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

Proceeding	91204124
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial Number: 85/396,136

Mark: PLANT HERBAL TREASURES

Filed: August 12, 2011

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THRESHOLD ENTERPRISES, Ltd., Opposer v. ROBERT CAMPBELL, An Individual, Applicant.	Opposition No. 91204124
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Commissioner of Trademarks
PO Box 1451
Alexandria, CA. 22313-1451

**APPLICANT’S MOTION FOR SUMMARY JUDGMENT
AND SUPPORTING MEMORANDUM OF LAW**

Applicant Robert Campbell (“Applicant”), by and through its undersigned attorney, hereby moves for summary judgment pursuant to Fed.R.Civ.P. 56(c) and 37 C.F.R. §2.127 on the grounds that, based on facts presented herein, there are no genuine issues of material fact to be tried, and as a matter of law, Applicant’s mark PLANT HERBAL TREASURES is not confusingly similar in appearance, sound, meaning or commercial impression to the mark(s) PLANETARY and/or PLANETARY FORUMLAS, owned by Opposer, Threshold Enterprises (“Opposer”) and that this Opposition must be dismissed with prejudice.

I. THE APPLICABLE STANDARD FOR SUMMARY JUDGMENT

Summary judgment is an appropriate method for disposing of cases in which there are no genuine issues of material fact in dispute, thus leaving the case to be resolved as a matter of law. *See* Fed. R. Civ. P. 56(c). The purpose of summary judgment is to avoid unnecessary trial where additional evidence would not reasonably be expected to change the outcome. *See Pure Gold, Inc., v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 222 USPQ 741 (Fed. Cir. 1984). Applicant, as the party moving for summary judgment, has the burden of demonstrating the absence of any genuine issue of material fact and that it is entitled to summary judgment as a matter of law. *See Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); and *Sweats Fashions Inc. v. Pannill Knitting Co. Inc.*, 833 F.2d 1560, 4 USPQ2d 1793 (Fed. Cir. 1987). However the nonmoving party may not rest on mere denials of conclusory assertions, but rather must proffer countering evidence, by affidavit or as otherwise provided in Fed. R. Civ. P. 56, showing that there is a genuine factual dispute for trial. *See* TBMP § 528.01 (noting summary judgment is “a salutary method of disposition”).

II. BACKGROUND

Applicant seeks to register PLANT HERBAL TREASURES for “dietary herbal supplements, vitamins, and nutritional supplements” in International Class 005, Serial No. 85/396,136. Opposer has challenged this application due to its alleged confusing similarity to Opposer's mark(s) for PLANETARY FORMULAS, for “dietary herbal supplements and nutritional supplements” in International Class 005, Reg. No. 3,370,447, and PLANETARY, for “vitamins, dietary herbal supplements and nutritional supplements” in International Class 005, Reg. No. 3,370,447.

For purposes of this Motion, Applicant will concede to relatedness of its products to Opposer's products, and that Opposer has priority in interstate commerce. Thus, the sole ground for this Motion is the significant dissimilarity of the marks themselves.

Opposer's entire contention as to the marks' alleged similarities is given in Paragraph 8 of its Notice of Opposition:

Applicant's mark so resembles Threshold Enterprises' PLANETARY and PLANETARY FORMULAS marks that it is likely to cause confusion, or to cause mistake or deceive within the meaning of Section 2(d) of the Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, applicant's mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that the goods/services in Serial No. 85/396,136 originate with or are affiliated with Threshold Enterprises, or otherwise are authorized, licensed or sponsored by Threshold Enterprises.

Opposer's argument is fallacious, for the following reasons:

III. ARGUMENT

A. The Only Common Element of Opposer's Marks and Applicant's Mark are the first four letters in the words PLANT and PLANETARY, namely, "PLAN"

The only common element of Opposer's marks and Applicant's mark are the consecutive four letters in the words PLANT and PLANETARY, namely, "PLAN"; the marks do not share any other similar features. Furthermore, the four consecutive letters "PLAN" appear in literally hundreds of registered and live marks, including registered and live marks for goods that are identical or similar to those of Opposer.

The attached Exhibit 1 consists of a PDF download from morewords.com. This PDF establishes that the letters "PLAN" are the first four letters in 113 words in the

English language, and are also used consecutively in another 223 words, many of which include words used to describe types of vegetation or plant life. It is therefore not surprising to find hundreds of registered and live vitamin and dietary supplement marks featuring the four consecutive letters “PLAN”, whether they are introductory, in the middle, or used at the end. As shown in the attached Exhibit 2, a trademark search conducted on the Trademark Electronic Search System (TESS) on November 25, 2013 retrieved over 232 such marks that are either registered or live, and which use the consecutive letters “PLAN” (and/or phonetic and foreign equivalents) in their trademarks.

In the attached Exhibit 3, Applicant has enclosed printouts from the PTO’s TARR system showing a number of these consecutive “PLAN” lettered registrations. All of them cover vitamin/dietary supplement and/or goods that are identical or closely related to those covered by Opposer’s registrations. Thus, Exhibit 3 contains, inter alia, printouts of the registered vitamin and/or dietary herbal supplement and nutritional supplement marks **PLANT FORCE**, **VITAMIN PLANET**, **PLANTCAPS**, **PLANTFUSION**, **THEWPLANET**, **PEACEFUL PLANET**, **PLANT-PURE DHA**, **PLANT-PURE**, **PLANT PURE OMEGA-3**, **AMAZON PLANET**, **PLANET EARTH**, and **GREEN PLANET**.

