Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov

ESTTA Tracking number: **ESTTA496345**

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
Filer's Name	Joseph V. Mauch
Filer's e-mail	jmartin@sflaw.com, jmauch@sflaw.com, calendar@sflaw.com
Signature	/s/ Joseph V. Mauch
Date	09/25/2012
Attachments	Notice of Reliance No. 8.pdf (2 pages)(844978 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. 8

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.shop.eatright.co.nz/shopn/SP/1825393542.3637/pv=EATRI,pg=10416,sg=,co_CRA, 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.

Free delivery within Nelson City area. For other destinations see postage information.

Bach Bread Cracker

Gluten and wheat free, dairy free, soy free, egg free, good source of protein, contains fibre, nut and peanut free, certified organic US$ 5.43

Buy

Super-Seeded Cracker

Gluten and wheat free, Dairy free, soy free, egg free, no added oil or salt, good source of protein, source of omega 3, contains fibre and is very low in sodium, nut and peanut free, certified organic US$ 5.43

Buy