

ESTTA Tracking number: **ESTTA312321**

Filing date: **10/20/2009**

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

Application Serial No.	77519313
Applicant	HerbalScience Group, LLC

## Notice of Appeal

Notice is hereby given that HerbalScience Group, LLC appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 77519313.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following class of goods/services:

- Class 001.

All goods and services in the class are appealed, namely: Botanical extracts for use in the manufacture of nutraceuticals; plant extracts for use in the manufacture of pharmaceutical preparations in the form of lotions, creams, and topical analgesics and anesthetics, tablets, capsules, pills, tincture, suppositories and ampule for injection; botanical extracts for use in the manufacture of nutraceuticals and pharmaceuticals; botanical extracts for use in the manufacture of nutraceuticals and pharmaceuticals; chemical extracts and active principles extracted from medicinal plants for use in the manufacture of nutraceuticals and pharmaceuticals; chemical extracts and active principles extracted from medicinal plants for use in the pharmaceutical industry, namely, chemical agents made from botanical extracts or association of chemical extracts for use in the manufacture of pharmaceutical or nutraceutical products; botanical extracts used in preparations in the form of lotions, creams, and topical analgesics and anesthetics, tablets, capsules, pills, lozenges, inhalers, tincture, suppositories and ampule for injection; botanical extracts for use in the manufacture of preparations in the form of lotions, creams, and topical analgesics and anesthetics, tablets, capsules, pills, lozenges, inhalers, tincture, suppositories and ampule for injection; botanical extracts used in the manufacture of pharmaceutical preparations in the form of lotions, creams, and topical analgesics and anesthetics, tablets, capsules, pills, tincture, suppositories and ampule for injection; botanical extracts for use in the manufacture of pharmaceutical preparations in the form of lotions, creams, and topical analgesics and anesthetics, tablets, capsules, pills, tincture, suppositories and ampule for injection; botanicals and botanical blends, herbal extracts and herbal blends, botanical extracts and botanical extract blends, flavor extracts and flavor extract blends, algal extracts and algal extract blends, all for use in the manufacture of nutritional supplements and vitamins; botanical extracts for use in making cosmetics; herbal extracts, botanical extracts, preparations, and blends, mushroom, fungus, or spore extracts or blends, for use in the manufacture of foods, functional foods, medicinal foods, nutritional supplements, nutraceuticals or beverages; herbal extracts and blends for use in the manufacture of medicinal foods or beverages; botanical extracts for use in the manufacture of pharmaceutical preparations in the form of lotions, creams, and topical analgesics and anesthetics, tablets, capsules, pills, tincture, suppositories and ampule for injection

Respectfully submitted,  
/Jennifer L. Whitelaw/  
10/20/2009

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