and "dairy bar" with courteous attendants hustling about selling cheese and dairy lunches, to tourists, townspeople, farmers—in fact to everyone who is lured inside by the attractive, clean-looking building.

The scene of all this activity is the home of the Calumet Cheese Co.

Viewed objectively, this rapidly growing business may be an indication of one of the types of cheese business which will be common in the future.

### How it Started

Back in 1933, at the depths of the depression, Armin Hernke started making club cheese in his "cross roads" cheese factory just east of Hilbert. He made a good product and was progressive in getting dealers to handle it. He believed that giving the public a cheese it liked, in a convenient package, would help him build business and get a good income despite the depression. He was right. His business flourished. Club cheese was growing in popularity and Calumet brand steadily gained a growing reputation for quality. The best advertising was the word-of-mouth advertising of satisfied users telling their friends.

Within a few years dealers in all parts of the United States were handling Calumet Club cheese. In the East, especially, the product was increasing in pop-

ularity. In Philadelphia, New York, Washington, the product was finding new users.

By 1937 the club cheese business had outgrown facilities of Mr. Hernke's factory. Seeing the possibilities of merchandising high quality cheese and realizing how introduction of other types of cheese would still further expand the business, Mr. Hernke induced his brother George and a friend, Louis Wrensch, both of whom also operated cheese factories, to join him in forming a marketing organization which would develop new direct markets for their product.

Organization of the Calumet Cheese Co. was the result.

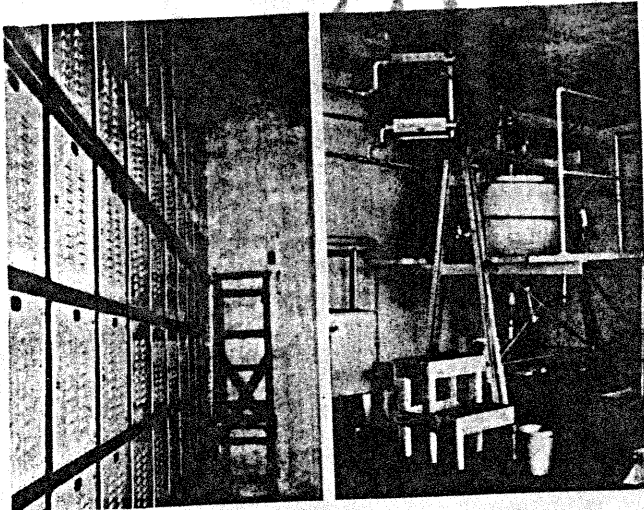
Because of the heavy tourist traffic on Highway 57, it was decided to build the new central plant on the highway at the outskirts of the village of Hilbert. Construction of the plant was started in the Fall of 1937. The new business started operation in March, 1938, with Armin Hernke as president, Louis A. Wrensch, treasurer, and George Hernke, secretary.

The new company branched out, featuring several types of cheese in addition to the club product. Manufacture was also started of a pasteurized cheese in loaf form.

### Special Small Packages

Interesting, and especially attractive to the city consumers to whom so much of the Calumet Cheese Co. output goes, is the natural cheese put up in consum-

*National Butter and Cheese Journal*



Left: A corner of the cold storage locker room. Note that lockers are eight high with a ladder available for reaching the higher lockers. Right: The mixing kettle for pasteurized cheese.

size packages of one pound, one-half pound, and one-quarter pound.

This cheese, which is manufactured in the factories operated by the three owners of the business, is aged in 120-pound blocks of a size and proportion to fit a regular Friday butter printer.

When properly aged, these blocks are put into a Friday butter printer and cut into pound, half-pound, or quarter-pound units. The outside of these small units is coated with a melted cheese mixture to close all pores and holes, and the cheese is then double-dipped in special wax which will not crack or check and which can be peeled off the cheese by the customer much as skin is peeled from a banana.

The paraffined cheese is then put into pound cartons similar to butter cartons.

This cheese has met with instant consumer appeal. The half and quarter-pound packages especially have "gone over big" in the metropolitan areas. The quarter-pound paraffined unit, for example, is sold for a

dime. Because of its convenient size and because of the fact that it has no rind or waste, the city housewives and apartment dwellers like the dime package. It gives them no more cheese than they can eat in one or two meals, hence they have no fear of spoilage.

#### Handle Many Varieties

In addition to this packaged cheese, and the club and pasteurized cheeses, the Calumet Cheese Co. handles brick, Limburger, Swiss, Roquefort, and Muenster. Only the American cheeses, however, are manufactured by the company.

