

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85501401
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION (no change)	
ARGUMENT(S)	
"Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_9767147154-170716053 . 2_d Argument - LIFE-LINE.pdf
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ORIGINAL PDF FILE	evi_9767147154-170716053_. Exhibits 9-10.pdf
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	\\TICRS\EXPORT16\IMAGEOUT16\855\014\85501401\xml7\RFR0024.JPG
DESCRIPTION OF EVIDENCE FILE	2(d) Argument - LIFE-LINE, Exhibits 1-2, Exhibits 3-8, Exhibits 9-10
NEW ATTORNEY SECTION	
NAME	Matthew H. Swyers, Esq.
STREET	344 Maple Avenue Suite 151
CITY	Vienna
STATE	Virginia
ZIP/POSTAL CODE	22810
COUNTRY	United States
PHONE	800-906-8626 x100
EMAIL	admin@thetrademarkcompany.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	TRILLSCH, MARKUS CEDAR CREEK Texas (TX)

	US 78612-3576
NEW CORRESPONDENCE SECTION	
NAME	Matthew H. Swyers, Esq.
STREET	344 Maple Avenue Suite 151
CITY	Vienna
STATE	Virginia
ZIP/POSTAL CODE	22810
COUNTRY	United States
PHONE	800-906-8626 x100
EMAIL	admin@thetrademarkcompany.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Matthew H. Swyers/
SIGNATORY'S NAME	/Matthew H. Swyers/
SIGNATORY'S POSITION	Attorney of Record
SIGNATORY'S PHONE NUMBER	800-906-8626 x100
DATE SIGNED	06/10/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jun 10 17:10:21 EDT 2013
TEAS STAMP	USPTO/RFR-97.67.147.154-2 0130610171021087277-85501 401-500301b72907e1b2c8069 49b4c491bdb95d106457a281e 4e3ebc2c8b350644c-N/A-N/A -20130610170716053031

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85501401** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

"Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of 2(d) Argument - LIFE-LINE, Exhibits 1-2, Exhibits 3-8, Exhibits 9-10 has been attached.

Original PDF file:

[evi_9767147154-170716053_2_d_Argument - LIFE-LINE.pdf](#)

Converted PDF file(s) (9 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

Original PDF file:

[evi_9767147154-170716053_ Exhibits 1-2.pdf](#)

Converted PDF file(s) (6 pages)

[Evidence-1](#)

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[Evidence-4](#)

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[Evidence-6](#)

Original PDF file:

[evi_9767147154-170716053_ Exhibits 3-8.pdf](#)

Converted PDF file(s) (6 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

Original PDF file:

[evi_9767147154-170716053_ Exhibits 9-10.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

Matthew H. Swyers, Esq., having an address of
344 Maple Avenue Suite 151 Vienna, Virginia 22810
United States
admin@thetrademarkcompany.com
800-906-8626 x100

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

TRILLSCH, MARKUS

CEDAR CREEK

Texas (TX)

US

78612-3576

Proposed:

Matthew H. Swyers, Esq., having an address of
344 Maple Avenue Suite 151 Vienna, Virginia 22810
United States
admin@thetrademarkcompany.com
800-906-8626 x100

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Matthew H. Swyers/ Date: 06/10/2013

Signatory's Name: /Matthew H. Swyers/

Signatory's Position: Attorney of Record

Signatory's Phone Number: 800-906-8626 x100

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing

him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: Matthew H. Swyers, Esq.
344 Maple Avenue Suite 151
Vienna, Virginia 22810

Serial Number: 85501401

Internet Transmission Date: Mon Jun 10 17:10:21 EDT 2013

TEAS Stamp: USPTO/RFR-97.67.147.154-2013061017102108

7277-85501401-500301b72907e1b2c806949b4c

491bdb95d106457a281e4e3ebc2c8b350644c-N/

A-N/A-20130610170716053031

The Standard for a Determination of a Likelihood of Confusion

A determination of likelihood of confusion between marks is determined on a case-specific basis. *In re Dixie Restaurants Inc.*, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). The examining attorney is to apply each of the applicable factors set out in *In re E.I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (CCPA 1973). The relevant *DuPont* factors are:

- (1) the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression;
- (2) the similarity or dissimilarity and nature of the services as described in an application or registration or in connection with which a prior mark is in use;
- (3) the similarity or dissimilarity of established, likely-to-continue trade channels;
- (4) the conditions under which and buyers to whom sales are made, i.e., 'impulse' vs. careful, sophisticated purchasing;
- (5) the number and nature of similar marks in use on similar services; and
- (6) the absence of actual confusion as between the marks and the length of time in which the marks have co-existed without actual confusion occurring.

