

ESTTA Tracking number: **ESTTA397244**

Filing date: **03/09/2011**

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**

Name	Melaleuca, Inc.
Granted to Date of previous extension	03/09/2011
Address	3910 S. Yellowstone Hwy. Idaho Falls, ID 83402 UNITED STATES

Attorney information	H. Dickson Burton TraskBritt 230 South 500 East Suite 300 Salt Lake City, UT 84102 UNITED STATES hdburton@traskbritt.com, TLPalfreyman@traskbritt.com, kwpowell@traskbritt.com, Phone:801-532-1922
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**Applicant Information**

Application No	85062474	Publication date	11/09/2010
Opposition Filing Date	03/09/2011	Opposition Period Ends	03/09/2011
Applicant	Organic India USA, LLC Suite T 5311 Western Ave Boulder, CO 80301 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 005. First Use: 2010/05/22 First Use In Commerce: 2010/05/22 All goods and services in the class are opposed, namely: Dietary and nutritional supplements
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1706196	Application Date	06/17/1991
Registration Date	08/11/1992	Foreign Priority Date	NONE
Word Mark	VITALITY PAK		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1989/09/00 First Use In Commerce: 1989/09/00 dietary and nutritional supplements

U.S. Registration No.	2108070	Application Date	01/14/1994
Registration Date	10/28/1997	Foreign Priority Date	NONE

Word Mark	VITALITY FOR LIFE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement Class 030. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 nutritional fiber [and bran-] based food bars
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U.S. Registration No.	2656385	Application Date	01/22/2002
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Registration Date	12/03/2002	Foreign Priority Date	NONE
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Word Mark	VITALITY FOR LIFE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 Dietary [ and nutritional ] supplements; [ nutritional drink mix for use as a meal replacement; powdered fiber-based dietary supplement drink mix; and ready to eat nutritional food bars for use as a meal replacement ] Class 030. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 [ Ready to eat nutritional fiber based food bars ]
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U.S. Registration No.	3929755	Application Date	12/03/2009
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Registration Date	03/08/2011	Foreign Priority Date	NONE
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Word Mark	VITALITY COLDWATER OMEGA-3
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Design Mark	<b>VITALITY COLDWATER OMEGA-3</b>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2010/01/04 First Use In Commerce: 2010/01/04 Dietary supplements containing Omega-3 fatty acids		

U.S. Application No.	85195492	Application Date	12/10/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VITALITY TOTAL		
Design Mark	<b>VITALITY TOTAL</b>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27 Dietary and nutritional supplements		

U.S. Application No.	85195486	Application Date	12/10/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VITALITY 6		

Design Mark	<h1>VITALITY 6</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27 Dietary and nutritional supplements		

U.S. Application No.	85195482	Application Date	12/10/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VITALITY 4		
Design Mark	<h1>VITALITY 4</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27 Dietary and nutritional supplements		

U.S. Application No.	85195477	Application Date	12/10/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VITALITY CALCIUM COMPLETE		

Design Mark	VITALITY CALCIUM COMPLETE
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2008/08/21 First Use In Commerce: 2008/08/21 Dietary and nutritional supplements

Attachments	76360715#TMSN.gif ( 1 page )( bytes ) 77885651#TMSN.jpeg ( 1 page )( bytes ) 85195492#TMSN.jpeg ( 1 page )( bytes ) 85195486#TMSN.jpeg ( 1 page )( bytes ) 85195482#TMSN.jpeg ( 1 page )( bytes ) 85195477#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition.pdf ( 51 pages )(1180423 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/H. Dickson Burton/
Name	H. Dickson Burton
Date	03/09/2011

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

<p>MELALEUCA, INC.  Opposer,  v.  ORGANIC INDIA USA, LLC  Applicant.</p>	<p>Opposition No. ( _____ )  Mark:            Vitality Int'l Class:    005 Serial No.:     85/062,474 Filed:           June 14, 2010</p>
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**NOTICE OF OPPOSITION**

Opposer, Melaleuca, Inc. (“Melaleuca”) is a corporation organized and existing under the laws of the State of Idaho, with its principal place of business located at 3910 South Yellowstone Highway, Idaho Falls, Idaho 83402-6003. Melaleuca believes that it will be damaged by the registration of the mark appearing in pending Trademark Application Serial No. 85/062,474 (the “subject mark”) of Organic India USA, LLC (“Applicant”) and hereby opposes the same.

As grounds for the present opposition, Melaleuca alleges, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters, as follows:

1. Melaleuca began using its family of VITALITY marks in interstate commerce in connection with the sale and promotion of its VITALITY PACK line of dietary supplements at least as early as September 1989. Melaleuca has thereafter continuously used the VITALITY mark in advertising, promoting, marketing and selling its dietary and nutritional supplement products throughout the United States.