In short, vitamin, dietary herbal supplement, and nutritional supplement marks using the four consecutive letters “PLAN” either as introductory, in the middle, or at the end of the marks appear on hundreds of registered and live marks with the United States Patent and Trademark Office, mostly for products that are identical or substantially

similar to Opposer's goods. Neither Opposer nor any other maker of vitamins, dietary herbal supplements, and nutritional supplements can monopolize this common element.

B. Opposer's Marks and Applicant's Mark are Dissimilar in Appearance, Sound, Meaning or connotation, and Commercial Impression

The respective first terms of Opposer's marks (PLANETARY FORMULAS and PLANETARY) and Applicant's mark ("PLANT"), and indeed the respective marks in their entireties, PLANT HERBAL TREASURES, PLANETARY FORMULAS, and PLANETARY, taken as a whole, are overwhelmingly different in appearance, sound, meaning or connotation, and commercial impression. *See Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin*, 396 F.3d 1369, 1371-72 (CAFC 2005) (the legal test for similarity is based on the marks' appearance, sound, meaning and commercial impression; "commercial impression" is sometimes used as a proxy for the ultimate conclusion of dissimilarity based on appearance, sound and meaning). It should be noted that since the term "FORMULAS" in Opposer's mark, and the terms "PLANT" and "HERBAL" in Applicant's mark have been disclaimed due to their descriptive or generic nature, the respective dominant portions of the at issue marks are "PLANETARY" and "TREASURES". Although there is no mechanical test to select a "dominant" element of a compound word mark, consumers would be more likely to perceive a fanciful or arbitrary term rather than a descriptive or generic term as the source-indicating feature of the mark. TMEP 1207.01(b)(viii).

Furthermore, it is well established that in comparing two trademarks for confusing similarity, the Board must compare the marks for resemblances in appearance and meaning or connotation. *In re E.I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 U.S.P.Q. 563 (C.C.P.A. 1973). Similarity of the marks in one respect – sight, sound, or

meaning – will not automatically result in a finding of likelihood of confusion, even if the services are identical or closely related. TMEP §1207.01(b)(i). It is also accepted that the use of identical, even dominant, words in common does not necessarily mean that two marks are similar. *See General Mills, Inc. v. KelloggCo.*, 824 F.2d 622, 687 (8th Cir. 1987) (holding defendant's OATMEAL RAISIN CRISP did not infringe plaintiff's APPLE RAISIN CRISP trademark). This is because marks must be considered in their entirety. *See, e.g.*, TMEP §1207.01.

The Board is required to look at the overall impression created by the marks, rather than merely comparing individual features. *Mead Data Cent., Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 875 F.2d 1026, 1029, 10 USPQ2d 1961 (2d Cir. 1989). In this respect, the Board must determine whether the total effect conveyed by the two marks is confusingly similar, not simply whether the marks sound alike or look alike. *First Savings Bank F.S.B. v. First Bank System Inc.*, 101 F.3d at 645, 653, 40 USPQ2d 1865, 1870 (10th Cir. 1996) (recognizing that while the dominant portion of a mark is given greater weight, each mark still must be considered as a whole) (citing *Universal Money Centers, Inc. v. American Tel. & Tel. Co.*, 22 F.3d 1527, 1531, 30 USPQ2d 1930 (10th Cir. 1994)). Even the use of identical dominant words or terms does not automatically mean that two marks are similar. Also, in *First Savings Bank F.S.B. v. First bank System Inc.*, 101 F.3d at 645, 653, 40 USPQ2d 1865, 1874 (10th Cit. 1996), marks for "FirstBank" and for "First Bank Kansas" were found not to be confusingly similar. Furthermore, in *Luigino's Inc. v. Stouffer Corp.*, 50 USPQ2d 1047, the mark "Lean Cuisine" was found not be confusingly similar to "Michelina's Lean 'N Tasty" even

though both marks use the word "Lean" and are in the same class of goods, namely, low-fat frozen food.

i. APPEARANCE

In *Estate of P.D. Beckwith, Inc. v. Commissioner of Patents*, 252 U.S. 538, the Supreme Court laid down the **Anti-Dissection Rule** and held that composite conflicting marks are to be compared by looking at them as a whole rather than breaking the marks up into their component parts for comparison. The rationale of this rule is that the commercial impression of a composite trademark on an ordinary prospective buyer (customer) is created by the mark as a whole, not by its component parts.

Applicant respectfully submits that, when applicant's mark, viewed as a whole, there is no likelihood of confusion with the Opposer's listed registrations in its Notice of Opposition. As a general rule, "the basic principal in determining confusion between marks is that the marks must be compared in their entirety... [and a] likelihood of confusion cannot be predicated on dissection of a mark." *In re National Data Corporation*, 753 F.2d 1056 (Fed. Cir. 1985). However, there is "nothing improper in stating that . . . more or less weight has been given to a particular feature of a mark." *Id.* Accordingly, when viewed in its entirety, Applicant's mark is not confusingly similar to Opposer's marks.