See id.

The examining attorney is required to look to the overall impression created by the marks, rather than merely comparing individual features. *Mead Data Cent., Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 875 F.2d 1026, 1029, 10 USPQ2d 1961 (2d Cir. 1989). In this respect, the examining attorney must determine whether the total effect conveyed by the marks is confusingly similar, not simply whether the marks sound alike or look alike. *First Savings Bank F.S.B. v. First Bank System Inc.*, 101 F.3d at 645, 653, 40 USPQ2d 1865, 1870 (10th Cir. 1996) (recognizing that while the dominant portion of a mark is given greater weight, each mark still must be considered as a whole)(citing *Universal Money Centers, Inc. v. American Tel. & Tel. Co.*, 22 F.3d 1527, 1531, 30 USPQ2d 1930 (10th Cir. 1994)). Even the use of identical dominant words or terms does not automatically mean that two marks are similar. In *General Mills, Inc. v.*

Kellogg Co., 824 F.2d 622, 627, 3 USPQ2d 1442 (8th Cir. 1987), the court held that “Oatmeal Raisin Crisp” and “Apple Raisin Crisp” are not confusingly similar as trademarks. Also, in *First Savings Bank F.S.B. v. First Bank System Inc.*, 101 F.3d at 645, 653, 40 USPQ2d 1865, 1874 (10th Cir. 1996), marks for “FirstBank” and for “First Bank Kansas” were found not to be confusingly similar. Further, in *Luigino’s Inc. v. Stouffer Corp.*, 50 USPQ2d 1047, the mark “Lean Cuisine” was not confusingly similar to “Michelina’s Lean ‘N Tasty” even though both marks use the word “Lean” and are in the same class of services, namely, low-fat frozen food.

Concerning the respective goods or services with which the marks are used, the nature and scope of a party’s goods or services must be determined on the basis of the goods or services recited in the application or registration. *See, e.g., Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001 (Fed. Cir. 2002); *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1690 n.4 (Fed. Cir. 1993); *J & J Snack Foods Corp. v. McDonald’s Corp.*, 932 F.2d 1460, 18 USPQ2d 1889 (Fed. Cir. 1991); *Octocom Systems Inc. v. Houston Computer Services Inc.*, 918 F.2d 937, 16 USPQ2d 1783 (Fed. Cir. 1990); *Canadian Imperial Bank of Commerce, N.A. v. Wells Fargo Bank*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987); *Paula Payne Products Co. v. Johnson Publishing Co.*, 473 F.2d 901, 177 USPQ 76 (C.C.P.A. 1973). *See generally* TMEP § 1207.01(a)(iii).

If the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are similar confusion is not likely. *See, e.g., Shen Manufacturing Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 73 USPQ2d 1350 (Fed. Cir. 2004) (cooking classes and kitchen textiles not related); *Local Trademarks, Inc. v. Handy Boys Inc.*, 16 USPQ2d 1156 (TTAB 1990) (LITTLE PLUMBER for

liquid drain opener held not confusingly similar to LITTLE PLUMBER and design for advertising services, namely the formulation and preparation of advertising copy and literature in the plumbing field); *Quartz Radiation Corp. v. Comm/Scope Co.*, 1 USPQ2d 1668 (TTAB 1986) (QR for coaxial cable held not confusingly similar to QR for various products (*e.g.*, lamps, tubes) related to the photocopying field). *See generally* TMEP § 1207.01(a)(i).

Moreover the fact that purchasers are sophisticated or knowledgeable in a particular field does not necessarily mean that they are immune from source confusion. *See In re Decombe*, 9 USPQ2d 1812 (TTAB 1988); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983). However, circumstances suggesting care in purchasing may tend to minimize likelihood of confusion. *See generally* TMEP § 1207.01(d)(vii).

Applying the legal standards as enumerated above, it is clear that confusion is not likely to exist and Applicant's mark is entitled to register despite the existence of the cited mark.