2. Since at least as early as September 1989, Melaleuca has used VITALITY, in various forms and at various times, in interstate commerce in connection with the sale and promotion on dietary and nutritional supplements, including at least the following: VITALITY, VITALITY PAK, VITALITY PACK, VITALITY FOR MEN, VITALITY FOR WOMEN, VITALITY MINERAL COMPLEX, VITALITY CALCIUM COMPLETE, VITALITY MINERAL CHEWS, VITALITY FOR LIFE, VITALITY MULTIVITAMIN AND MINERAL, VITALITY GOLD, VITALITY 4, VITALITY 6, VITALITY TOTAL, and VITALITY COLDWATER OMEGA-3.

3. Melaleuca's VITALITY mark is inherently distinctive as applied to the VITALITY line of dietary and nutritional supplement products.

4. By virtue of Melaleuca's continuous use in commerce of VITALITY in connection with its VITALITY line of dietary supplement products, such products have become well and favorably known to the relevant trade and public under the family of VITALITY marks.

5. Melaleuca has invested substantial time, effort and expense in extensive promotion throughout the United States of the goods sold under its VITALITY family of marks. As a result, considerable goodwill has attached to the mark VITALITY to Melaleuca's benefit.

6. The family of VITALITY marks is representative of Melaleuca's reputation for designing and providing high quality products and symbolizes the goodwill of Melaleuca, which is invaluable.

7. In addition to its common law rights, Melaleuca owns U.S. Trademark Registration No. 1,706,196 for the word mark VITALITY PAK in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the

current status and title of the registration is attached hereto as Exhibit 1), for “dietary and nutritional supplements.”

8. Melaleuca owns U.S. Trademark Registration No. 2,108,070 for the word mark VITALITY FOR LIFE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 2), for “dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement.”

9. Melaleuca owns U.S. Trademark Registration No. 2,656,385 for the word plus design mark VITALITY FOR LIFE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 3), for “dietary supplements.”

10. Melaleuca owns U.S. Trademark Registration No. 3,929,755 for the word mark VITALITY COLDWATER OMEGA-3 in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 4), for “dietary supplements.”

11. Melaleuca owns U.S. Trademark Application No. 85/195,492 for the word mark VITALITY TOTAL in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 5), for “Dietary and nutritional supplements.”

12. Melaleuca owns U.S. Trademark Application No. 85/195,486 for the word mark VITALITY 6 in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 6), for “Dietary and nutritional supplements.”

13. Melaleuca owns U.S. Trademark Application No. 85/195,482 for the word mark VITALITY 4 in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 7), for “Dietary and nutritional supplements.”

14. Melaleuca owns U.S. Trademark Application No. 85/195,477 for the word mark VITALITY CALCIUM COMPLETE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 8), for “Dietary and nutritional supplements.”

15. Applicant is the listed owner of the subject mark, Application Serial No. 85/062,474 filed June 14, 2010, for the mark VITALITY in International Class 005 for the following goods and services: “dietary and nutritional supplements.”

16. Melaleuca has priority of use in the VITALITY mark. Melaleuca has continuously used the VITALITY line of marks in advertising, promoting, and marketing its dietary supplement products throughout the United States years prior to the date of Applicant’s application to register the subject mark.

17. The subject mark will be or is being used for goods that are closely related to the goods offered by Melaleuca in connection with its family of VITALITY marks.

18. Applicant’s goods would be directed to the same customer segment of the consuming public as Melaleuca’s goods.

19. The subject mark is substantially similar to the VITALITY mark in sound, appearance, connotation, and commercial impression.

20. VITALITY is confusingly similar to Melaleuca’s family of VITALITY marks.

21. Applicant's use of the subject mark is likely to cause confusion, mistake, or deception as to the source of origin, sponsorship, or approval of Applicant's goods.

22. Due to the confusingly similar nature of Melaleuca's and Applicant's marks and the similarity of the goods offered under the respective marks, the relevant consuming public and the consuming public generally are likely to believe that Applicant's goods are those of Melaleuca or are in some way connected with, licensed by, or otherwise approved by Melaleuca.

23. Such confusion, mistake and/or deception are likely to damage and injure the purchasing public and Melaleuca.

24. Applicant's application and use of the VITALITY mark are without the knowledge, consent or approval of Melaleuca.

25. Based on the foregoing, Melaleuca believes that it will be damaged by the registration of the VITALITY mark in the United States Patent and Trademark Office.

ACCORDINGLY, Melaleuca prays that the present opposition be sustained and that registration of the subject mark be refused.

DATED this 9th day of March 2011.

TRASKBRITT, P.C.  
Attorneys for Melaleuca, Inc.



