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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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Attachments	Notice of Reliance No. 4.pdf (3 pages)(847170 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. 4

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.122(e) and 704.08(b) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on material published on the Internet at <http://www.eatright.co.nz/index.php>, accessed and publicly available on September 24, 2012, submitted herewith. The material being offered is relevant to Opposer's use of its registered marks in commerce, the goods upon which Opposer uses its registered marks, the channels of trade in which Opposer markets and sells such goods, and the retail price of such goods.

Dated: September 25, 2012.

Respectfully Submitted,
SHARTSIS FRIESE LLP

By: _____


JOSEPH V. MAUCH

Attorneys for Opposer
EAT RIGHT FOODS LTD.

eatright®

MORE BENEFITS IN EVERY BITE PRODUCTS

Gluten, Wheat Free No Added Sugar Dairy Free Low Yeast Egg Free Nut Free Soy Free Low Fat SlowDried™

EATRIGHT HEALTHY FOOD

- ✓ Not over-processed, extruded or mass produced.
- ✓ Certified Organic Ingredients - free of harmful chemicals and pesticides - used whenever possible
- ✓ Natural, safe, GE / GMO free and ingredients you can pronounce. So no hydrogenated oils, no gums, no sugar alcohols, no refined white sugar and no added yeast.
- ✓ With unique tastes, special finishing touches and an extensive range to suit everyone's different desires and special dietary needs (please see the [Products](#) page for more information on this).
- ✓ HACCP food safety certification and BioGro organic certification.



EatRight - More benefits in every bite products on Facebook



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- ✓ Home of the "most free and allergy friendly cookie" (the Date+Apple Cookie), cookies with 65% less sugar than an average biscuit (Choc-Holics Cookie, Oat+Sultana) and no added oil or salt crackers (Super-Seeded Crackers).
- ✓ Environmentally friendly recyclable and/or bio-compostable packaging
- ✓ Easy to read and informative product labels

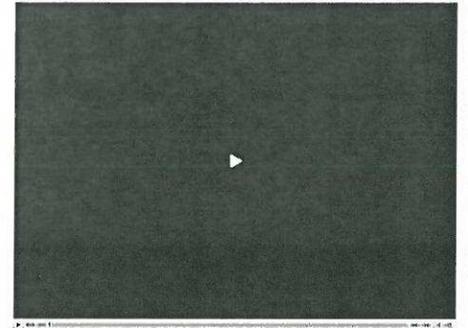
As well as our [Online Shop](#), Eat Right products are sold through health food outlets, organic shops, cafes and caring supermarkets nationwide and overseas. Please see the [Retailers](#) page for a list of current outlets.

At Eat Right we are always looking to improve our products and service. So please [email us](#) if you have any enquiries or suggestions on how we can improve what we do for you.

Online Shop >> Please [visit our Online Shop](#) to purchase your products.

Eat Right on TV NZ one (ASB Business)

(click on image to start the video)



[See another video of our factory here >>](#)

In customers own words...

"From the classical biscuit to health cookies, crackers and mini-cakes, you will find what the company promises: high quality, unique flavours and above all, healthy products." - **Healthy Options Magazine**

"Sneaking an extra cookie or slice of cake should be encouraged, especially if it comes from Eat Right Foods." - **FMCG (Fast Moving Consumer Goods) Magazine**

"The gingernuts, dipped in chocolate, are a treat!" - **The Christchurch Press**

"We received rave reviews of your Rice & Spice cookie, with some people naming it as the best product at the Food Show." - **Bio-Gro New Zealand**

" Check these great products for yourself - you'll be surprised at just how good they are!" - **Commerce Comment, Nelson**

" I would like to congratulate you on your wonderful range of products. Your biscuits are utterly delicious and one is definitely not enough. I am delighted to be able to recommend them to all my friends. It is a joy to read the ingredients list and to not need a science degree to understand what I am about to eat. At last I have found a range of goods that can be described as healthy and yummy in the same sentence. I look forward to trying any new products but will always remain loyal to my first love - Chocolate- dipped Gingernuts. " - **G. Adams, Christchurch**

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