Dissimilarities in the Marks as to their Respective Appearances and the Number and Nature of Similar Marks in Use on Similar Goods

The Applicant applied to register the mark LIFE-LINE. *See* Exhibit 1. The cited mark is

 as more fully identified in U.S. Registration Number 1,303,410. *See* Exhibit 2.

Facially, the applied for mark differs from the cited mark insofar as Applicant's mark displays terms "LIFE" and "LINE" in plain, un-stylized text. *See* Exhibit 1. In contrast, U.S. Reg. No. 1,303,410 displays the terms "LIFE" and "LINE" in a highly stylized graphic font. *See* Exhibit 2. Thus, it cannot be said that the marks are identical and true differences do exist in the appearances thereof.

As such, it is submitted that these differences in the appearance of the applied-for mark and the cited mark referenced herein create a separate and distinct commercial impression. This analysis, however, is not submitted in a vacuum with respect to these applications. If other

registrations appear that are owned by more than one registrant, the dilution of those terms indicates that there is no likelihood of confusion as between the applied-for and cited prior registered mark. *See* TMEP § 1207.01(d)(x).

In addition, Applicant respectfully submits Exhibits 3 through 8 which display 6 registered marks incorporating the terms “LIFE” and “LINE” and literal equivalents thereof used in relation to similar goods. *See* Exhibits 4 through 13. The marks are as follows:

HERBALIFELINE, U.S. Reg. No. 1,406,425, owned by Herbalife Internation, Inc., used in connection with “NUTRITIONAL SUPPLEMENTS OF VITAMINS, MINERALS, MARINE LIPID COMPLEX AND HERBS IN CAPSULE FORM” in International Class 5, *See* Exhibit 3;

PET LIFE-LINE, U.S. Reg. No. 1,608,786, owned by HEMOPET CORPORATION, used in connection with “VETERINARY PREPARATIONS FOR ANIMAL BLOOD BANKING” in International Class 5, *See* Exhibit 4;

LIFELINE FIRST AID, U.S. Reg. No. 2,101,946, owned by LIFELINE FIRST AID, LLC, used in connection with “first aid kits, namely, emergency medical use carrying case for availability at recreational activities and containing items of need for recreation associated injuries including adhesive bandages, sanitary wipes, gauze, tape and topical ointments” in International Class 5, *See* Exhibit 5;

LIFELINE, U.S. Reg. No. 2,015,756, owned by American Protein Corporation, used in connection with “powdered feed supplement for newborn calves” in International Class 5, *See* Exhibit 6;

LIFELINE, U.S. Reg. No. 2,540,896, owned by LIFELINE, used in connection with “automobile emergency kits comprising first aid items, namely adhesive bandages, medicated pre-moistened wipes, disposable wipes not impregnated with chemicals or compounds, gauze and medical adhesive tape, and roadside assistance items, namely jumper cables, flashlight, aerosol tire inflator, emergency flares, hazard warning lights and manually operated hand tools, namely wrenches, pliers and screwdriver, and carrying cases therefor, all sold as a unit” in International Class 5, *See* Exhibit 7;

LIFE LINE, U.S. Reg. No. 4,064,233, owned by Lifeline Skin Care, used in connection with “Biological tissue, namely, partheogenetically derived cells for medical use, namely, in pharmaceutical compositions for treating human skinr ” in International Class 5, *See* Exhibit 8;

Accordingly, based upon the distinctions between the appearance of Applicant's mark as apart from the cited mark and in consideration of the dilution of the terms "LIFE" and/or "LINE" and literal equivalents thereof as it relates to marks in related classes, Applicant respectfully submits that these *DuPont* factors favor a finding of an absence of a likelihood of confusion should Applicant's mark be permitted to register.

Dissimilarity Between the Marks' Respective Goods

Comparing the goods of the Applicant and the goods of the cited mark, it is apparent that the goods of the Applicant differ significantly from the goods of the cited mark. Applicant's mark is used exclusively in connection with a nutrition company that sells vitamin chews. In the alternative, the National Vitamin Co, Inc. mark is used in connection with a range of vitamin capsules such as Docusate Sodium and Glucosamine with Chondroitin Joint Maintenance, and does not appear to be used with vitamin chews.

Although the evidence presented by the examining attorney somewhat suggests that those seeking vitamin chews may also be seeking vitamin capsules, there is simply no evidence of the same.

