

ESTTA Tracking number: **ESTTA496548**

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	/Joseph V. Mauch/
Date	09/25/2012
Attachments	Notice of Reliance No.48.pdf (10 pages)(5401299 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. 48

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. 85/686,339, 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

TEAS Plus Application

Serial Number: 85686339

Filing Date: 07/25/2012

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>HEALTHY LIFE SEASONS</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	HEALTHY LIFE SEASONS
*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	Healthy Seasons, LLC
*STREET	1999 Avenue of the stars, #1100
*CITY	Los Angeles
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	90067
PHONE	310-525-3533
EMAIL ADDRESS	warrendillard@gmail.com

AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	005
IDENTIFICATION	Food supplements; Food supplements, namely, anti-oxidants; Health food supplements; Mineral food supplements; Nutritional food additives for medical purposes in the nature of natural food extracts derived from fruits and vegetables ; Vitamin and mineral supplements for use as ingredients in the food and pharmaceutical industry
* FILING BASIS	SECTION 1(b)
* INTERNATIONAL CLASS	029
IDENTIFICATION	Coconut oil and fat; Dairy-based powders for making dairy-based food beverages and shakes; Fruit and soy based snack food; Fruit and vegetable granules for use in prepared meals or food; Fruit-based organic food bars; Fruit-based organic food bars, also containing fruits, nuts, grains ; Fruit-based raw food bars; Fruit-based snack food; Jellies for food; Non-fat, low-carbohydrate, high-protein dairy-based mix for making non-dessert foods, namely, cake, pie, snack foods ; Nut-based snack foods; Nut-based snack foods, namely, nut clusters; Nut-based snack foods, namely, nut crisps; Oils and fats for food; Olive oil; Palm oil for food; Peanut oil; Potato-based snack foods; Processed fruit-and nut-based food bars; Processed oils and fats; Sesame oil; Snack food dips; Soy bean oil; Soy-based food bars; Soy-based food bars also containing grains, nuts, chocolate, dried fruits ; Soy-based snack foods; Sunflower oil; Vegetable oils and fats; Vegetable-based chocolate food beverages; Vegetable-based food beverages; Vegetable-based raw food bars; Vegetable-based snack

	foods
* FILING BASIS	SECTION 1(b)
* INTERNATIONAL CLASS	030
IDENTIFICATION	Cereal based snack food; Chocolate-based ready-to-eat food bars; Corn-based snack foods; Flavourings for foods; Food condiment consisting primarily of ketchup and salsa; Food flavorings, namely, infused oils, not being essential oils; Food flavourings; Food package combinations consisting primarily of bread, crackers and/or cookies; Frozen flour-free foods, namely, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Frozen foods, namely, grain and bread based appetizers, hors d'oeuvres, and canapés; Grain-based food bars also containing soy, dried fruits, chocolate, nuts ; Grain-based snack foods; Herb tea; Herbal tea; Honey; Mixes for making batters for fried foods; Multigrain-based snack foods; Non-fat, low-carbohydrate, high-protein dairy-based mix for making desserts, namely, cakes, pies and snack foods ; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Ready to eat, cereal derived food bars; Rice-based snack foods; Royal jelly for food purposes; Salt for preserving food; Snack foods, namely, chocolate-based snack foods; Starch syrup; Wheat-based snack foods
* FILING BASIS	SECTION 1(b)
* INTERNATIONAL CLASS	035
IDENTIFICATION	Advertising agencies specializing in promotion of low sugar and low carbohydrate foods and lifestyle ; Advertising services, namely, promoting the food and wine of others
* FILING BASIS	SECTION 1(b)
* INTERNATIONAL CLASS	045

IDENTIFICATION	Online social networking in the field of food
* FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
* TRANSLATION (if applicable)	
* TRANSLITERATION (if applicable)	
* CLAIMED PRIOR REGISTRATION (if applicable)	
* CONSENT (NAME/LIKENESS) (if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
* NAME	Healthy Seasons, LLC
FIRM NAME	Healthy Seasons, LLC
* STREET	1999 Avenue of the stars, #1100
* CITY	Los Angeles
* STATE (Required for U.S. applicants)	California
* COUNTRY	United States
* ZIP/POSTAL CODE	90067
PHONE	310-525-3533
* EMAIL ADDRESS	warrendillard@gmail.com
* AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	5
FEE PER CLASS	275
* TOTAL FEE PAID	1375
SIGNATURE INFORMATION	
* SIGNATURE	/Warren M. Dillard/
* SIGNATORY'S NAME	Warren M. Dillard
* SIGNATORY'S POSITION	Manager
SIGNATORY'S PHONE NUMBER	310-498-1700

*** DATE SIGNED**

07/25/2012

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85686339

Filing Date: 07/25/2012

To the Commissioner for Trademarks:

MARK: HEALTHY LIFE SEASONS (Standard Characters, see [mark](#))

The literal element of the mark consists of HEALTHY LIFE SEASONS.