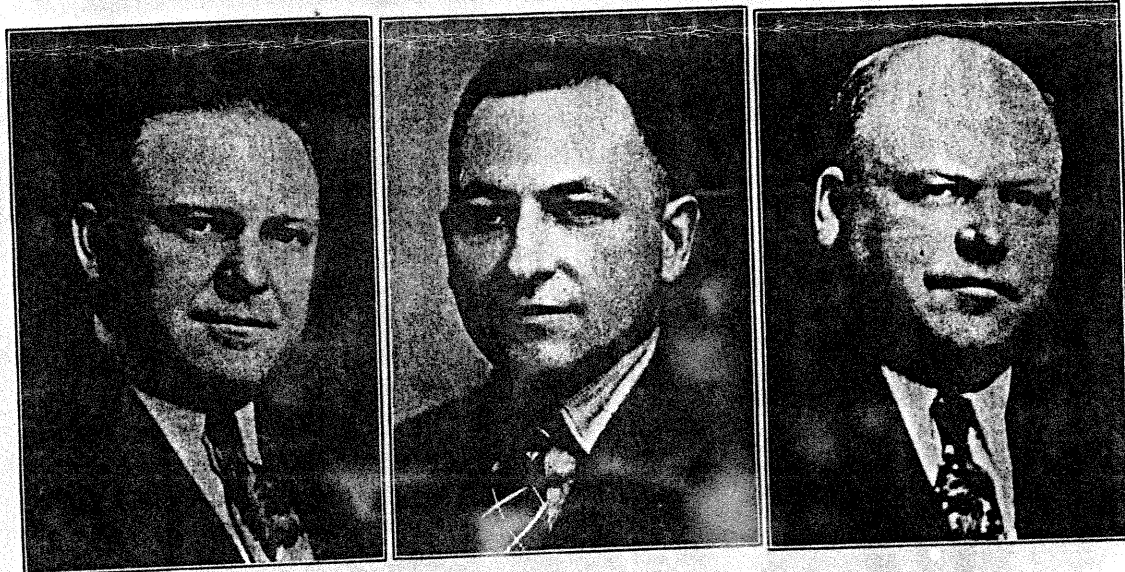
American cheese to be sold in longhorns or daisies, or to be made into club cheese, or pasteurized cheese; or American to be cut into consumer size packages, is all made at the four factories owned by the three partners. The newest of these factories is the Burton Brook Cheese Factory, just completed by George Hernke. The original factory, the Cold Spring Cheese Factory, owned by Armin Hernke, is about a mile east of the central plant. Another plant, the Hawthorn Factory, is owned jointly by the Hernke brothers. Louis Wrensch's factory is known as the Brookside Cheese Factory. All four plants are strictly modern, with equipment planned to facilitate manufacture of quality cheese.

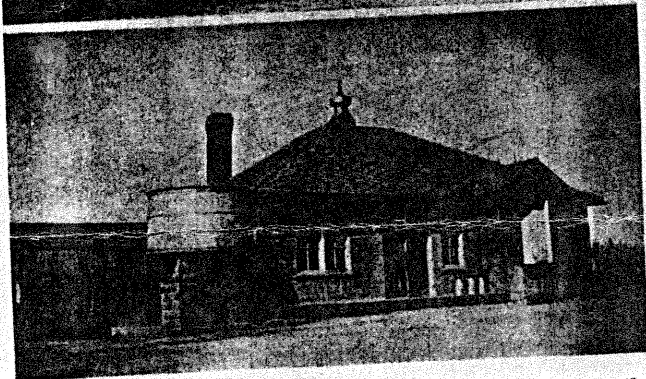
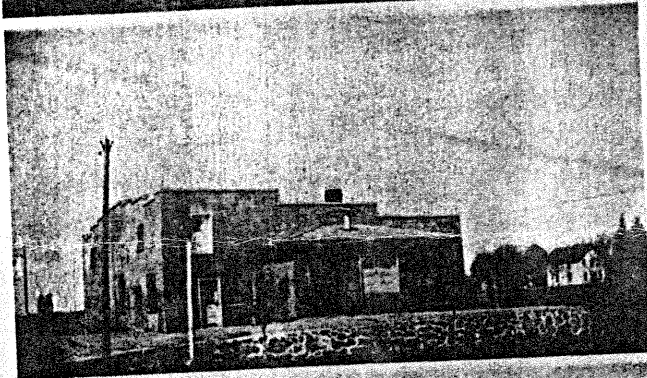
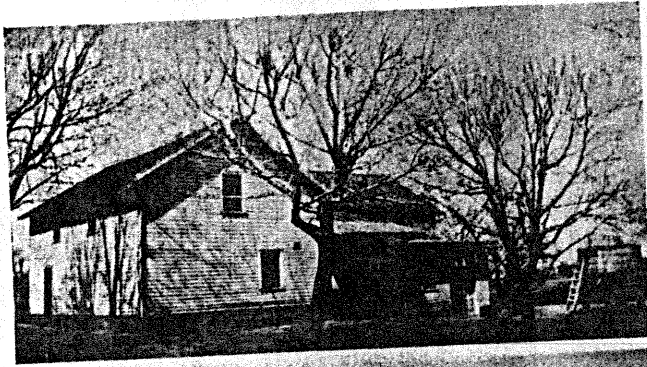
About one-fourth of the cheese produced by these four factories is sold directly through the retail store operated in the central plant. Cheese produced in the factories is brought to the central plant for aging in the large curing room.

