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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.36.pdf (4 pages)(2424586 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. 36

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.122(e) and 704.03(b)(1)(B) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on Third-Party Registration No. 4,098,234, 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

CYCLOPOWER

Reg. No. 4,098,234

Registered Feb. 14, 2012

Int. Cls.: 5 and 30

TRADEMARK

PRINCIPAL REGISTER

MANUKA HEALTH NEW ZEALAND LIMITED (NEW ZEALAND LIMITED LIABILITY COMPANY)
1 CARLTON STREET
TE AWAMUTU, NEW ZEALAND

FOR: PHARMACEUTICAL AND VETERINARY PREPARATIONS AND SUBSTANCES, NAMELY, THERAPEUTIC AND DIETARY PREPARATIONS CONTAINING POLLEN, HONEY AND/OR OTHER BEE PRODUCTS FOR THE TREATMENT OF VIRAL, METABOLIC, ENDOCRINE, MUSCULOSKELETAL, CARDIOVASCULAR, CARDIOPULMONARY, GENITOURINARY, SEXUAL DYSFUNCTION, ONCOLOGICAL, HEPATOLOGICAL, OPHTHALMIC, RESPIRATORY, NEUROLOGICAL, GASTROINTESTINAL, HORMONAL, DERMATOLOGICAL, PSYCHIATRIC AND IMMUNE SYSTEM RELATED DISEASES AND DISORDERS; VITAMIN AND MINERAL SUPPLEMENTS MADE FROM OR CONTAINING ROYAL JELLY, PROPOLIS, POLLEN, BEESWAX, AND/OR HONEY; PHARMACEUTICAL PREPARATIONS BEING ANTIMICROBIAL AGENTS FOR WOUNDS, ORAL APPLICATION AND INTERNAL APPLICATION MADE FROM OR CONTAINING HONEY, POLLEN, COLLODION, PROPOLIS, ROYAL JELLY, BEE VENOM, AND/OR BEESWAX; PHARMACEUTICAL PREPARATIONS BEING ANTISEPTIC AGENTS FOR WOUNDS, ORAL APPLICATION AND INTERNAL APPLICATION MADE FROM OR CONTAINING HONEY, POLLEN, COLLODION, PROPOLIS, ROYAL JELLY, BEE VENOM, AND/OR BEESWAX; GAUZE FOR DRESSINGS, ADHESIVE MEDICAL PLASTERS, BANDAGES FOR DRESSINGS, ANTISEPTIC MEDICAL AND SURGICAL DRESSINGS, ANTISEPTIC MEDICAL AND SURGICAL BANDAGES, ANTISEPTIC MEDICAL AND SURGICAL GAUZES, TISSUES FOR WOUNDS, ALL IMPREGNATED OR COATED WITH PHARMACEUTICAL LOTIONS MADE FROM OR INCLUDING ROYAL JELLY, POLLEN, BEESWAX, AND/OR HONEY; PHARMACEUTICAL PREPARATIONS FOR SKINCARE MADE FROM OR INCLUDING ROYAL JELLY, POLLEN, BEESWAX, AND/OR HONEY; TEAS BEING ANTIMICROBIAL AND ANTISEPTIC FOR THERAPEUTIC, MEDICINAL AND DENTAL PURPOSES FOR INTERNAL APPLICATION MADE FROM OR INCLUDING HONEY, PROPOLIS, ROYAL JELLY, POLLEN, BEE VENOM, AND/OR BEESWAX; DRINKS BEING ANTIMICROBIAL AND ANTISEPTIC FOR THERAPEUTIC, MEDICINAL AND DENTAL PURPOSES FOR INTERNAL APPLICATION MADE FROM OR INCLUDING HONEY, PROPOLIS, ROYAL JELLY, POLLEN, BEE VENOM, AND/OR BEESWAX; TONICS BEING ANTIMICROBIAL AND ANTISEPTIC FOR THERAPEUTIC, MEDICINAL AND DENTAL PURPOSES FOR INTERNAL APPLICATION MADE FROM OR INCLUDING HONEY, PROPOLIS, ROYAL JELLY, POLLEN, BEE VENOM, AND/OR BEESWAX; DRINK INFUSIONS BEING ANTIMICROBIAL AND ANTISEPTIC FOR THERAPEUTIC, MEDICINAL AND DENTAL PURPOSES FOR INTERNAL APPLICATION