It is respectfully submitted that there is little, if any, relation between the goods of the Applicant and the goods found in the cited mark and, as such, this *DuPont* factor also favors a finding of an absence of a likelihood of confusion should Applicant's mark be permitted to register.

Dissimilarities Between the Trade Channels for the Marks

Applicant's vitamin chews offered under the LIFE-LINE mark are currently offered through nutrition stores.

In the alternative, it appears that the goods sold under the National Vitamin Co, Inc. mark are offered exclusively through e-commerce websites.

As such, it is respectfully submitted that Applicant's goods travel in a channel of trade wholly diverse from those which would be expected for the goods of the cited mark. Moreover, as the evidence of record indicates that the Applicant's channel of trade for its goods are completely distinct from the goods of the cited mark, it is submitted that their respective goods would not be encountered by the same persons in situations that would create the incorrect assumption that such goods originate from the same source and, accordingly, this *DuPont* factor also favors registration of the Applicant's mark.

The Marks' Goods are Marketed Differently

The goods bearing the LIFE-LINE mark will be marketed through a website hosted by American Muscle for body builders. In the alternative, the National Vitamin Co, Inc. mark is marketed on a general nutrition goods website. As such, it is respectfully submitted that these factors also favors registration of the Applicant's mark.

Sophistication of the Purchasers and Members of the Respective Goods

Applicant's goods provided under the LIFE-LINE mark are used to attract very specific groups, namely, body builders who wish to supplement their diets with vitamin chews. The vitamin chews offered under the LIFE-LINE mark are priced at \$39.99 for a container of chews. *See* Exhibit 9.

In contrast, the National Vitamin Co, Inc. mark was used to attract individuals who are not body builders seeking general nutrition supplements. The goods bearing the National Vitamin Co, Inc. mark are priced at between \$5.29 and \$14.89 a container. *See* Exhibit 10.

As such, the average purchaser or member of the respective goods offered under the cited mark would also exercise a high level of sophistication in choosing the cited mark's goods as apart from the goods of the Applicant's mark, therefore minimizing any likelihood of confusion. See TMEP § 1207.01(d)(vii). As such, it is suggested that this *DuPont* factor also favors registration of the instant mark.

The Absence of Evidence of Actual Confusion and the Duration of Time the Marks have Co-Existed with the Absence of such Actual Confusion.

Finally, Applicant is not aware of any instances of actual confusion as between the goods offered in connection with its mark and the goods offered under the registered mark, since the beginning of use in September 2011. Moreover, given the length of time during which Applicant has used its mark in connection with its goods and has co-existed with the other registered mark without confusion such again suggests that confusion is not likely as between the marks should Applicant's mark be permitted to register. As such, it is submitted that this *DuPont* factor also favors registration of the Applicant's mark.

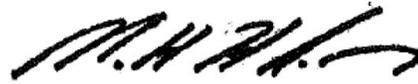
CONCLUSION

In conclusion, based upon the foregoing it is submitted that the *DuPont* factors addressed herein favor registration of the Applicant's mark. The goods themselves are completely distinct and do not travel in similar trade channels or marketing channels such that they would be encountered by the same class of purchasers or members. Additionally, the sophistication of the Applicant's consumers and the conditions under which sales are made by Applicant are wholly diverse from those of the cited mark.

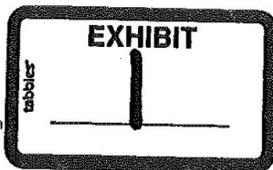
WHEREFORE it is respectfully requested that the Examining Attorney reconsider her refusal of the instant proceedings, remove as an impediment the cited mark, and approve the instant application for publication upon the Principal Register.

Respectfully submitted this 10th day of June, 2013.

THE TRADEMARK COMPANY, PLLC

A handwritten signature in black ink, appearing to read "M.H. Swyers", written in a cursive style.