Applying present jurisprudence, a visual examination of the literal elements reveals clear differentiations between the marks. Applicant's mark consists of the words "PLANT", "HERBAL", and "TREASURES" and is used in commerce as "PLANT HERBAL TREASURES", while Opposer's marks are "PLANETARY FORMULAS" and "PLANETARY". Opposer's marks do not use or feature the words "PLANT",

“HERBAL”, “TREASURES”, or any similar words or elements, except for the four consecutive letters “PLAN”. In addition, Applicant’s mark consists of twenty (20) letters whereas Opposer’s marks consist of either eight (8) or sixteen (16) letters. Consumers will notice such a stark difference between the marks just based upon a cursory visual glance.

Further, analyzing the visual impression alone shows that Applicant's mark has three words, whereas Opposer uses either one or two words, none of which contain the same or even similar meaning words. As a result, the visual impact of the marks is considerably different. When considered in their entirety, the difference in literal elements of Applicant’s mark so distinguishes it from Opposer’s marks as to render confusion unlikely.

Applicant’s Mark: PLANT HERBAL TREASURES

Opposer’s Marks: PLANETARY FORMULAS, and
PLANETARY

In short, except for the ordinary consecutive letters “PLAN”, there are no commonalities whatsoever in Opposer’s marks and Applicant’s mark. The marks are therefore predominantly different in appearance.

ii. SOUND

In the present case, phonetic differences in the marks should also be taken into account. Opposer alleges that Applicant's mark PLANT HERBAL TREASURES is similar to Opposer’s marks PLANETARY FORMULAS and PLANETARY. However, given each party's usage of completely different words, Opposer’s marks and Applicant’s mark are significantly different in pronunciation. To use phonetic spellings, Opposer’s

marks are pronounced PLAE-NE-TER-EE and PLAE-NE-TER-EE FORM-JULAS while Applicant's mark is pronounced PLANT 'ERBAL 'TRE-ZERS.

Additionally, it has been held that even where two marks are phonetically similar, no likelihood of confusion exists if other differentiating factors can be established. *See National Distillers & Chemical Corporation v. William Grant and Sons, Inc.*, 505 F.2d 719 (finding that DUVET and DUET did not raise likelihood of confusion where other differentiating factors existed; including fact that while DUET was a familiar word, DUVET was not). Ultimately, as outlined in *DuPont* and other jurisprudence above, an ultimate determination on likelihood of confusion must be made taking into account all the various factors. (See also *In re National Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (“The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used (citations omitted).”).

Although Opposer and Applicant's marks use the same four consecutive letters “PLAN”, the marks are not phonetically similar. This is also true of, e.g., the above mentioned registered marks **PLANT FORCE**, **VITAMIN PLANET**, **PLANTCAPS**, **PLANTFUSION**, **THEWPLANET**, **PEACEFUL PLANET**, **PLANT-PURE DHA**, **PLANT-PURE**, **PLANT PURE OMEGA-3**, **AMAZON PLANET**, **PLANET EARTH**, and **GREEN PLANET**, *see* Exhibit 3; and many other registered and live marks in class 005 for the same or substantially similar goods as Opposer such as **HEALTHY PLANET NUTRITION**, **HAPPY PLANET**, **POWER PLANT**, **PLANTRAMIN**, **SUPERPLANET**, **ULTRA PLAN**, and **PLANTIZYME**, attached here to as Exhibit 4.

As stated above, the audible differences between Applicant's mark and Opposer's marks present explicit differences refuting a claim of likelihood of confusion.

Furthermore, as will be discussed below, the connotation/commercial impression of the marks, disclaimed portions of the marks, sophistication of the consumer, the lack of actual confusion, the number and nature of similar marks in use on similar goods or services, and additional supporting case law will confirm a finding that likelihood of confusion does not exist between Applicant's mark and Opposer's marks.

iii. CONNOTATION/COMMERCIAL IMPRESSION

An important factor in determining whether likelihood of confusion exists is the meaning or connotation of the marks at issue. Even where marks share similar appearances and sound, the connotation and/or commercial impression derived from the marks may be sufficiently different enough where the likelihood of confusion is not established. *See, e.g., In re Sears, Roebuck and Co.*, 2 U.S.P.Q.2d 1312 (TTAB 1987) (finding that CROSS-OVER when applied to bras carried different connotation and/or commercial impression from CROSSOVER as applied to women's sport wear); *In re British Bulldog, Ltd.*, 224 U.S.P.Q. 854 (TTAB 1984) (finding that PLAYERS for men's underwear carried different connotation and/or commercial impression from PLAYERS for shoes); *In re Sydel Lingerie Co., Inc.*, 197 U.S.P.Q 629 (TTAB 1977) (finding that BOTTOMS UP for ladies' and children's underwear held a different connotation and/or commercial impression from BOTTOMS UP for men's clothing). Furthermore, such connotation and/or significance can be determined based upon a mark holder's current use in commerce. *In re Nationwide Industries*, 6 USPQ2d 1882, 1884 (TTA B 1984) ("Thus it is settled that evidence of the context in which a mark is used on labels,

packaging, advertising, etc., is probative of the significance which the mark is likely to project to Ser. No. 764198257 purchasers”).

