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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
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Signature	/Joseph V. Mauch/
Date	09/25/2012
Attachments	Notice of Reliance No.47.pdf (8 pages)(3641086 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. 47

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)(2) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on Third-Party Application, Serial No. 85/655,627, obtained from the Trademark Status and Document Retrieval database accessible on the United States Patent and Trademark Office's website, submitted herewith.

Dated: September 25, 2012.

Respectfully Submitted,
SHARTSIS FRIESE LLP

By: _____


JOSEPH V. MAUCH

Attorneys for Opposer
EAT RIGHT FOODS LTD.

Trademark/Service Mark Application, Principal Register

Serial Number: 85655627

Filing Date: 06/19/2012

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85655627
MARK INFORMATION	
*MARK	<u>HOME GOODNESS</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	HOME GOODNESS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Private Brands Consortium PBC Inc.
*STREET	3000 René-Lévesque Boulevard, Suite 330
*CITY	Montréal, Québec
*COUNTRY	Canada
*ZIP/POSTAL CODE (Required for U.S. applicants only)	H3E1T9
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Canada
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	030
	soups, broths, salad dressing, cookies, vinaigrette, stevia, natural sweetener, nutritional bars, nutritional powders, soy

*IDENTIFICATION	powders and liquids, rice beverage, nutritional drinks and supplements, namely, meal replacement in powder or liquid form, whey protein isolate, whey protein supplement, non dairy creamers, aseptic soups, aseptic broths, aseptic sauces, pastas, juices, aseptic wine, dry sauces and mix, ice cream, probiotic drinks, toddlers entrees, baby formula, baby food, olives, pickles
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Howard N. Aronson
ATTORNEY DOCKET NUMBER	16288
FIRM NAME	Lackebach Siegel LLP
INTERNAL ADDRESS	Lackebach Siegel Building
STREET	1 Chase Road
CITY	Scarsdale
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10583-4156
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FAX	914-723-4301
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AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Nancy Dwyer Chapman, Renée L. Duff, Cathy E. Shore-Sirotn
DOMESTIC REPRESENTATIVE INFORMATION	
NAME	Howard N. Aronson
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EMAIL ADDRESS	tmefs@LSLLP.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Renée L. Duff/
SIGNATORY'S NAME	Renée L. Duff
SIGNATORY'S POSITION	Attorney of record, NYS bar member
DATE SIGNED	06/19/2012

Trademark/Service Mark Application, Principal Register

Serial Number: 85655627

Filing Date: 06/19/2012

To the Commissioner for Trademarks:

MARK: HOME GOODNESS (Standard Characters, see [mark](#))

The literal element of the mark consists of HOME GOODNESS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Private Brands Consortium PBC Inc., a corporation of Canada, having an address of
3000 René-Lévesque Boulevard, Suite 330
Montréal, Québec H3E1T9
Canada

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 030: soups, broths, salad dressing, cookies, vinaigrette, stevia, natural sweetener, nutritional bars, nutritional powders, soy powders and liquids, rice beverage, nutritional drinks and supplements, namely, meal replacement in powder or liquid form, whey protein isolate, whey protein supplement, non dairy creamers, aseptic soups, aseptic broths, aseptic sauces, pastas, juices, aseptic wine, dry sauces and mix, ice cream, probiotic drinks, toddlers entrees, baby formula, baby food, olives, pickles
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Howard N. Aronson and Nancy Dwyer Chapman, Renée L. Duff, Cathy E. Shore-Sirotnin of
Lackebach Siegel LLP

Lackebach Siegel Building
1 Chase Road
Scarsdale, New York 10583-4156
United States

The attorney docket/reference number is 16288.

The applicant hereby appoints Howard N. Aronson of Lackebach Siegel LLP

Lackebach Siegel Building
1 Chase Road
Scarsdale New York 10583-4156

United States
as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

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A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Renée L. Duff/ Date Signed: 06/19/2012
Signatory's Name: Renée L. Duff
Signatory's Position: Attorney of record, NYS bar member

RAM Sale Number: 2109
RAM Accounting Date: 06/20/2012

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