Matthew H. Swyers, Esquire
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Generated on: This page was generated by TSDR on
Mark: LIFE-LINE

Life-Line

US Serial Number: 85501401 Application Filing Date: Dec. 21, 2011
Filed as TEAS Plus: Yes Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.
Status Date: Dec. 10, 2012

Mark Information

Mark Literal Elements: LIFE-LINE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

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

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

For: Dietary food supplements; Nutritional supplements; Vitamins
International Class(es): 005 - Primary Class U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Sep. 01, 2011 Use in Commerce: Sep. 01, 2011

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Trillsch, Markus
Owner Address: 100 Murchison Dr
Cedar Creek, TEXAS 78612
UNITED STATES
Legal Entity Type: INDIVIDUAL Citizenship: GERMANY

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: TRILLSCH, MARKUS
100 MURCHISON DR
CEDAR CREEK, TEXAS 78612-3576
UNITED STATES
Phone: 7132699330
Correspondent e-mail: mtrillsch@gmail.com Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 10, 2012	FINAL REFUSAL E-MAILED	
Dec. 10, 2012	FINAL REFUSAL WRITTEN	83185
Nov. 14, 2012	NOTICE OF REVIVAL - E-MAILED	
Nov. 14, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 14, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 14, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 14, 2012	PETITION TO REVIVE-GRANTED	88889
Nov. 14, 2012	TEAS PETITION TO REVIVE RECEIVED	
Oct. 16, 2012	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Oct. 16, 2012	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Mar. 20, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 20, 2012	NON-FINAL ACTION E-MAILED	6325
Mar. 20, 2012	NON-FINAL ACTION WRITTEN	83185
Mar. 20, 2012	ASSIGNED TO EXAMINER	83185
Jan. 04, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 24, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: SOBRAL, CHRISTINA

Law Office Assigned: LAW OFFICE 109

File Location

Current Location: TMEG LAW OFFICE 109 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Dec. 10, 2012



Generated on: This page was generated by TSDR o
Mark: LIFE-LINE

LIFE-LINE

US Serial Number: 73407920 Application Filing Date: Jan. 03, 1983
US Registration Number: 1303410 Registration Date: Nov. 06, 1984
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jul. 14, 2004
Publication Date: Aug. 28, 1984

Mark Information

Mark Literal Elements: LIFE-LINE
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Related Properties Information

Claimed Ownership of US 1237987
Registrations:

Goods and Services

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

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

For: Vitamins and Dietary Supplement Containing Vitamins

International Class(es): 005 - Primary Class

U.S Class(es): 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 09, 1974

Use in Commerce: Aug. 16, 1974

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: NATIONAL VITAMIN CO., INC.
Owner Address: 2075 WEST SCRATON AVE
PORTERVILLE, CALIFORNIA 93257
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where CALIFORNIA
Organized:

Attorney/Correspondence Information

Attorney Name: RUSSELL F ROWEN Attorney of Record
Correspondent RUSSELL F ROWEN Correspondent

Name/Address: LERNER & VEIT PC
744 MONTGOMERY ST 5TH FL
SAN FRANCISCO, CALIFORNIA 94111
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 20, 2008	CASE FILE IN TICRS	
Jul. 14, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 14, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 06, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 31, 1990	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 04, 1990	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 06, 1984	REGISTERED-PRINCIPAL REGISTER	
Aug. 28, 1984	PUBLISHED FOR OPPOSITION	
Jun. 26, 1984	NOTICE OF PUBLICATION	
May 07, 1984	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 29, 1984	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 29, 1983	NON-FINAL ACTION MAILED	
Sep. 21, 1983	ASSIGNED TO EXAMINER	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 06, 2004

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: May 20, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Life-Line Nutritional Products, Inc.

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 0903/0658

Pages: 7

Date Recorded: Oct. 19, 1992

Supporting Documents: No Supporting Documents Available

Assignor

Name: LIFE-LINE NUTRITIONAL PRODUCTS, INC.

Execution Date: Jul. 06, 1992

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: JAMESON PHARMACEUTICAL CORP.

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Address: 855 MAHLER ROAD
BURLINGAME, CALIFORNIA 94010

Correspondent

Correspondent Name: ROBERT B. CHICKERING, ESQ.

