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Filing date: **09/25/2012**

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

Proceeding	91202219
Party	Plaintiff Eat Right Foods Ltd.
Correspondence Address	SIMONE M KATZ ONEILL SHARTISIS FRIESE LLP ONE MARITIME PLAZA, 18TH FLOOR SAN FRANCISCO, CA 94111 UNITED STATES skatz@sflaw.com
Submission	Plaintiff's Notice of Reliance
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Date	09/25/2012
Attachments	Notice of Reliance No. 2.pdf (4 pages)(1466551 bytes)

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

EAT RIGHT FOODS LTD.,

Opposer,

v.

KEVIN LEVILLE,

Applicant.

Opp. No.: 91202219

Ser. No.: 77/868,068

Date of Publication:
April 26, 2011

OPPOSER EAT RIGHT FOODS LTD.'S
NOTICE OF RELIANCE NO. 2.

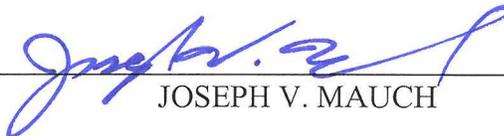
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.122(d) and 704.03(b)(1)(A) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on Opposer's Registration No. 3,694,692, prepared and issued by the United States Patent and Trademark Office, submitted herewith.

Dated: September 25, 2012.

Respectfully Submitted,
SHARTSIS FRIESE LLP

By: _____



JOSEPH V. MAUCH

Attorneys for Opposer
EAT RIGHT FOODS LTD.

United States of America

United States Patent and Trademark Office



Reg. No. 3,694,692 EAT RIGHT FOODS LIMITED (NEW ZEALAND LIMITED LIABILITY COMPANY)
Registered Oct. 13, 2009 7 KOTUA PLACE
NELSON, NEW ZEALAND

Int. Cl.: 5 FOR: MEDICATED CONFECTIONERY, FOOD PREPARATIONS ADAPTED FOR MEDICAL PURPOSES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK FIRST USE 8-1-2001; IN COMMERCE 10-1-2001.
PRINCIPAL REGISTER

OWNER OF NEW ZEALAND REG. NO. 676368, DATED 10-2-2003, EXPIRES 3-27-2010.

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

OWNER OF U.S. REG. NO. 3,045,314.

THE MARK CONSISTS OF A RECTANGULAR BACKGROUND WHICH IS IN THE COLORS GREEN AND YELLOW WITH THE WORDING "EATRIGHT" APPEARING IN WHITE.

SEC. 2(F).

SER. NO. 77-470,886, FILED 5-9-2008.

EDWARD NELSON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

STATUS DOCUMENTS

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Mark: EATRIGHT



US Serial Number: 77470886 Application Filing Date: May 09, 2008
 US Registration Number: 3694692 Registration Date: Oct. 13, 2009
 Filed as TEAS Plus: Yes Currently TEAS Plus: Yes
 Register: Principal
 Mark Type: Trademark
 Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
 Status Date: Oct. 13, 2009
 Publication Date: Jul. 28, 2009

Mark Information

Related Properties Information

Claimed Ownership of US [3045314](#)
 Registrations:

Foreign Information

Foreign Registration Number: 676368 Foreign Registration Date: Oct. 02, 2003
 Foreign NEW ZEALAND Foreign Expiration Date: Mar. 27, 2010
 Application/Registration Country:

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 incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: medicated confectionery, food preparations adapted for medical purposes

International Class: 005 - Primary Class

U.S Class: 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Aug. 01, 2001

Use in Commerce: Oct. 01, 2001

Basis Information (Case Level)

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

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information