David J. Kybas

Director of the United States Patent and Trademark Office

Reg. No. 4,098,234 MADE FROM OR INCLUDING HONEY, PROPOLIS, ROYAL JELLY, POLLEN, BEE VENOM, AND/OR BEESWAX; PASTILLES BEING ANTIMICROBIAL AND ANTISEPTIC FOR THERAPEUTIC, MEDICINAL AND DENTAL PURPOSES FOR INTERNAL APPLICATION MADE FROM OR INCLUDING HONEY, PROPOLIS, ROYAL JELLY, POLLEN, BEE VENOM, AND/OR BEESWAX; TABLETS BEING ANTIMICROBIAL AND ANTISEPTIC FOR THERAPEUTIC, MEDICINAL AND DENTAL PURPOSES FOR INTERNAL APPLICATION MADE FROM OR INCLUDING HONEY, PROPOLIS, ROYAL JELLY, POLLEN, BEE VENOM, AND/OR BEESWAX; TOPICAL MEDICATED SKIN LOTIONS FOR PHARMACEUTICAL AND VETERINARY PURPOSES MADE FROM OR INCLUDING ROYAL JELLY, PROPOLIS, POLLEN, BEESWAX, AND/OR HONEY; TOPICAL MEDICATED GELS FOR PHARMACEUTICAL AND VETERINARY PURPOSES MADE FROM OR INCLUDING ROYAL JELLY, PROPOLIS, POLLEN, BEESWAX, AND/OR HONEY FOR THE TREATMENT OF VIRAL, METABOLIC, ENDOCRINE, MUSCULOSKELETAL, CARDIOVASCULAR, CARDIOPULMONARY, GENITOURINARY, SEXUAL DYSFUNCTION, ONCOLOGICAL, HEPATOLOGICAL, OPHTHALMIC, RESPIRATORY, NEUROLOGICAL, GASTROINTESTINAL, HORMONAL, DERMATOLOGICAL, PSYCHIATRIC AND IMMUNE SYSTEM RELATED DISEASES AND DISORDERS; TOPICAL MEDICATED OINTMENTS FOR PHARMACEUTICAL AND VETERINARY PURPOSES MADE FROM OR INCLUDING ROYAL JELLY, PROPOLIS, POLLEN, BEESWAX, AND/OR HONEY FOR THE TREATMENT OF VIRAL, METABOLIC, ENDOCRINE, MUSCULOSKELETAL, CARDIOVASCULAR, CARDIOPULMONARY, GENITOURINARY, SEXUAL DYSFUNCTION, ONCOLOGICAL, HEPATOLOGICAL, OPHTHALMIC, RESPIRATORY, NEUROLOGICAL, GASTROINTESTINAL, HORMONAL, DERMATOLOGICAL, PSYCHIATRIC AND IMMUNE SYSTEM RELATED DISEASES AND DISORDERS; THE AFOREMENTIONED GOODS WITHIN THIS CLASS BEING MADE FROM, OR INCLUDING MANUKA HONEY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: PREPARED FOOD PRODUCTS CONTAINING HONEY, NAMELY, CAKES, COOKIES, BAGELS, CANDY; HONEY; PROPOLIS FOR HUMAN CONSUMPTION, ROYAL JELLY FOR HUMAN CONSUMPTION; HONEY BASED CONFECTIONERY TOFFEES, CHOCOLATES, ICES; BREAKFAST CEREALS MADE FROM WHEAT, OATS, RICE ALL INCLUDING HONEY; HONEY BASED SALAD DRESSINGS FOR SALADS, HONEY BASED SAUCES FOR SALADS, DESSERTS ALL FOR HUMAN CONSUMPTION AND ALL MADE FROM OR INCLUDING HONEY, PROPOLIS, ROYAL JELLY, POLLEN; THE AFOREMENTIONED GOODS WITHIN THIS CLASS BEING MADE FROM, OR INCLUDING MANUKA HONEY, IN CLASS 30 (U.S. CL. 46).

PRIORITY CLAIMED UNDER SEC. 44(D) ON NEW ZEALAND APPLICATION NO. 834839, FILED 12-14-2010, REG. NO. 834839, DATED 12-14-2010, EXPIRES 12-14-2020.

THE MARK CONSISTS OF THE WORD "CYCLOPOWER" WITH A LINE THROUGH THE CENTER OF THE LETTERS "C", "Y", "L", "C" AND "O", AND A SOLID CIRCLE INSIDE THE LETTER "O".

SER. NO. 85-268,262, FILED 3-16-2011.

DAVID TOOLEY, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.