

ESTTA Tracking number: **ESTTA22626**

Filing date: **01/05/2005**

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

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

<b>Name</b>	LIFEFORCE LABS LLC
<b>Granted to Date of previous extension</b>	01/05/2005
<b>Address</b>	920 Britt Court, Suite 124 Altamonte Springs, FL 32701 UNITED STATES

<b>Attorney information</b>	DAVID L SIGALOW ALLEN DYER DOPPELT MILBRATH & GILCHRIST 255 S ORANGE AVENUE SUITE 1401 ORLANDO, FL 32801 UNITED STATES dsigalow@addmg.com Phone:407-841-2330
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#### Applicant Information

<b>Application No</b>	78328140	<b>Publication date</b>	09/07/2004
<b>Opposition Filing Date</b>	01/05/2005	<b>Opposition Period Ends</b>	01/05/2005
<b>Applicant</b>	Rampolla, Mark S. 6400 Poplar Ave. E-60 Memphis, TN 38197		

UNITED STATES
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**Goods/Services Affected by Opposition**

Class 032.

All goods and services in the class are opposed, namely: beverages namely, coconut water and fruit juices.

**Related Proceedings**

None

**Attachments**

Signed Notice of Opposition.pdf ( 4 pages )

**Signature**

/David L Sigalow/

**Name**

DAVID L SIGALOW

**Date**

01/05/2005

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

In the matter of application Serial No. 78/328140  
Published in the Official Gazette on September 7, 2004

Lifeforce Labs, LLC.

Opposer,

v.

Opposition No: \_\_\_\_\_

Zico, LLC (by assignment from  
Mark S. Rampolla),

Applicant.

\_\_\_\_\_ /

NOTICE OF OPPOSITION

Lifeforce Labs, LLC., (“Opposer”), a limited liability corporation organized and existing under the laws of the State of Florida, whose principal place of business is 920 Britt Court, Suite 124, Altamonte Springs, Florida 32701, believes that it will be damaged by registration of the mark **ZICO**, shown in Serial No. 78/328140, filed November 14, 2003 in International Class 32 for “beverages namely, coconut water and fruit juices,” as owned by Mark S. Rampolla, an individual, whose address is 6400 Poplar Ave. E-60, Memphis, TN 38197 (“Applicant”).

As grounds for opposition it is alleged that:

1. Opposer, by itself and through its predecessor in interest, has used the trademark **ZOIC** in interstate commerce since at least as early as November 18, 2002 on or in connection with nutritionally fortified beverages; nutritional supplements; vitamins; meal replacement protein bars.

2. Opposer is the owner, by assignment, of U.S. Trademark Registration No. 2,735,659 directed to the mark **ZOIC** as applied to “nutritionally fortified beverages; nutritional

supplements; vitamins; meal replacement protein bars.” This registration issued on July 8, 2003, and is current and active as of this writing.

3. Opposer is also the owner, by assignment, of U.S. Trademark Registration No. 2,811,824 directed to the trademark **THE ZOIC LIFESTYLE** for use in connection with “nutritionally fortified beverages; nutritional supplements; vitamins; meal replacement protein bars.” This registration issued on February 3, 2004, and is current and active as of this writing. Opposer and its predecessor in interest have used its mark **THE ZOIC LIFESTYLE** on or in connection with the subject goods in interstate commerce since at least as early as April 1, 2004.

4. On April 14, 2003, Applicant filed an application with the U.S. Patent and Trademark Office to register the mark **ZICO** for use in connection with “beverages namely, coconut water and fruit juices,” as evidenced by the publication of said mark in the Official Gazette on September 7, 2004.

5. Upon information and belief, Opposer (and/or its predecessor in interest) has used the marks **ZOIC** and **THE ZOIC LIFESTYLE** in interstate commerce in connection with the subject goods prior to Applicant's filing of its intent-to-use application to register its mark, and on information and belief, before Applicant's first use of its mark in connection with the subject goods.

6. Opposer has achieved considerable success in the relevant marketplace in connection with the goods offered in connection with the marks **ZOIC** and **THE ZOIC LIFESTYLE** and has developed exceedingly valuable goodwill with respect to such marks.

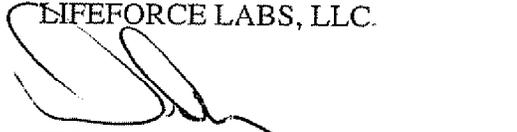
7. If Applicant is permitted to use and register the mark **ZICO** for its goods as specified in the application herein opposed, confusion in trade resulting in great damage and injury to Opposer would be caused, and would result by virtue of the almost identical nature of Applicant's mark **ZICO** and Opposer's marks **ZOIC** and **THE ZOIC LIFESTYLE** and the close relation of the parties' respective goods and channels of trade. Persons familiar with Opposer's marks and its goods would be likely to confuse Applicant's goods with those provided by Opposer. Any defect, objection or fault found with Applicant's goods presented under the name **ZICO** would necessarily reflect upon and expose Opposer to liability, and seriously injure the reputation which Opposer has established for the goods sold on or in connection with Opposer's marks **ZOIC** and **THE ZOIC LIFESTYLE**.

8. If Applicant is granted the application herein opposed, it would thereby obtain at least a prima facie exclusive right to use the mark **ZICO**. Such a registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 78/328140 be rejected, and that the registration therein sought for the goods specified in International Class 32 be refused.

A duplicate copy of this Notice of Opposition and the fee required in §2.61 are enclosed herewith.

Respectfully submitted,  
LIFEFORCE LABS, LLC.



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January 5, 2005