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H. Dickson Burton  
Krista Weber Powell  
TRASKBRITT, P.C.  
230 South 500 East, Suite 300  
P.O. Box 2550  
Salt Lake City, Utah 84110  
Telephone: 1.801.532.1922  
Facsimile: 1.801.531.9168

Enclosure:   **Exhibit 1** – U.S. Trademark Registration No. 1,706,196  
                  **Exhibit 2** – U.S. Trademark Registration No. 2,108,070  
                  **Exhibit 3** – U.S. Trademark Registration No. 2,656,385  
                  **Exhibit 4** – U.S. Trademark Application No. 77/885,651  
                  **Exhibit 5** – U.S. Trademark Application No. 85/195,492  
                  **Exhibit 6** – U.S. Trademark Application No. 85/195,486  
                  **Exhibit 7** – U.S. Trademark Application No. 85/195,482  
                  **Exhibit 8** – U.S. Trademark Application No. 85/195,477

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 9th day of March, 2011, I electronically filed the foregoing Notice of Opposition with the United States Patent & Trademark Office Trademark Trial & Appeal Board. A copy of the foregoing was sent via U.S. mail to the following:

ORGANIC INDIA USA, LLC  
5311 WESTERN AVE STE T  
BOULDER, CO 80301-2746

With a courtesy copy emailed and sent via U.S. Mail to:  
Jessica A. Benford, Esq.



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***EXHIBIT 1***

**Int. Cl.: 5**

**Prior U.S. Cl.: 18**

**United States Patent and Trademark Office**

**Reg. No. 1,706,196**

**Registered Aug. 11, 1992**

**TRADEMARK  
PRINCIPAL REGISTER**

**VITALITY PAK**

MELALEUCA, INC. (IDAHO CORPORATION)  
560 BROADWAY  
IDAHO FALLS, ID 83042

FOR: DIETARY AND NUTRITIONAL SUP-  
PLEMENTS, IN CLASS 5 (U.S. CL. 18).

FIRST USE 9-0-1989; IN COMMERCE  
9-0-1989.

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

SER. NO. 74-177,586, FILED 6-17-1991.

LINDA E. BLOHM, EXAMINING ATTORNEY

***EXHIBIT 2***

**Int. Cls.: 5 and 30**

**Prior U.S. Cls.: 18 and 46**

**United States Patent and Trademark Office**

**Reg. No. 2,108,070**

**Registered Oct. 28, 1997**

**TRADEMARK  
PRINCIPAL REGISTER**

**VITALITY FOR LIFE**

MELALEUCA, INC. (IDAHO CORPORATION)  
3910 SOUTH YELLOWSTONE HIGHWAY  
IDAHO FALLS, ID 834026003

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS, AND NUTRITIONAL DRINK MIXES FOR USE AS A MEAL REPLACEMENT, IN CLASS 5 (U.S. CLS. 18 AND 46).

FIRST USE 9-5-1993; IN COMMERCE 9-5-1993.

FOR: NUTRITIONAL FIBER AND BRAN-BASED FOOD BARS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 9-5-1993; IN COMMERCE 9-5-1993.

SER. NO. 74-480,267, FILED 1-14-1994.

CHARLES L. JENKINS, EXAMINING ATTORNEY

***EXHIBIT 3***

**Int. Cls.: 5 and 30**

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

**United States Patent and Trademark Office**

**Reg. No. 2,656,385**

**Registered Dec. 3, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**



MELALEUCA, INC. (IDAHO CORPORATION)  
3910 S. YELLOWSTONE HIGHWAY  
IDAHO FALLS, ID 83402

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS; NUTRITIONAL DRINK MIX FOR USE AS A MEAL REPLACEMENT; POWDERED FIBER-BASED DIETARY SUPPLEMENT DRINK MIX; AND READY TO EAT NUTRITIONAL FOOD BARS FOR USE AS A MEAL REPLACEMENT, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 9-5-1993; IN COMMERCE 9-5-1993.

FOR: READY TO EAT NUTRITIONAL FIBER BASED FOOD BARS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 9-5-1993; IN COMMERCE 9-5-1993.

OWNER OF U.S. REG. NOS. 1,919,209 AND 2,108,070.

SER. NO. 76-360,715, FILED 1-22-2002.

VERNA BETH RIRIE, EXAMINING ATTORNEY

***EXHIBIT 4***

# Trademark/Service Mark Application, Principal Register

Serial Number: 77885651

Filing Date: 12/03/2009

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77885651
<b>MARK INFORMATION</b>	
<b>*MARK</b>	VITALITY COLDWATER OMEGA-3
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	VITALITY COLDWATER OMEGA-3
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	Melaleuca, Inc.
<b>INTERNAL ADDRESS</b>	Attn: Legal Department
<b>*STREET</b>	3910 S. Yellowstone Hwy.
<b>*CITY</b>	Idaho Falls
<b>*STATE</b> (Required for U.S. applicants)	Idaho
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants only)	83402
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>EMAIL ADDRESS</b>	jehall@melaleuca.com

<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Idaho
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>INTERNATIONAL CLASS</b>	005
<b>*IDENTIFICATION</b>	Dietary supplements
<b>FILING BASIS</b>	SECTION 1(b)
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Melaleuca, Inc.
<b>FIRM NAME</b>	Melaleuca, Inc.
<b>INTERNAL ADDRESS</b>	Attn: Legal Department
<b>STREET</b>	3910 S. Yellowstone Hwy.
<b>CITY</b>	Idaho Falls
<b>STATE</b>	Idaho
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	83402
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>EMAIL ADDRESS</b>	jehall@melaleuca.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	325
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/William Athay/
<b>SIGNATORY'S NAME</b>	William Athay