The American-English translations of the individual elements of Opposer's mark, PLANETARY and FORMULAS are: PLANETARY: a) of or having to do with a planet or the planets, b) terrestrial; global, c) wandering; erratic, d) moving in an orbit, like a planet, e) designating or of an epicyclic train of gears, as in an automobile transmission, f) under the influence of a planet; FORMULA(S): a) a fixed form of words, b) a rule or method for doing something, c) an exact statement or religious faith or doctrine, d) directions for preparing a medicine, a paint, a baby's food, e) a set of algebraic symbols expressing a mathematical fact, principle, rule, f) an expression of the composition of a compound by a combination of symbols and figures to show the constituents; whereas the American-English translations of the individual elements of Applicant's mark, PLANT, HERBAL, and TREASURES are: PLANT: a) any of a kingdom of eukaryotes generally characterized by the ability to carry on photosynthesis in its cells which contain chloroplasts and have cellulose in the cell wall, including all thallophytes and embryophytes, b) a young tree, shrub, or herb, ready to put into other soil for growth to maturity; a slip, cutting, or set, c) an herb, as distinguished from a tree or shrub, d) the tools, machinery, buildings, grounds, etc. of a factory or business, e) the equipment, buildings, etc. of any institution, as a hospital, school, etc., f) the apparatus or equipment for some particular mechanical operation or process, g) a person placed, or thing planned or used, to trick, mislead, or trap; HERBAL: a) of herbs; TREASURES: a) accumulated or stored wealth, esp. in the form of money, precious metal, jewels, etc., b) any person or thing considered very valuable; *See Exhibit 5.*

As is evident from their respective American-English translations, Opposer and Applicant's marks are entirely different in meaning and connotation. Opposer's marks carry the connotation of planets, the globe or space, or ingredients for a formula sourced from the Earth. In fact, Opposer has admitted that it views the phrase PLANETARY FORMULAS“ as a representation of its efforts to source the best of the world's herbal ingredients and remedies”, attached hereto as Exhibit 6 – See Page 5 Response to Interrogatory 44, meet and confer letter dated November 5, 2013. In contrast, Applicant's mark carries the connotation of **wealth through health** when consuming Applicant's goods.

Consequently, taking the prior mark in its totality pursuant to the **Anti-Dissection Rule** above, there would be no consumer confusion as to the source or origin of either party's goods based not only on their respective visual and phonetic differences, but also the differing commercial connotation and impression derived from each mark.

iv. **DISCLAIMED PORTIONS OF MARKS**

Even if veering away from the **Anti-Dissection Rule** an examination of the marks' component parts still shows entirely differing appearances, sounds, connotations, and commercial impressions.

As discussed above, the words PLANT and PLANETARY in the respective marks not only have completely different meanings, they also carry differing commercial impressions. But, even if this was not the case, when the dominant portion of a mark has been disclaimed for being descriptive or generic, the disclaimed portion will be awarded much less weight if any at all. As a matter of fact, the sixth circuit has “found the existence of a disclaimer very informative and [it] held that there was no likelihood of

confusion, partly on that basis.” *Taubman Co. v. Webfeats*, 319 F.3d 770,65 USPQ2d 1834, 1839 (6th Cir. 2003), citing, *In Holiday Inns, Inc. v. 800 Reservation, Inc.*, 86 F.3d 619, 39 USPQ2d 1181 (6th Cir. 1996). Also, when certain terms are clearly descriptive and/or generic when used in connection with the goods and services provided by registrant, they will have no source identifying value. Thus, such terms are subordinate to the dominant portion. *In re Infinity Broadcasting Corporation of Dallas*, Serial No. 75/689,077 (TTAB 2001). In *In re Infinity Broadcasting Corporation of Dallas*, the board found that the terms “TV” and “FM” in the marks TV KING and FM KING were descriptive and the registrant’s mark was dominated by the term “KING”, therefore rendering the two descriptive terms as subordinate to the dominant portion. *Id.* Further, “Regarding descriptive terms this court noted that the descriptive component of a mark may be given little weight in reaching a conclusion on the likelihood of confusion.” *Cunningham*, 55 USPQ2d at 1846, quoting, *In re national Data Corp.*, 753 F.2d 1056, 224 USPQ 749, 752 (Fed. Cir. 1985).

Therefore, the literal element “FORMULAS” in Opposer’s mark, and “PLANT” and “HERBAL” in Applicant’s mark bear no significant value in a determination of likelihood of confusion with the respective marks. The terms “FORMULAS”, “PLANT”, and “HERBAL” were disclaimed in Opposer and Applicant’s applications due to their descriptive and/or generic nature. *See* Exhibits 7 and 8. Further, since the terms “FORMULAS”, “PLANT”, and “HERBAL” are subordinate, by virtue of their respective disclaimers, to the remaining elements of the marks, the dominant portions in determining likelihood of confusion are Applicant’s literal element “TREASURES” and Opposer’s literal element “PLANETARY”. From a visual, phonetic, connotation, and

commercial impression standpoint, the marks, once again, share absolutely no similarities warranting a finding of likelihood of confusion.

v. SOPHISTICATION OF THE CONSUMER

As analyzed in *DuPont, supra*: to the extent that a customer is likely to exercise a high degree of care and/or sophistication when selecting goods or services, the less chance that confusion, mistake, or deception will occur between two or more competing marks. *See also TCPIP Holding Co., Inc. v. Haar Communications, Inc.*, 244 F.3d 88, 102 (2d Cir.2001) ("The more sophisticated the consumers, the less likely they are to be misled by similarity in marks."); *Cadbury Beverages, Inc. v. Cott Corp.*, 73 F.3d 474, 480 (2d Cir.1996) ("The sophistication factor recognizes that the likelihood of confusion between the products at issue depends in part on the sophistication of the relevant purchasers."). Furthermore, the degree of care factor plays a significant role in minimizing potential confusion where the subject goods fail to constitute "impulse" goods. *See, e.g., Astra Pharm. Prods. Inc. v. Beckman Instruments, Inc.*, 718 F.2d 1201, 1206 (1st Cir. 1983) (finding that blood analyzers that cost between \$35,000 to \$60,000 require careful consideration likely to result in added consumer scrutiny and examination).

