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

Proceeding	91202219
Party	Plaintiff Eat Right Foods Ltd.
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Date	09/25/2012
Attachments	Notice of Reliance No. 3.pdf (4 pages)(1660578 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. 3.

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. 3,694,693, 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. 3,694,693 EAT RIGHT FOODS LIMITED (NEW ZEALAND LIMITED LIABILITY COMPANY)
Registered Oct. 13, 2009 7 KOTUA PLACE
NELSON, NEW ZEALAND

Int. Cl.: 29 FOR: SNACK MIX CONSISTING PRIMARILY OF PROCESSED FRUITS, PROCESSED NUTS AND/OR RAISINS; ORGANIC NUT AND SEED-BASED SNACK BARS; FRUIT-BASED SNACK FOOD; FRUIT-BASED ORGANIC FOOD BARS; FRUIT-BASED ORGANIC FOOD BARS, ALSO CONTAINING NUTS AND SEEDS, IN CLASS 29 (U.S. CL. 46).

**TRADEMARK
PRINCIPAL REGISTER**

FIRST USE 8-1-2001; IN COMMERCE 12-3-2002.

OWNER OF NEW ZEALAND REG. NO. 789065, DATED 11-13-2008, EXPIRES 5-12-2018.

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 COLOURS GREEN AND YELLOW AND THE WORDING "EATRIGHT" APPEARING IN WHITE.

SEC. 2(F).

SER. NO. 77-471,111, FILED 5-10-2008.

EDWARD NELSON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

STATUS DOCUMENTS

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Generated on: This page was generated by TSDR on 2012-09-20 16:07:27 EST**Mark:** EATRIGHT**US Serial Number:** 77471111**Application Filing Date:** May 10, 2008**US Registration Number:** 3694693**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

Mark Literal Elements: EATRIGHT**Standard Character Claim:** No**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)**Description of Mark:** The mark consists of a rectangular background which is in the colours green and yellow and the wording "EATRIGHT" appearing in white.**Color Drawing:** Yes**Color(s) Claimed:** The color(s) green, yellow and white is/are claimed as a feature of the mark.**Acquired Distinctiveness** In whole**Claim:****Design Search Code(s):** 26.11.21 - Rectangles that are completely or partially shaded

Related Properties Information

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

Foreign Information

Foreign Registration Number: 789065**Foreign Registration Date:** Nov. 13, 2008**Number:****Foreign Application/Registration Country:** NEW ZEALAND**Foreign Expiration Date:** May 12, 2018**Application/Registration Country:****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: Snack mix consisting primarily of processed fruits, processed nuts and/or raisins; Organic nut and seed-based snack bars; Fruit-based snack food; Fruit-based organic food bars; Fruit-based organic food bars, also containing nuts and seeds**International Class:** 029 - Primary Class**U.S Class:** 046**Class Status:** ACTIVE**Basis:** 1(a) 44(e)**First Use:** Aug. 01, 2001**Use in Commerce:** Dec. 03, 2002

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: Yes	Amended 44E: Yes
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Eat Right Foods Limited
Owner Address: 7 Kotua Place
Nelson
NEW ZEALAND
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information