<b>SIGNATORY'S POSITION</b>	Attorney of record, UT bar member
<b>DATE SIGNED</b>	12/03/2009

PTO Form 1478 (Rev 9/2006)  
OMB No. 0651-0009 (Exp 12/31/2011)

## Trademark/Service Mark Application, Principal Register

**Serial Number: 77885651**

**Filing Date: 12/03/2009**

### To the Commissioner for Trademarks:

**MARK:** VITALITY COLDWATER OMEGA-3 (Standard Characters, see mark)

The literal element of the mark consists of VITALITY COLDWATER OMEGA-3.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Department,  
3910 S. Yellowstone Hwy.  
Idaho Falls, Idaho 83402  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 005: Dietary supplements

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

Melaleuca, Inc.  
Melaleuca, Inc.  
Attn: Legal Department  
3910 S. Yellowstone Hwy.  
Idaho Falls, Idaho 83402  
208-522-0700(phone)

208-534-2063(fax)

jehall@melaleuca.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/03/2009

Signatory's Name: William Athay

Signatory's Position: Attorney of record, UT bar member

RAM Sale Number: 4150

RAM Accounting Date: 12/04/2009

Serial Number: 77885651

Internet Transmission Date: Thu Dec 03 17:34:27 EST 2009

TEAS Stamp: USPTO/BAS-67.134.56.2-200912031734275644

50-77885651-460a77d71c3c950e72a85774e895

bbfd191-DA-4150-20091202164519126947

VITALITY COLDWATER OMEGA-3

***EXHIBIT 5***

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85195492

Filing Date: 12/10/2010

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	VITALITY TOTAL
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	VITALITY TOTAL
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department
*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402

<b>(Required for U.S. applicants only)</b>	
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>EMAIL ADDRESS</b>	jehall@melaleuca.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	CORPORATION
<b>* STATE/COUNTRY OF INCORPORATION</b>	Idaho
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	005
<b>IDENTIFICATION</b>	Dietary and nutritional supplements
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 08/27/2008
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/27/2008
<b>SPECIMEN FILE NAME(S)</b>	\\TICRS\EXPORT11\IMAGEOUT 11\851\954\85195492\xml1\ FTK0003.JPG
<b>SPECIMEN DESCRIPTION</b>	EXCERPT FROM WEB PAGE
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Melaleuca, Inc.
<b>FIRM NAME</b>	Melaleuca, Inc.
<b>INTERNAL ADDRESS</b>	Attn: Legal Department

<b>*STREET</b>	3910 S. Yellowstone Hwy.
<b>*CITY</b>	Idaho Falls
<b>*STATE</b> (Required for U.S. applicants)	Idaho
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	83402
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>*EMAIL ADDRESS</b>	jehall@melaleuca.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/William Athay/
<b>* SIGNATORY'S NAME</b>	William Athay
<b>* SIGNATORY'S POSITION</b>	Attorney of record, ID bar member
<b>* DATE SIGNED</b>	12/10/2010

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85195492**

**Filing Date: 12/10/2010**

**To the Commissioner for Trademarks:**

**MARK:** VITALITY TOTAL (Standard Characters, see mark)

The literal element of the mark consists of VITALITY TOTAL.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Department,  
3910 S. Yellowstone Hwy.  
Idaho Falls, Idaho 83402  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 005: Dietary and nutritional supplements

In International Class 005, the mark was first used at least as early as 08/27/2008, and first used in commerce at least as early as 08/27/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) EXCERPT FROM WEB PAGE.

Specimen File 1

The applicant's current Correspondence Information:

Melaleuca, Inc.  
Melaleuca, Inc.  
Attn: Legal Department  
3910 S. Yellowstone Hwy.  
Idaho Falls, Idaho 83402  
208-522-0700(phone)  
208-534-2063(fax)  
jehall@melaleuca.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/10/2010  
Signatory's Name: William Athay  
Signatory's Position: Attorney of record, ID bar member

RAM Sale Number: 3436  
RAM Accounting Date: 12/13/2010

Serial Number: 85195492  
Internet Transmission Date: Fri Dec 10 16:50:21 EST 2010  
TEAS Stamp: USPTO/FTK-67.134.56.2-201012101650211066  
53-85195492-4701d7773805c71812b8fccf5b36  
93d7a-DA-3436-20101210113505360962

