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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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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, 2012

OPPOSER EAT RIGHT FOODS LTD.'S
NOTICE OF RELIANCE NO. 19

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.eatrightamerica.com/works/>, accessed and publicly available on September 24, 2012, submitted herewith. The material being offered is relevant to applicant Kevin Leville's use of the applied-for mark in commerce, the goods and services on which Applicant uses his mark, the channels of trade in which Applicant markets and sells such goods and services, and the likelihood of confusion between Applicant's applied-for mark and Opposer's registered marks.

Dated: September 25, 2012.

Respectfully Submitted,
SHARTSIS FRIESE LLP

By: _____



JOSEPH V. MAUCH

Attorneys for Opposer
EAT RIGHT FOODS LTD.

Minimize employee health risks with Eat Right America.

75% of your company's medical costs are the result of poor eating behavior.

(Centers for Disease Control)

Eat Right America educates employees about their health and provides engaging and supportive tools to empower them to make simple changes that will transform their health.

These easy changes will help employees decrease their risk factors while increasing their health, satisfaction and productivity – and will cause your organization to thrive.

What to expect when your employees Eat Right:

- Healthier and happier employees
- Increased productivity
- Lower absenteeism and presenteeism
- Lower health costs
- Reduced workers comp and disability claims

Your company thrives when employees get healthier.

Eat Right America provides a simple, turn-key, and proven solution that will enable your employees to become healthy, nourished and energized – so they can make your organization thrive.

When it comes to employee health and nutrition, one size doesn't fit all.

Eat Right America takes a personalized and social approach to wellness and nutrition that drives maximum engagement and outcomes. And we offer the only wellness solution that provides employees with personalized, science-based 'nutrition prescriptions' designed to prevent and reverse chronic health conditions.

Two FREE proven-solutions to lower employee health risks and prevent chronic conditions.

Take the first step toward a healthier company with Eat Right America. We will provide two great tools to help you get started – at absolutely no cost to your company.

1. **ERA Quiz** – A personalized nutrition assessment and 4-week eating plan for every employee. ([Read More...](#))
2. **ERA Café** – A unique social network that brings your employees together so they can help each other be healthy. Positive peer support coupled with the right tools are the keys to wellness success. ([Read More...](#))

Eat Right America works! Your employees will love it too.

We make it easy for your organization to show you care about your employees' health and wellbeing. And to support their efforts to be healthier.

The Eat Right America solution fits companies of any size. Offer it as:

- A stand-alone wellness activity
- Integrated as part of your current wellness or benefits program
- A valuable tool following health assessments (HRAs) or health screenings
- An exciting 28-day Challenge, where everyone begins on the same date and works together to eat right and create a healthy culture at the workplace

No matter what works best for your company, we will provide fun, easy and effective ideas and instructions to help you support your employees and keep them engaged and motivated as they get nourished!

Here's How to Get Started Today. It's Risk-Free!

Give a Personalized Eating Plan and membership to the ERA Café to every one of your employees!

There's no-cost to your organization. And we give you all the tools you need to succeed.

Register your company today. It's that simple!

1. Go to <http://www.eatrightamerica.com/wellness-registration>
2. Enter the information required, including your email address.
3. Click 'submit'.
4. You will immediately receive a welcome message via email including a unique key code for your employees to access the ERA site.
5. Included in the email will be all the information you need to launch ERA at your company and make it a success.

In one month, you will get a confidential, **customized report** with aggregate participation and health-risk information so you can learn how healthy your organization is and what your employees need to get healthier.

Contact Us

Contact us with questions or if you would like more information about:

- Including spouses and/or dependents
- Year-round and comprehensive wellness programs
- Incentive programs
- How your company can Bring Eat Right America to your community (schools, churches, etc.)

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