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

| | |
|---|---|
| Proceeding | 91202219 |
| Party | Plaintiff<br>Eat Right Foods Ltd. |
| Correspondence Address | SIMONE M KATZ ONEILL<br>SHARTISIS FRIESE LLP<br>ONE MARITIME PLAZA, 18TH FLOOR<br>SAN FRANCISCO, CA 94111<br>UNITED STATES<br>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. 24.pdf ( 2 pages )(1020178 bytes ) |

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

| | |
|---|---|
| EAT RIGHT FOODS LTD.,<br><br>Opposer,<br><br>v.<br><br>KEVIN LEVILLE,<br><br>Applicant. | Opp. No.: 91202219<br><br>Ser. No.: 77/868,068<br><br>Date of Publication:<br>April 26, 2012 |

**OPPOSER EAT RIGHT FOODS LTD.'S**
**NOTICE OF RELIANCE NO. 24**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

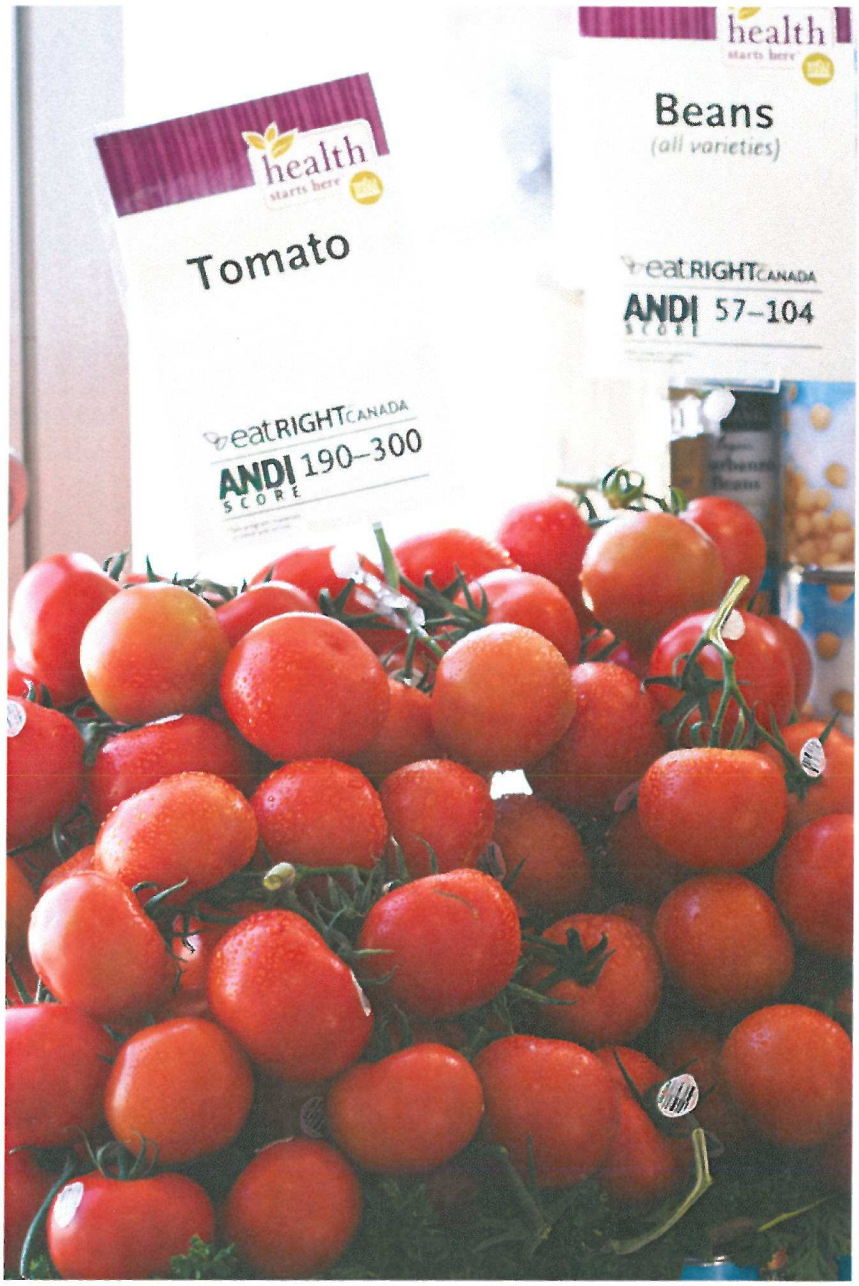
**PLEASE TAKE NOTICE** that, pursuant to 37 C.F.R. § 2.122(e) and 704.08(b) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on material published on the Internet at http://www.flickr.com/photos/wfmontario/4525870969, accessed 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.




## WFM_HSH_MG_2820

Whole Foods Market Oakville - Health Start Here, John Mackey, CEO/Founder Whole Foods Market Ontario Tour. March 24, 2010.

Photo courtesy:
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Kevin Charlie
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www.kevincharlie.com

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