VITALITY TOTAL

Product Store Business Center Marketplace MyMelaleuca

Melaleuca The Wellness Company

Enter a product name, SKU, or keyword Search

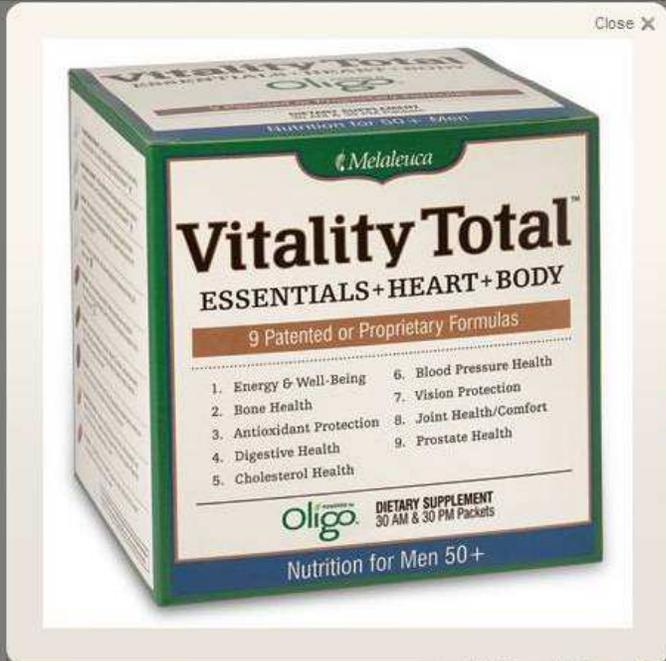
My Favorites My Cart: 0 Items Checkout

Vitamins & Supplements > Multi vitamins > Vitality Total™ 50+ Men

- Vitamins & Supplements >
- Food & Weight Loss >
- Cleaning & Laundry >
- Medicine Cabinet >
- Dental Care >
- Bath & Body >
- Beauty >
- Candles & Air Fresheners >
- Pet Care >
- Specials >
- Sales Aids & Materials >

- Shop by Lifestyle
- Shop by Room
- Shop by Health Needs
- Compare and Save

- Shop for:
- Oligo
  - Kosher
  - Gluten-Free
  - Diabetic
  - Logo Gear
  - Kids



**What Makes It Different?**

From daily energy to heart health and improved mobility, if you need it, Vitality Total 50+ (Essentials + Heart + Body) has it. We've taken all the guesswork out of taking your supplements with convenient AM and PM packets that deliver the nutrients you need right when you need them most. Vitality Total includes head-to-toe support to keep you feeling your best—no matter what your age. Plus, Vitality Total 50+ saves you 39% over

**Additional Information**

Vitality Multivitamin & Mineral™  
[Download PDF](#)

Melaleuca Anti-Doping Product List  
[Download PDF](#)

Recommended for you

Unforgettables™ - 30 softgels

Regular Price: \$36.00

Your Preferred Customer Price: \$24.99

Savings: \$11.01

Points: 17

1 Add to Cart

Vitality Total™ 50+ Women

Regular Price: \$143.00

Your Preferred Customer Price: \$99.99

Savings: \$43.01

Points: 52

1 Add to Cart

***EXHIBIT 6***

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85195486

Filing Date: 12/10/2010

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	VITALITY 6
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	VITALITY 6
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department
*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402

<b>(Required for U.S. applicants only)</b>	
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>EMAIL ADDRESS</b>	jehall@melaleuca.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	CORPORATION
<b>* STATE/COUNTRY OF INCORPORATION</b>	Idaho
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	005
<b>IDENTIFICATION</b>	Dietary and nutritional supplements
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 08/27/2008
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/27/2008
<b>SPECIMEN FILE NAME(S)</b>	\\TICRS\EXPORT11\IMAGEOUT 11\851\954\85195486\xml1\ FTK0003.JPG
<b>SPECIMEN DESCRIPTION</b>	EXCERPT FROM WEB PAGE
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Melaleuca, Inc.
<b>FIRM NAME</b>	Melaleuca, Inc.
<b>INTERNAL ADDRESS</b>	Attn: Legal Department

<b>*STREET</b>	3910 S. Yellowstone Hwy.
<b>*CITY</b>	Idaho Falls
<b>*STATE</b> (Required for U.S. applicants)	Idaho
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	83402
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>*EMAIL ADDRESS</b>	jehall@melaleuca.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/William Athay/
<b>* SIGNATORY'S NAME</b>	William Athay
<b>* SIGNATORY'S POSITION</b>	Attorney of record, ID bar member
<b>* DATE SIGNED</b>	12/10/2010

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85195486**

**Filing Date: 12/10/2010**

## **To the Commissioner for Trademarks:**

**MARK:** VITALITY 6 (Standard Characters, see mark)

The literal element of the mark consists of VITALITY 6.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Department,  
3910 S. Yellowstone Hwy.  
Idaho Falls, Idaho 83402  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 005: Dietary and nutritional supplements

In International Class 005, the mark was first used at least as early as 08/27/2008, and first used in commerce at least as early as 08/27/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) EXCERPT FROM WEB PAGE.