In addition, while the fact that purchasers are sophisticated or knowledgeable in a particular field does not necessarily mean that they are immune from source confusion, circumstances suggesting care in purchasing may tend to minimize the likelihood of confusion. TMEP § 1207.01(vii). Here, Applicant and Opposer's goods are not "impulse" goods as discussed in *Astra Pharm*, because in today's marketplace, consumers are health conscious and are vigilant about almost everything they consume, including

but not limited to the manufacturer of a product, the amount of calories, the sugar level, and the overall quality of the ingredients. These goods are not offered for mere dollars, and due to their medicinal nature, consumers will be especially vigilant. The respective goods offered by both parties involve, amongst other things, the body, the mind, sexual drive, disease prevention, pain and stress relief, and are to be consumed. The fact that the quality of goods offered by Opposer and Applicant could have potentially serious side effects, consumers will research and spend additional time as to the quality of the source of the goods, and the potential benefits and pitfalls behind each brand.

Even using a least knowledgeable general consumer standard, it is unlikely that source confusion will take place. Where Applicant's services carry no express or implied association with Opposer's marks, consumers should easily be able to differentiate Applicant's mark as a unique source identifier. In addition, the lack of association between the marks reinforces the likelihood that the existence of Applicant's mark is unlikely to cause any negative impact to Opposer's marks

vi. LACK OF ACTUAL CONFUSION

When determining whether there exists a likelihood of confusion, weight is given to the number and extent of instances of actual confusion. *Al-Site Corp. v. VSI Int'l. Inc.*, 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed. Cir. 1999). This is because “evidence of actual confusion is undoubtedly the best evidence of likelihood of confusion.” *Thompson v. Haynes*, 305 F.3d 1369, 64 U.S.P.Q.2d 1650 (Fed. Cir. 2002). Accordingly, the absence of actual confusion has been considered an important factor. *David Sherman Corp. v. Heublein, Inc.*, 340 F.2d 377, 380; 144 USPQ 249 (8th Cir. 1965).

Opposer has not provided a single piece of evidence demonstrating actual confusion amongst the relevant consuming public. To the contrary, Opposer has admitted that “it is currently not aware of an instance of actual confusion”, attached hereto as Exhibit 6 – See Page 4 Response to Interrogatory Nos. 24 & 33, meet and confer letter dated November 5, 2013. It can thus be inferred that there is no actual instances of confusion. In addition, Applicant is also not aware of any instances of actual confusion as between the goods or services offered in connection with Applicant’s mark and the goods or services offered in connection with Opposer’s marks. Moreover Applicant has used the PLANT HERBAL TREASURES mark in commerce since at least as early as August 11, 2011 and has coexisted with Opposer’s marks without confusion for nearly two and a half years, again suggesting that confusion is highly unlikely as between the marks, should Applicant’s mark be permitted to register.

vii. THE NUMBER AND NATURE OF SIMILAR MARKS IN USE ON SIMILAR GOODS OR SERVICES

A vital consideration must be made in determining “strong” or “weak” marks in order to determine the scope of protection to be accorded. Strong marks are widely protected, as contrasted to weak marks. *Amstar Corp. v. Domino’s Pizza Inc.*, 615 F.2d 252, 259 (C.A.C. 1980). If the registered mark is not a coined word, or is not purely fanciful, it is not to be accorded the same degree of protection given to such coined and fanciful terms as “Kodak” or “Xerox.” *Id.* at 260. A weak mark is a mark that is a meaningful word in common usage or is merely a suggestive or descriptive trademark. A strong mark is entitled to a greater degree of protection than is a weak one, because of its unique usage. *Alpha Indus., Inc. v. Alpha Tube & Shapes, Inc.*, 616 F.2d 440, 445-46 (9th Cir.1980).

Moreover, extensive third-party use is relevant in showing pre-existing dilution of the mark because "[t]hird-party uses of a mark on similar goods are relevant for the purposes of showing a 'crowded field' and that the mark is therefore weak." *Lexington Management Corp. v. Lexington Capital Partners*, 10 F.Supp.2d 271, 281 (S.D.N.Y. 1998). In *Michael Caruso and Co., Inc. v. Estefan Enterprises, Inc.*, 994 F.Supp. 1454, 1458 (S.D. Fla.1998), the court held that a clothing manufacturer's "Bongo" mark was weakened by extensive third party use of the term. The primary indicator of trademark strength measures logical correlation between name and product; if seller of product or service would naturally use a particular name, it is weakly protected. *Caruso, supra* at 1458.