Correspondent Address: FLEHR HOHBACH TEST ALBRITTON & HERBERT
FOUR EMBARCADERO CENTER

SUITE 3400
SAN FRANCISCO, CA 94111-4187

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: 1356/0327 Pages: 16
Date Recorded: Jun. 12, 1995
Supporting Documents: No Supporting Documents Available

Assignor
Name: WHITMORE, ROBERT J., TRUSTEE, IN RE:
SB94-24317DN BANKRUPTCY OF: LIFE-LINE
NUTRITIONAL PRODUCTS, INC. Execution Date: Mar. 07, 1995
Legal Entity Type: TRUSTEE State or Country Where Organized: CALIFORNIA

Assignee
Name: NATIONAL VITAMIN CO., INC.
Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA
Address: 2075 WEST SCRANTON AVE.
PORTERVILLE, CALIFORNIA 93257

Correspondent
Correspondent Name: GLENN A. LERNER, ESQ.
Correspondent Address: 744 MONTGOMERY STREET, 5TH FLOOR
SAN FRANCISCO, CA 94111

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: COURT APPOINTMENT OF TRUSTEE
Reel/Frame: 1363/0628 Pages: 13
Date Recorded: May 04, 1995
Supporting Documents: No Supporting Documents Available

Assignor
Name: WHITMORE, ROBERT J., TRUSTEE Execution Date: Mar. 07, 1995
Legal Entity Type: TRUSTEE State or Country Where Organized: No Place Where Organized Found

Assignee
Name: NATIONAL VITAMIN CO., INC.
Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA
Address: 2075 WEST SCRANTON AVE.
PORTERVILLE, CALIFORNIA 93257

Correspondent
Correspondent Name: GLENN A. LERNER, ESQ.
Correspondent Address: 744 MONTGOMERY ST., 5TH FL.
SAN FRANCISCO, CA 94111

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: SECURITY INTEREST
Reel/Frame: 3064/0056 Pages: 9
Date Recorded: Apr. 11, 2005
Supporting Documents: assignment-lm-3064-0056.pdf

Assignor
Name: NATIONAL VITAMIN CO., INC. Execution Date: Mar. 07, 2005
Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA

Assignee
Name: COMERICA BANK
Legal Entity Type: MICHIGAN BANKING CORPORATION State or Country Where Organized: No Place Where Organized Found
Address: 75 E. TRIMBLE ROAD
SAN JOSE, CALIFORNIA 95131

Correspondent

Correspondent Name: ERIN O'BRIEN
Correspondent Address: 4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92013936

Filing Date: Aug 15, 1983

Status: Terminated

Status Date: Mar 28, 1984

Interlocutory Attorney:

Defendant

Name: NO OWNER INFORMATION AVAILABLE

Associated marks

Mark	Application Status	Serial Number	Registration Number
LIFELINE	Cancelled - Section 8 Plaintiff(s)	<u>73333536</u>	<u>1237987</u>

Name: NO OWNER INFORMATION AVAILABLE

Associated marks

Mark	Application Status	Serial Number	Registration Number
LIFE-LINE	Renewed	<u>73407920</u>	<u>1303410</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	PENDING, INSTITUTED	Oct 12, 1983	
2	BOARD'S DECISION: DISMISSED W/O PREJ	Mar 01, 1984	
3	TERMINATED	Mar 28, 1984	



Int. Cl.: 5

Prior U.S. Cl.: 18

United States Patent and Trademark Office Reg. No. 1,406,425
Registered Aug. 26, 1986

**TRADEMARK
PRINCIPAL REGISTER**

HERBALIFELINE

HERBALIFE INTERNATIONAL (PARTNER-
SHIP)
P.O. BOX 80210
9800 LA CIENEGA BLVD.
LOS ANGELES, CA 900800210

PLEX AND HERBS IN CAPSULE FORM, IN
CLASS 5 (U.S. CL. 18).
FIRST USE 10-7-1983; IN COMMERCE
10-7-1983.

SER. NO. 571,155, FILED 12-2-1985.

FOR: NUTRITIONAL SUPPLEMENTS OF VI-
TAMINS, MINERALS, MARINE LIPID COM-

MARGERY A. TIERNEY, EXAMINING ATTOR-
NEY



Int. Cls.: 5 and 10

Prior U.S. Cls.: 18 and 44

United States Patent and Trademark Office Reg. No. 1,608,786
Registered Aug. 7, 1990

**TRADEMARK
PRINCIPAL REGISTER**

PET LIFE-LINE

HEMOPET (CALIFORNIA CORPORATION)
938 STANFORD STREET
SANTA MONICA, CA 90403

FOR: VETERINARY PREPARATIONS FOR
ANIMAL BLOOD BANKING, IN CLASS 5 (U.S.
CL. 18).

FIRST USE 12-0-1988; IN COMMERCE
12-0-1988.