Specimen File 1

The applicant's current Correspondence Information:

Melaleuca, Inc.  
Melaleuca, Inc.  
Attn: Legal Department  
3910 S. Yellowstone Hwy.  
Idaho Falls, Idaho 83402  
208-522-0700(phone)  
208-534-2063(fax)  
jehall@melaleuca.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/10/2010  
Signatory's Name: William Athay  
Signatory's Position: Attorney of record, ID bar member

RAM Sale Number: 3419  
RAM Accounting Date: 12/13/2010

Serial Number: 85195486  
Internet Transmission Date: Fri Dec 10 16:49:17 EST 2010  
TEAS Stamp: USPTO/FTK-67.134.56.2-201012101649177492  
49-85195486-470571058c2c18e2b074fbe2faf8  
f9cc86-DA-3419-20101210112812497890

VITALITY 6

Product Store Business Center Marketplace MyMelaleuca

Enter a product name, SKU, or keyword

My Favorites

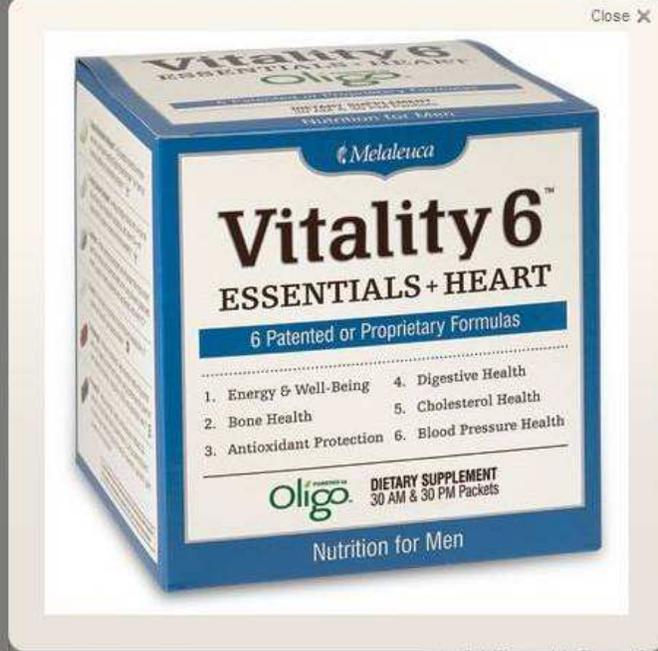


- Vitamins & Supplements >
- Food & Weight Loss >
- Cleaning & Laundry >
- Medicine Cabinet >
- Dental Care >
- Bath & Body >
- Beauty >
- Candles & Air Fresheners >
- Pet Care >
- Specials >
- Sales Aids & Materials >

- Shop by Lifestyle
- Shop by Room
- Shop by Health Needs
- Compare and Save

- Shop for:
- Oligo
  - Kosher
  - Gluten-Free
  - Diabetic
  - Logo Gear
  - Kids

Vitamins & Supplements > Multivitamins > Vitality 6™ (Essentials + Heart) Men



**What Makes It Different?**  
Heart health is a high priority for millions of men and women around the globe. Vitality 6 (Essentials + Heart) Men gives you the nutritional tools you need to live a productive life as well as help maintain heart health. Vitality 6 includes the four core products found in Vitality 4 (Essentials) plus two Melaleuca-exclusive heart health supplements.

**Additional Information**

Vitality Multivitamin & Mineral™  
[Download PDF](#)

Melaleuca Anti-Doping Product List  
[Download PDF](#)

**Recommended for you**

  
Vitality Total™ Men  
Regular Price: \$143.00  
Your Preferred Customer Price: \$99.99  
Savings: \$43.01  
Points: 54

  
Vitality Total™ 50+ Men  
Regular Price: \$143.00  
Your Preferred Customer Price: \$99.99  
Savings: \$43.01  
Points: 52

***EXHIBIT 7***

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85195482

Filing Date: 12/10/2010

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	VITALITY 4
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	VITALITY 4
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department
*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402

<b>(Required for U.S. applicants only)</b>	
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>EMAIL ADDRESS</b>	jehall@melaleuca.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	CORPORATION
<b>* STATE/COUNTRY OF INCORPORATION</b>	Idaho
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	005
<b>IDENTIFICATION</b>	Dietary and nutritional supplements
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 08/27/2008
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/27/2008
<b>SPECIMEN FILE NAME(S)</b>	\\TICRS\EXPORT11\IMAGEOUT 11\851\954\85195482\xml1\ FTK0003.JPG
<b>SPECIMEN DESCRIPTION</b>	EXCERPT FROM WEB PAGE
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Melaleuca, Inc.
<b>FIRM NAME</b>	Melaleuca, Inc.
<b>INTERNAL ADDRESS</b>	Attn: Legal Department

<b>*STREET</b>	3910 S. Yellowstone Hwy.
<b>*CITY</b>	Idaho Falls
<b>*STATE</b> (Required for U.S. applicants)	Idaho
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	83402
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>*EMAIL ADDRESS</b>	jehall@melaleuca.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/William Athay/
<b>* SIGNATORY'S NAME</b>	William Athay
<b>* SIGNATORY'S POSITION</b>	Attorney of record, ID bar member
<b>* DATE SIGNED</b>	12/10/2010