#### The Modernistic Sales Room

Most prominent room in the new plant at Hilbert is the sales room. Modernistic in design, this room contains sales counters, refrigerated display space, and a dairy bar. The dairy bar is the newest addition to the room, just installed this Spring. Semi-circular in shape, with a back bar equipped for mixing of dairy drinks and making of sandwiches, the bar is the last word in modernism. It is already becoming popular

Owners of the Calumet Cheese Co., left to right: Armin Hernke, Louis Wrensch and Geo. Hernke.





Member factories whose cheese is marketed through the Calumet Cheese Co. Top: Armin Hernke's Cold Spring Cheese Factory; second, Burton Brook Factory, owned by George Hernke; third, Louis Wrench's Brookside Cheese Factory; and lower, Hawthorn Factory, owned by George and Armin Hernke.

with local people and tourists who stop in to buy cheese and stay for a light "snack." On week ends it is necessary to have four persons waiting on trade.

"People stopping by usually buy more cheese than they had planned," Armin Hernke comments. "We serve them samples of various kinds of cheese, and al-

most invariably they buy some of the cheese they have sampled."

The sales room is kept immaculately clean, and every effort is put forth to make both the exterior of the building and the interior attractive to customers.

Through the tourists stopping at the plant, the company is building up a direct mail list to which it is selling an increasing amount of cheese. The partners believe that the "surface has scarcely been scratched" as far as possibilities along this line are concerned. Business of this type, they realize from their earlier experience with club cheese, is cumulative, old business helping to build new.

#### The Main Work Room

To the right of the large salesroom is the processing room where club cheese and pasteurized cheese are made and packaged. Here are the mixing vats, the packaging equipment, and the paraffine tables for coating the small units of natural cheese. Because there is no equipment available for packaging club cheese, ingenuity has been used to speed up packaging operations by using a sausage filling machine.

Included in the 60 by 60-foot building is a large curing and aging room where cheese is held until it reaches the proper age for cutting or processing. Temperature and humidity in this room are automatically controlled.

Also included in the plant is a complete cold storage locker plant housing 220 lockers, most of which are rented. Arrangement in the locker room is unusual, in that the lockers are stacked in two tiers, eight high. The upper lockers are reached by a step ladder which slides the length of the room on a track. One of the nearby farmers is a butcher by trade and his services are available whenever any of the locker patrons want butchering done.

The locker plant, it has been discovered, not only helps carry the overhead of the central plant, but also brings farmers and townspeople into the plant and thus aids sale of cheese, butter, ice cream, and other dairy products sold there.

The second floor of the building houses a modern apartment for the plant manager and a large store room.

The Calumet Cheese Co. is prospering and growing. Its future is bright. It should serve as an inspiration to other progressive cheesemakers who are willing to work together in the search for bigger profits through effective merchandising.

#### Wisconsin District 14 to Picnic at Menomonie July 20

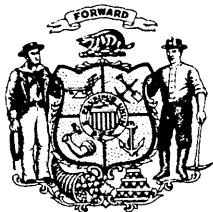
District 14 of the Wisconsin Buttermakers Association will hold its annual picnic at Waconda Park, Menomonie, Wis., during the afternoon and evening of July 20. Lacey Diekey, Glenwood City, secretary of the district, urges all buttermakers and salesmen to attend.

*National Butter and Cheese Journal*

time getting an education. I was born and raised in a cheese factory of which there is a picture enclosed. Brookside Cheese factory. I was the only one that graduated from the 8th grade and was one of the top ten in Calumet county. I was determined that if I had a <sup>(four)</sup> family they would be educated. I started to work for AAL after my youngest son was in school. I think why our people are so uprooted is because every one wants 'wants'. Family values have no value any more because there are too many baby sitters raising our children.