FOR: BLOOD BAGS, SYRINGES, NEEDLES
AND CATHETERS, BLOOD COLLECTION
SETS (CONSISTING OF A BAG, PIPES,
TUBING AND VALVES), BLOOD RECIPIENT
SETS, BLOOD COMPONENT INFUSION SETS,
PLASMA EXTRACTORS, SUPPLIES AND

ACCESSARIES FOR COLLECTION AND
TRANSFUSION OF BLOOD AND BLOOD COM-
PONENTS FOR VETERINARY USE, IN CLASS
10 (U.S. CL. 44).

FIRST USE 12-0-1988; IN COMMERCE
12-0-1988.

OWNER OF U.S. REG. NO. 1,474,109.
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PET", APART FROM THE
MARK AS SHOWN.

SER. NO. 73-812,868, FILED 7-17-1989.

CATHERINE KAISER KREBS, EXAMINING
ATTORNEY



Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,101,946

United States Patent and Trademark Office

Registered Sep. 30, 1997

**TRADEMARK
PRINCIPAL REGISTER**

LIFELINE FIRST AID

PINEMEADOW GOLF PRODUCTS, INC.
(OREGON CORPORATION)
1101 S. E. THIRD
PORTLAND, OR 97214

FOR: FIRST AID KITS, NAMELY, EMERGENCY MEDICAL USE CARRYING CASE FOR AVAILABILITY AT RECREATIONAL ACTIVITIES AND CONTAINING ITEMS OF NEED FOR RECREATION ASSOCIATED INJURIES INCLUDING ADHESIVE BANDAGES, SANITARY WIPES, GAUZE, TAPE AND TOPICAL

OINTMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 3-18-1996; IN COMMERCE 3-18-1996.

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

SN 74-713,540, FILED 8-10-1995.

JAMES A. RAUBEN, EXAMINING ATTORNEY



Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

United States Patent and Trademark Office Reg. No. 2,015,756
Registered Nov. 12, 1996

**TRADEMARK
PRINCIPAL REGISTER**

LIFELINE

AMERICAN PROTEIN CORPORATION (IOWA
CORPORATION)
2325 NORTH LOOP DRIVE
P.O. BOX 645
AMES, IA 50010

FIRST USE 9-15-1995; IN COMMERCE
9-15-1995.

SER. NO. 75-037,251, FILED 12-26-1995.

FOR: POWDERED FEED SUPPLEMENT FOR
NEWBORN CALVES, IN CLASS 5 (U.S. CLS. 6,
18, 44, 46, 51 AND 52).

KAREN OWCZARSKI, EXAMINING ATTOR-
NEY



Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,540,896

United States Patent and Trademark Office

Registered Feb. 19, 2002

**TRADEMARK
PRINCIPAL REGISTER**

LIFELINE

LIFELINE FIRST AID, LLC (OREGON LIMITED
LIABILITY COMPANY)
1101 SE THIRD AVENUE
PORTLAND, OR 97214

FOR: AUTOMOBILE EMERGENCY KITS COM-
PRISING FIRST AID ITEMS, NAMELY ADHESIVE
BANDAGES, MEDICATED PRE-MOISTENED
WIPES, DISPOSABLE WIPES NOT IMPREGNATED
WITH CHEMICALS OR COMPOUNDS, GAUZE
AND MEDICAL ADHESIVE TAPE, AND ROADSIDE
ASSISTANCE ITEMS, NAMELY JUMPER CABLES,
FLASHLIGHT, AEROSOL TIRE INFLATOR, EMER-
GENCY FLARES, HAZARD WARNING LIGHTS

AND MANUALLY OPERATED HAND TOOLS,
NAMELY WRENCHES, PLIERS AND SCREWDRI-
VER, AND CARRYING CASES THEREFOR, ALL
SOLD AS A UNIT, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46,
51 AND 52).

FIRST USE 9-1-1996; IN COMMERCE 9-1-1996.

OWNER OF U.S. REG. NO. 2,101,946.

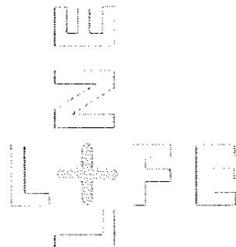
SN 75-585,465, FILED 11-9-1998.