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85195482**

**Filing Date: 12/10/2010**

## **To the Commissioner for Trademarks:**

**MARK:** VITALITY 4 (Standard Characters, see mark)

The literal element of the mark consists of VITALITY 4.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Department,  
3910 S. Yellowstone Hwy.  
Idaho Falls, Idaho 83402  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 005: Dietary and nutritional supplements

In International Class 005, the mark was first used at least as early as 08/27/2008, and first used in commerce at least as early as 08/27/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) EXCERPT FROM WEB PAGE.  
Specimen File 1

The applicant's current Correspondence Information:

Melaleuca, Inc.  
Melaleuca, Inc.  
Attn: Legal Department  
3910 S. Yellowstone Hwy.  
Idaho Falls, Idaho 83402  
208-522-0700(phone)  
208-534-2063(fax)  
jehall@melaleuca.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/10/2010  
Signatory's Name: William Athay  
Signatory's Position: Attorney of record, ID bar member

RAM Sale Number: 3386  
RAM Accounting Date: 12/13/2010

Serial Number: 85195482  
Internet Transmission Date: Fri Dec 10 16:47:27 EST 2010  
TEAS Stamp: USPTO/FTK-67.134.56.2-201012101647274029  
65-85195482-470c7778832de36feef371598deb  
1ac6c-DA-3386-20101210111627657417

VITALITY 4



Enter a product name, SKU, or keyword...

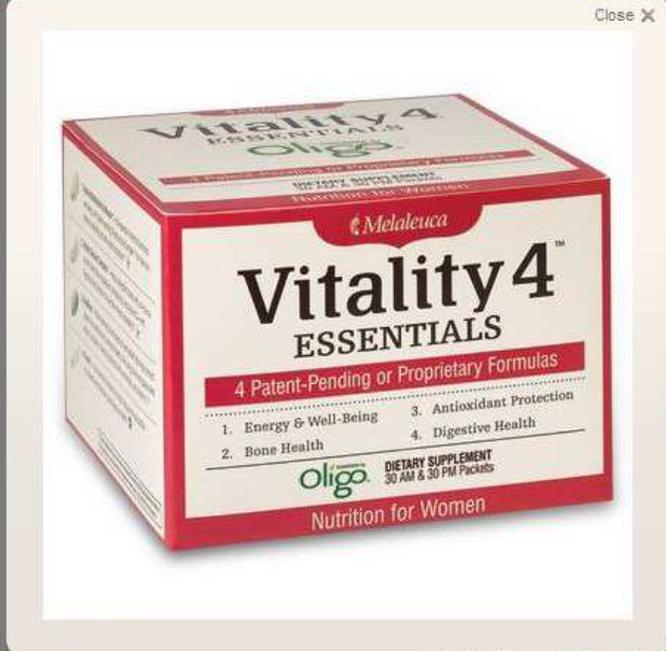
My Favorites

- Vitamins & Supplements >
- Food & Weight Loss >
- Cleaning & Laundry >
- Medicine Cabinet >
- Dental Care >
- Bath & Body >
- Beauty >
- Candles & Air Fresheners >
- Pet Care >
- Specials >
- Sales Aids & Materials >

- Shop by Lifestyle
- Shop by Room
- Shop by Health Needs
- Compare and Save

- Shop for:
- Oligo
  - Kosher
  - Gluten-Free
  - Diabetic
  - Logo Gear
  - Kids

Vitamins & Supplements > Multivitamins > Vitality 4™ (Essentials) Women



**What Makes It Different?**  
The Vitality 4 (Essentials) Women delivers the core nutrients every woman needs to maintain optimal health and to help keep you feeling full of life every day. It includes the research-recommended amounts of critical nutrients from the ideal sources for results you can actually feel. Conveniently packed in easy-to-use AM and PM packets, Vitality 4 (Essentials) saves you 26% compared to buying the bottles individually. Vitality 4

**Additional Information**

Vitality Multivitamin & Mineral™  
[Download PDF](#)

Melaleuca Anti-Doping Product List  
[Download PDF](#)

Recommended for you



**Vitality 6™™ (Essentials + Heart) Women**  
Regular Price: \$104.50  
**Your Preferred Customer Price: \$72.99**  
Savings: \$31.51  
Points: 42



**Vitality Total™™ Women**  
Regular Price: \$143.00  
**Your Preferred Customer Price: \$99.99**  
Savings: \$43.01  
Points: 54

***EXHIBIT 8***

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85195477

Filing Date: 12/10/2010

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	VITALITY CALCIUM COMPLETE
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	VITALITY CALCIUM COMPLETE
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Dept.
*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402

<b>(Required for U.S. applicants only)</b>	
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>EMAIL ADDRESS</b>	jehall@melaleuca.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	CORPORATION
<b>* STATE/COUNTRY OF INCORPORATION</b>	Idaho
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	005
<b>IDENTIFICATION</b>	Dietary and nutritional supplements
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 08/21/2008
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/21/2008
<b>SPECIMEN FILE NAME(S)</b>	\\TICRS\EXPORT11\IMAGEOUT 11\851\954\85195477\xml1\ FTK0003.JPG
<b>SPECIMEN DESCRIPTION</b>	EXCERPT FROM WEB PAGE
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Melaleuca, Inc.
<b>FIRM NAME</b>	Melaleuca, Inc.
<b>INTERNAL ADDRESS</b>	Attn: Legal Dept.