Where the primary term is considered a weak mark, minor alterations could effectively negate any confusingly similarity between the two. *Freedom Sav. & Loan Ass'n*, 757 F.2d 1176, 1183 (C.A.11 Fla.1985). The mere fact that two marks incorporate a form of a common identifying word does not render the marks too similar. *See, e.g., Freedom Sav. & Loan Ass'n*, 757 F.2d at 1183 ("Freedom Savings and Loan" and "Freedom Realty" marks "lack ... confusing similarity"); *Sun Banks of Florida, Inc. v. Sun Federal Sav. and Loan Ass'n* , 651 F.2d 311, 316 ("Sun Federal and Savings Loan Association" not confusingly similar to "Sun Banks"); *Amstar*, 615 F.2d at 260 ("Domino's Pizza" not similar to "Domino sugar"); *Bell Laboratories, Inc. v. Colonial Prods., Inc.*, 644 F.Supp. 542, 547 (S.D.Fla.1986) ("Final flip" and "Flip" marks for same product are "ultimately different and different sounding"); *In re Hearst Corp.*, 982 F.2d 493, 494 (Fed.Cir.1992) ("Varga girl" and "Vargas" are "sufficiently different in sound, appearance, connotation, and commercial impression, to negate likelihood of

confusion"); *Mr. Hero Sandwich Sys., Inc. v. Roman Meal Co.*, 781 F.2d 884, 888 (Fed.Cir.1986) ("Romanburger" and "Roman" marks for food products "are not similar in appearance"); *Little Caesar Enterprises*, 834 F.2d 568, 571 ("Pizza Caesar U.S.A." not similar to "Little Caesar's"); *Conde Nast Pubs., Inc. v. Miss. Quality, Inc.*, 507 F.2d 1404, 1407 (CCPA 1975) ("Country Vogues" and "Vogue" publications "do not look or sound alike"); *Pacquin-Lester Co. v. Charmaceuticals, Inc.*, 484 F.2d 1384 (CCPA 1973) ("Silk 'n' Satin" beauty and bath lotion and oil not similar to "Silk" face cream). Ultimately whether an addition is sufficient to prevent confusion in a particular instance depends upon the strength of the main part of the mark and the distinctiveness of the additional feature. *Bell Laboratories, supra*, at 548.

The four consecutive letters PLAN, and the words PLANT, PLANET, and FORMULA (and their respective foreign and phonetic equivalents thereof) are commonly used in connection with goods and services in International Class 005 for the same or substantially similar goods offered by Opposer and Applicant. *See* Exhibit 9. As such, Registrant's mark should be considered a weak mark and Applicant's mark should be considered a strong mark.

The widespread usage of the consecutive letters "PLAN" and the words "PLANT", "PLANET", and "FORMULA" is acknowledged by the USPTO, whose database currently lists 126 live and registered marks which incorporate the word "PLANT" in their name within International Class 005 in connection with the same or substantially similar goods offered by Opposer and Applicant; 54 live and registered marks incorporating the word "PLANET" in their name within International Class 005 in connection with the same or substantially similar goods offered by Opposer and

Applicant; 435 live and registered marks incorporating the word “FORMULA” in their name within International Class 005 in connection with the same or substantially similar goods offered by Opposer and Applicant; and 232 live and registered marks which incorporate the four consecutive letters “PLAN” in their name within International Class 005 in connection with the same or substantially similar goods offered by Opposer and Applicant. *Id.* Given such widespread use of the four consecutive letters “PLAN”, consumers are more likely to acknowledge slight variances in the uses of that term.

As such, it is submitted that these differences between the marks referenced herein create a separate and distinctive commercial impression. This analysis, however, is not submitted in a vacuum with respect to these applications. If other registrations appear that are owned by more than one registrant, the dilution of those terms indicates that there is no likelihood of confusion as between the applied-for and cite prior registered marks. *See* TMEP §1207.01(d)(x).

In this regard, Applicant respectfully submits Exhibits 10 – 30, which display 21 registered marks incorporating the four consecutive letters “PLAN” or phonetic equivalents thereof, which are in related classes to those of Applicant and Opposer. These marks have all coexisted with Opposer without any confusion and thus should weigh in favor of a finding that there is no likelihood of confusion between Applicant and Opposer’s marks. The marks are as follows:

1. PLANT FORCE, U.S. REG. NO. 4423078, owned by Gaia Herbs, Inc., used in connection with “Herbal, nutritional and dietary supplements” in International Class 005. *See* Exhibit 10.
2. PLANTCAPS, U.S. REG. NO. 4311553, owned by Capsugel Belgium NV, used in connection with “Empty plant-based capsules for pharmaceutical products,

- dietary and nutritional supplements, herbal supplements, vitamins and mineral supplements” in International class 005. *See* Exhibit 11.
3. PLANTIZYME, U.S. REG. NO. 4145919, owned by Thorne Research, Inc., used in connection with “Nutritional supplements containing plant-based enzymes for digestive support” in International Class 005. *See* Exhibit 12.
 4. PLAN 30 DIAS, U.S. REG. NO. 4097312, owned by Laboratorio Y Herboristeria Santa Margarita, S.A., used in connection with “Medicinal herbal infusions for dietetic purposes” in International Class 005. *See* Exhibit 13.
 5. PLANTFUSION, U.S. REG. NO. 3919591, owned by Reliance Vitamin Company, Inc., used in connection with “Amino acids for nutritional purposes; Dietary and nutritional supplements; Dietary food supplements; Dietary supplemental drinks; Dietary supplements; Dietary supplements for human consumption; Food supplements; Nutritional supplements; Powdered nutritional supplement drink mix” in International class 005. *See* Exhibit 14.
 6. PLANKTON-EEZE, U.S. REG. NO. 3403594, owned by Zoolife Inc., used in connection with, amongst other things, “Food supplements; Dietary supplements; Mineral supplements; Nutritional supplements; vitamins” in International Class 005. *See* Exhibit 15.
 7. PLANTOPIA, U.S. REG. NO. 2799330, owned by Plantopia Inc., used in connection with “Herbal products, namely, aroma therapy packs containing herbs used for aromatherapy and medicated bath salts” in International Class 005. *See* Exhibit 16.
 8. PLANT-PURE, U.S. REG. NO. 4257941, owned by Lang Naturals, Inc., used in connection with “Dietary and nutritional supplements” in International Class 005. *See* Exhibit 17.
 9. PLAMTIMEX, U.S. REG. NO. 3962696, owned by Salvador Alvarez, used in connection with, amongst other things, “Dietary and nutritional supplements; Vitamin supplements” in International Class 005. *See* Exhibit 18.
 10. PLANET PRO, U.S. REG. NO. 3842557, owned by Tasti D-Lite LLC, used in connection with “Meal replacement drink mix” in International Class 005. *See* Exhibit 19.