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

The applicant, Healthy Seasons, LLC, a limited liability company legally organized under the laws of California, having an address of

1999 Avenue of the stars, #1100

Los Angeles, California 90067

United States

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:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 005: Food supplements; Food supplements, namely, anti-oxidants; Health food supplements; Mineral food supplements; Nutritional food additives for medical purposes in the nature of natural food extracts derived from fruits and vegetables; Vitamin and mineral supplements for use as ingredients in the food and pharmaceutical industry

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)).

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 029: Coconut oil and fat; Dairy-based powders for making dairy-based food beverages and shakes; Fruit and soy based snack food; Fruit and vegetable granules for use in prepared meals or food; Fruit-based organic food bars; Fruit-based organic food bars, also containing fruits, nuts, grains; Fruit-based raw food bars; Fruit-based snack food; Jellies for food; Non-fat, low-carbohydrate, high-protein dairy-based mix for making non-dessert foods, namely, cake, pie, snack foods; Nut-based snack foods; Nut-based snack foods, namely, nut clusters; Nut-based snack foods, namely, nut crisps; Oils and fats for food; Olive oil; Palm oil for food; Peanut oil; Potato-based snack foods; Processed fruit- and nut-based food bars; Processed oils and fats; Sesame oil; Snack food dips; Soy bean oil; Soy-based food bars; Soy-based food bars also containing grains, nuts, chocolate, dried fruits; Soy-based snack foods; Sunflower oil; Vegetable oils and fats; Vegetable-based chocolate food beverages; Vegetable-based food beverages; Vegetable-based raw food bars; Vegetable-based snack foods

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)).

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 030: Cereal based snack food; Chocolate-based ready-to-eat food bars; Corn-based snack foods; Flavourings for foods; Food condiment consisting primarily of ketchup and salsa; Food flavorings, namely, infused oils, not being essential oils; Food flavourings; Food package combinations consisting primarily of bread, crackers and/or cookies; Frozen flour-free foods, namely, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Frozen flour-free foods, namely, waffles, pancakes, crepes, sandwich wraps, muffins and griddle cake sandwiches which are protein-enriched; Frozen foods, namely, grain and bread based appetizers, hors d'oeuvres, and canapés; Grain-based food bars also containing soy, dried fruits, chocolate, nuts; Grain-based snack foods; Herb tea; Herbal tea; Honey; Mixes for making batters for fried foods; Multigrain-based snack foods; Non-fat, low-carbohydrate, high-protein dairy-based mix for making desserts, namely, cakes, pies and snack foods; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; Ready to eat, cereal derived food bars; Rice-based snack foods; Royal jelly for food purposes; Salt for preserving food; Snack foods, namely, chocolate-based snack foods; Starch syrup; Wheat-based snack foods

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)).

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 035: Advertising agencies specializing in promotion of low sugar and low carbohydrate foods and lifestyle; Advertising services, namely, promoting the food and wine of others

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)).

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Online social networking in the field of food

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 Correspondence Information:

Healthy Seasons, LLC
Healthy Seasons, LLC
1999 Avenue of the stars, #1100
Los Angeles, California 90067
310-525-3533(phone)
warrendillard@gmail.com (authorized)

A fee payment in the amount of \$1375 has been submitted with the application, representing payment for 5 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: /Warren M. Dillard/ Date Signed: 07/25/2012

Signatory's Name: Warren M. Dillard

Signatory's Position: Manager

RAM Sale Number: 10319

RAM Accounting Date: 07/25/2012

Serial Number: 85686339

Internet Transmission Date: Wed Jul 25 12:50:03 EDT 2012

TEAS Stamp: USPTO/FTK-75.83.124.111-2012072512500337

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HEALTHY LIFE SEASONS