The reason I am writing, mostly Gov. Tommie is I am very upset that the name of Wis Pride should be taken out of our state. I am the only direct living relative of all the five people who ran the the then Calumet Cheese Co. I just graduated from Kaukaun High School when I got the job as backup at the plant in 1938. The Calumet Baking Co said we couldn't use Calumet. So, we had a contest to see what name we could come up with. Wis Pride was the name decided on. By the way I was 12 years old when I learned how to make cheese. I don't like milk because I had to stir and heat a 10,000 lb vat of milk every day. We did not



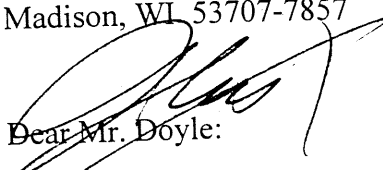


**TOMMY G. THOMPSON**

**Governor  
State of Wisconsin**

March 30, 1995

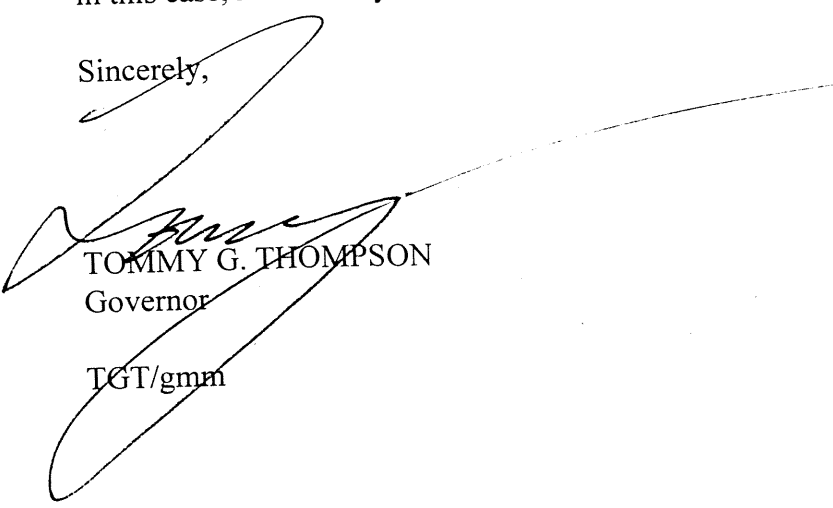
James E. Doyle  
Attorney General  
114 East State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857

  
Dear Mr. Doyle:

As you may be aware, Fromageries Bel has closed operations of the cheese processing plant in Hilbert, Wisconsin and moved those operations to Kentucky. I understand that Fromageries Bel, a French company, will be placing the "Wispride" label on cheese manufactured in Kentucky. This is despite our efforts to obtain a release of the "Wispride" trademark for use by others in the Wisconsin cheese industry.

As your office is authorized under Wis. Stats. ch. 165 to represent the State of Wisconsin in this case, I am hereby forwarding this matter for your action.

Sincerely,

  
TOMMY G. THOMPSON  
Governor

TGT/gmm



**ALVIN R. OTT**

State Representative  
3rd Assembly District

March 30, 1995

Attorney General James Doyle  
Room 114 East  
State Capitol  
Hand-Delivered

Dear Attorney General Doyle:

I'm writing to ask for your fullest consideration of Governor Thompson's March 30th, 1995 letter asking you to investigate Fromageries Bel for possible trademark infringement.

As I'm sure you already know, Fromageries Bel closed its cheese processing plant in Hilbert, Wisconsin on January 31, 1995. The Hilbert operations were moved to Kentucky.

The loss of jobs in Hilbert created by this plant closing is extremely detrimental to this community of 1,200. I'm sure you'll agree that we must not let Fromageries Bel devastate us further. The State of Wisconsin must challenge Fromageries Bel's right to use the "WISPRIDE" label on cheese produced in Kentucky. The label clearly implies that the cheese or at least the majority of its ingredients are Wisconsin dairy products. I don't believe that we, as a state, would be out of line in asking Fromageries Bel to prove they are using dairy products from Wisconsin. As "America's Dairyland," we must defend our number one industry.

Thank you in advance for your consideration of this issue. Please feel free to contact me if you would like to discuss this further.

Sincerely,

Alvin R. Ott  
State Representative  
3rd Assembly District

ARO:kjr



**Office:**  
318 North  
P.O. Box 8953, State Capitol  
(608) 266-5831

**Toll-free  
Legislative Hotline:**  
1 (800) 362-9472

**Home:**  
P.O. Box 112  
Forest Junction, Wisconsin 54123  
(414) 989-1240

Ranking Member: Agriculture, Forestry and Rural Affairs / Member: Environmental Resources; Labor and Job Training

Printed on recycled paper