<b>*STREET</b>	3910 S. Yellowstone Hwy.
<b>*CITY</b>	Idaho Falls
<b>*STATE</b> (Required for U.S. applicants)	Idaho
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	83402
<b>PHONE</b>	208-522-0700
<b>FAX</b>	208-534-2063
<b>*EMAIL ADDRESS</b>	jehall@melaleuca.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/William Athay/
<b>* SIGNATORY'S NAME</b>	William Athay
<b>* SIGNATORY'S POSITION</b>	Attorney of record, ID bar member
<b>* DATE SIGNED</b>	12/10/2010

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85195477**

**Filing Date: 12/10/2010**

## **To the Commissioner for Trademarks:**

**MARK:** VITALITY CALCIUM COMPLETE (Standard Characters, see mark)

The literal element of the mark consists of VITALITY CALCIUM COMPLETE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Dept.,

3910 S. Yellowstone Hwy.

Idaho Falls, Idaho 83402

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 005: Dietary and nutritional supplements

In International Class 005, the mark was first used at least as early as 08/21/2008, and first used in commerce at least as early as 08/21/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) EXCERPT FROM WEB PAGE.

Specimen File 1

The applicant's current Correspondence Information:

Melaleuca, Inc.

Melaleuca, Inc.

Attn: Legal Dept.

3910 S. Yellowstone Hwy.

Idaho Falls, Idaho 83402

208-522-0700(phone)

208-534-2063(fax)

jehall@melaleuca.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/10/2010  
Signatory's Name: William Athay  
Signatory's Position: Attorney of record, ID bar member

RAM Sale Number: 3354  
RAM Accounting Date: 12/13/2010

Serial Number: 85195477  
Internet Transmission Date: Fri Dec 10 16:46:06 EST 2010  
TEAS Stamp: USPTO/FTK-67.134.56.2-201012101646069679  
27-85195477-470c997e017963e43e3b617a4611  
3cac6-DA-3354-20101210105749595087

VITALITY CALCIUM COMPLETE

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Enter a product name, SKU, or keyword... **Search**

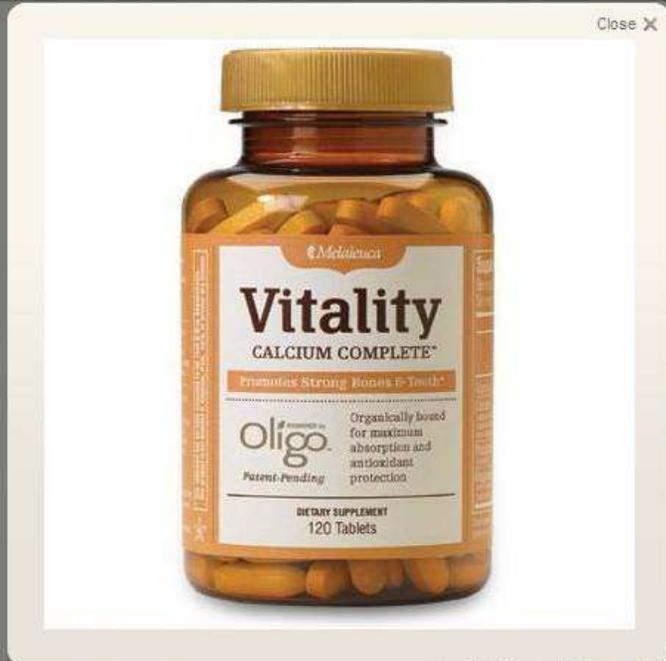
My Favorites My Cart: 0 Items **Checkout**

Vitamins & Supplements > Multi vitamins > Vitality Calcium Complete™

- Vitamins & Supplements >
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- Shop for:
- Oligo
  - Kosher
  - Gluten-Free
  - Diabetic
  - Logo Gear
  - Kids



**What Makes It Different?**  
Vitality Calcium Complete includes a proprietary four-source calcium blend plus magnesium, phosphorus, and vitamin D to help strengthen bones\*†—with Oligo™ to help maximize mineral absorption.

**The Oligo Difference**  
Essential for a vibrant life, better health, and more energy.

**Additional Information**

Melaleuca Anti-Doping Product List  
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Regular Price: \$28.00  
Your Preferred Customer Price: \$19.99  
Savings: \$8.01  
Points: 15  
**1 Add to Cart**

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Savings: \$18.01  
Points: 27  
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