

ESTTA Tracking number: **ESTTA702998**

Filing date: **10/19/2015**

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

Application Serial No.	86092038
Applicant	PFANNENSCHWARZ, HARRY

Notice of Appeal

Notice is hereby given that PFANNENSCHWARZ, HARRY appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 86092038.

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 classes of goods/services:

- Class 005. First Use: 0 First Use In Commerce: 0
Appealed goods and services in the class: Dietary supplements; nutritional supplements; herbal supplements; vitamin and mineral supplements; dietary supplement drinks; meal replacement and dietary supplement drink mixes; nutritional supplements in the nature of a nutrient-dense, protein based drink mix; powdered nutritional supplement drink mix; meal replacement bars; meal replacement snacks
- Class 029. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Milk-based energy drinks; powdered milk for food purposes; protein based, nutrient-dense snack bars; proteins being foodstuffs for human consumption; shakes
- Class 030. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Processed cereals; muesli; cereal-based snack foods; cereal-based energy bars not for use as a meal replacement; chocolate-based ready-to-eat food bars also containing cereals and fruit; cakes and biscuits; gum sweets; sweets, namely, candy; sugar; chocolate; cocoa-based beverages; coffee-based beverages
- Class 032. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Mineral and aerated waters; non-alcoholic beverages, namely, carbonated beverages; fruit drinks and fruit juice; energy drinks; isotonic beverages; preparations for making beverages, namely fruit drinks, vegetable juice, isotonic drinks and sport drinks; powders used in the preparation of isotonic sports drinks and sports beverages; aromatized beverages based on fruit, protein, cordial, sugar and other fluid nutrients, namely, protein drinks for use as a food filler and not for use as a meal replacement; aromatized beverages based on fruit, protein, cordial, sugar and other fluid nutrients, namely, carbohydrate drinks for use as a food filler

Respectfully submitted,
/cecelia m perry/
10/19/2015

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