11. PLANT PURE OMEGA-3, U.S. REG. NO. 3955330, owned by Lang Naturals Inc., used in connection with “Dietary and nutritional supplements containing omega-3” in International Class 005. *See Exhibit 20.*
12. PLANT ADVANTAGE, U.S. REG. NO. 3898830, owned by Jake Molgaard, used in connection with “Natural Supplements; whey protein supplements; herbal teas for medicinal purposes” in International Class 005. *See Exhibit 21.*
13. PLANTOKINE, U.S. REG. NO. 3920738, owned by Plantokines, Inc., used in connection with “Nutritional supplements; food and dietary supplements” in International Class 005. *See Exhibit 22.*
14. PLANT INTELLIGENCE, U.S. REG. NO. 3874609, owned by Gaia Herbs, Inc., used in connection with “Herbal, nutritional and dietary supplements” in International Class 005. *See Exhibit 23.*
15. PLANET EARTH, U.S. REG. NO. 3894574, owned by Nutricap Labs, LLC, used in connection with “Nutritional Supplements” in International Class 005. *See Exhibit 24.*
16. PLANTIVA, U.S. REG. NO. 3516097, owned by Plantiva LLC, used in connection with, amongst other things, “Dietary and nutritional supplements; Dietary supplements for human consumption” in International Class 005. *See Exhibit 25.*
17. PLANTE SYSTEM COMPLEXE VEGETAL P.E.S., U.S. REG. NO. 3518935, owned by Laboratoires Arkopharma, used in connection with “Nutritional supplements; pharmaceutical preparations, namely, antidepressants, antitussive cold preparations, diet capsules, diet pills, dietary drinks mix for use as a meal replacement, nutritional drink mix for use as a meal replacement, appetite suppressants; dietary supplements” in International Class 005. *See Exhibit 26.*
18. PLANT SPIRITS APOTHECARY, U.S. REG. NO. 3612971, owned by Texas Medicinals, LLC, used in connection with “Plant extracts for medical, veterinary and pharmaceutical purposes; Medicinal herb extracts” in International Class 005. *See Exhibit 27.*
19. PLANTBIOTIC, U.S. REG. NO. 2454073, owned by Bio-Botanica, Inc., used in connection with “Dietary food supplements and pharmaceutical preparations for relief of arthritis” in International Class 005. *See Exhibit 28.*

20. PLANTA MEDICA, U.S. REG. NO. 2307475, owned by Donald L. Dennison, used in connection with “Dietary food supplements for medical purposes; herbal teas for medicinal purposes; laxatives; medicinal herbs; medicinal infusions made of medicinal herbs; medicinal oils; medicinal roots; mineral food supplements; sedatives; medicinal tonics made of natural herbs; and vitamin preparations” in International class 005. *See* Exhibit 29.
21. PLANTI-OXIDANTS, U.S. REG. NO. 2158963, owned by Thorne Research, Inc., used in connection with “Nutritional Supplements” in International Class 005. *See* Exhibit 30.

viii. ADDITIONAL CASE LAW

The Board and several courts have frequently held that marks which are no more alike than Opposer’s and Applicant’s marks are not confusingly similar as a matter of law, regardless of the identity of the goods. In many of these cases, the marks were even more alike than Opposer’s and Applicant’s yet no likelihood of confusion was found.

In *Keebler Company v. Murray Bakery Products*, 866 F.2nd 1386 (CAFC 1989), the Court affirmed the Board’s dismissal on summary judgment of an opposition by the owner of PECAN SANDIES to an application for registration of PECAN SHORTEES, even though both marks were used on cookies. Setting aside the descriptive word “PECAN”, the Court acknowledged that “both marks contain words that begin with an “s” sound and terminate in an “ees” sound...” Nevertheless the Court agreed with the Board that SANDIES and SHORTEES were dissimilar in appearance, pronunciation and meaning, and upheld the Board’s dismissal. Of course, in this case PLANT HERBAL TREASURES, PLANETARY, and PLANETARY FORMULAS are even more distinct than the marks in *Keebler Company*, since they neither end with the same sound nor do they share the same number of words with similar pronunciations nor the same number of letters. *See also Quaker Oats Co. vs. General Mills, Inc.*, 134 F.2nd 429 (7th Cir. 1943)

(OATIES not confusingly similar to the famous mark WHEATIES; the owner of WHEATIES could not appropriate the diminutive which was already used by other makers of similar products).