ALICIA COLLINS, EXAMINING ATTORNEY



United States of America

United States Patent and Trademark Office



Reg. No. 4,064,233
Registered Nov. 29, 2011

LIFELINE SKIN CARE (CALIFORNIA LIMITED LIABILITY COMPANY)
5950 PRIESTLY DRIVE
CARLSBAD, CA 92008

Int. Cl.: 5

FOR: BIOLOGICAL TISSUE, NAMELY, PARITHEOGENETICALLY DERIVED CELLS FOR MEDICAL USE, NAMELY, IN PHARMACEUTICAL COMPOSITIONS FOR TREATING HUMAN SKIN, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 11-16-2010; IN COMMERCE 11-16-2010.

PRINCIPAL REGISTER

THE MARK CONSISTS OF THE WORDS "LIFE" AND "LINE" IN STYLIZED LETTERING WITH "LIFE" IN HORIZONTAL ORIENTATION AND "LINE" IN VERTICAL ORIENTATION. BOTH WORDS ARE WHITE WITH A GRAY BORDER AND INTERSECT AT THE LETTER "I" WHICH IS REPLACED BY A CROSS IN THE COLOR TURQUOISE.

THE COLOR(S) WHITE, GRAY AND TURQUOISE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SN 85-070,174, FILED 6-23-2010.

DAVID HOFFMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT

9

tablets

HOME

MUSCLE GROWTH

GEN. HEALTH

WEIGHT LOSS

AMERICAN MUSCLE



PROTEIN

VITAMINS

ABOUT

CONTACT



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The Ultimate Sport Vitamin!

Life Line vitamin contains doctor recommended dosages for all your essential vitamins and minerals. In only two great tasting Chews. Life Line vitamin has ultra-fast and ultra high absorption rates due to the unique formula and Chewable delivery system.

DESCRIPTION

SUPPLEMENT FACTS

FAQS

TESTIMONIALS

GALLERY

EXHIBIT
10

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Pre-Packaged Healthy Snacks Beverage One The Counter Medication Aromatherapy Bath & Body Products Information Center (Search, etc.)

Enter search keyword Search

Home :: National Vitamin Company

Categories

Vitamin > (191)
 Supplement > (472)
 Sports Nutrition & Weight Loss > (159)
 Liquid Health Products > (69)
 Green & Super Foods > (13)
 Green & Super Food Salts
 Pecha, Pea & Mincelonus > (39)
 Teas > (48)
 Pre-Packaged healthy Snacks > (9)
 Beverages > (9)
 Over The Counter Medications > (10)
 Aromatherapy > (1)
 Bath & Body Products > (44)
 Information Center (Search, etc.) >

Specials ...
 New Products ...
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Displaying 1 to 9 (of 9 products)

Product	Item Name	Price
	Docusate Sodium, USP Stool Softener 100mg 100's Lifted's Docusate Sodium, USP & (Stool Softener) 100mg / Softgels Stool softeners are used as a preventive measure to...	Add: 0 \$5.29
	Glucosamine with Chondroitin Joint Maintenance Raspberry 16fl oz	Add: 0 \$14.89
	Life-Line 3 Maximum Strength Liquid Glucosamine with Chondroitin for Joints 480 ml Sugar...	Add: 0 \$11.99
	MSM Joint Maintenance 16 fl oz 480 ml	Add: 0 \$11.99
	Life-Line & Maximum Strength Liquid Glucosamine with Chondroitin Joint Maintenance Lemon Lime Flavored 16 fl oz / 480...	Add: 0 \$3.49
	Vitamin E Skin Cream 4000 IU w/ Ester C Cream 4 oz (11.49g)	Add: 0 \$11.89
	National Vitamin Company's Deep Blue Relief Gel™ with Aloe Vera, Emu Oil & MSM 4 oz	Add: 0 \$11.89

New Products (None)

CAYVONK Clear Natural Cucumber Pure and Natural Glycerine Soap 4 oz
\$1.89

CAYVONK Clear Natural Honeyuckle Pure & Natural Glycerine Soap 4 oz
\$2.29

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- Natural Life Vitamin E Oil 10,000...
- Vitamin A Resinyl Palmitate...
- Vitamin E Skin Cream 4000 IU with...
- Men's Multi-Vitamin & Mineral...
- Natural Vitamin E 1,000 IU... Vitamin & Mineral...
- women's Multi-Vitamin & Mineral...
- Vitamin E Skin Cream with...
- Xylchaw® Sugar Free Chewing Gum...
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