In the significant case of *Polaroid Corporation v. Oculens, Ltd.*, 196 USPQ 836 (TTAB 1977), the Board found no confusingly similarity between the registered mark POLAROID and the Applicant's mark FILTEROID, even though both marks were used for sunglasses, and even though the POLAROID mark was famous. The Board noted that the only similarity between the marks lay in the common suffix "OID", which had the standard dictionary meaning of "likeness" or "resemblance", and which appeared in a number of third-party registrations. The Board further held that the remaining portions of the marks, namely "FILTER-" and "POLAR-", did not look or sound alike or have the same connotation. In the instant case, the only similarities are the four consecutive letters "PLAN" that the at issue marks share. As discussed above, the remainder of the at issue marks, namely, "ETARY", "FORMULAS", "HERBAL" and "TREASURES" do not look alike, sound alike, or have the same connotation, especially considering that the four shared letters are each attached to additional letters resulting in completely different words aside from this minute similarity

In *Bulova Watch Company, Inc. v. Albert J. Miller*, 463 F.2nd 1376 (CCPA 1972), the Court affirmed the Board's ruling that ACCUTRON and UNITRON were not confusingly similar, even though both marks were used for watches. Adopting the Board's finding that the suffix "TRON" is a dictionary term that appears in third-party registration of watch marks, the Court observed that "As the Board said, UNITRON and ACCUTRON just do not look alike, sound alike or connotate alike." *A fortiori*, PLANT

HERBAL TREASURES just does not look, sound or share any connotation with PLANETARY, or PLANETARY FORMULAS. *See also Magnaflux Corp. vs. Sonoflux Corp.*, 231 F.2nd 669 (CCPA 1956) (upholding Board’s dismissal of cancellation action on the ground that MAGNAFLUX AND SONOFLUX are not confusingly similar, even though both were used on the same goods).

Similarly, in *Cutter Laboratories, Inc. v. Air Products and Chemicals*, 189 USPQ 108 (TTAB 1975), the Board found no likelihood of confusion between STERI-FLEX and RESIFLEX, even though both were used for similar medical products. The Board noted third-party registrations of marks containing the suffix “FLEX” for similar goods and determined that

“the inclusion in each mark of the term ‘FLEX’ may be an insufficient basis per se, upon which to predicate a holding of likelihood of confusion...[A]lthough the “STERI” portion of applicant’s mark contains the same letters as the “RESI” portion of Opposer’s mark, the rearrangement of these letters creates a term which is distinctly different in all respects from “RESI”; and these differences are sufficient to render the marks as a whole sufficiently distinguishable so as to preclude a likelihood of purchasers’ mistakenly assuming that the products sold thereunder emanate from a common source.”

Id. at 110-111. In this case, the marks only share four consecutive letters -“PLAN”, and do not share any other similarities and are even more distinguishable than the at issue terms in the *Cutter Laboratories* case. Specifically, Applicant’s mark utilizes three words, where Opposer’s marks utilize either one or two words, and none of the words in Applicant’s mark share the same meaning, connotation, sound, or visual impression with Opposer’s marks.

CONCLUSION

Opposer's argument for confusing similarity is both inaccurate and groundless. Applicant's PLANT HERBAL TREASURES and Opposer's PLANETARY and PLANETARY FORMULAS marks "just do not look alike, sound alike or connote alike." *Bulova Watch Company, Inc. Albert J. Millar, supra*. The single DuPont factor of the dissimilarity of the marks in their entireties substantially outweighs any other relevant factors and is dispositive of the issue of likelihood of confusion. *See Roederer S.A. v. Delicato Vineyards*, 148 F.3d 1373, 47 USPQ2d 1459 (Fed. Cir. 1998) and *Kellogg Co. v. Pack'em Enterprises, Inc.*, 14 USPQ 1545 (TTAB 1990), *aff'd*, 951 F.2d 330, 21 USPQ2d 1142 (Fed. Cir. 1991). Thus, Applicant submits that it has decisively established the absence of any genuine issue of material fact and that it is entitled to judgment as a matter of law. Other than the common four letters "PLAN", the marks are completely different in appearance, sound, meaning, and commercial impression. Applicant therefore respectfully requests that its Motion for Summary Judgment be granted and that Opposer's Notice of Opposition be dismissed with prejudice.

Dated: 11/27/2013

Raj Abhyanker P.C.

dba LegalForce R.A.P.C. Worldwide

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CERTIFICATE OF MAILING AND SERVICE

The undersigned hereby certifies that on the date indicated below, a true and correct copy of this document entitled **APPLICANT’S MOTION FOR SUMMARY JUDGMENT AND SUPPORTING MEMORANDUM OF LAW** was served on counsel for Opposer Threshold Enterprises, Ltd., by depositing said copy with the United States Postal Service, postage prepaid, in an envelope addressed to:

Jeremy McLaughlin
Arnold & Porter LLP
Three Embarcadero Center, 10th Floor
San Francisco, CA. 94111

and by email to:

Jeremy.mclaughlin@aporter.com

Attorneys for Opposer

November 27, 2013

/s/ Kuscha Hatami

Kuscha Hatami

Raj Abhyanker P.C.

EXHIBIT 1

More Words



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EXHIBIT 2


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 Current Search: **S3: *PLAN*[bi,ti,mp] and 005[ic] and live[lid]** docs: 232 occ: 707

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86074302		FLUIDIMPLANT	TSDR	LIVE
2	86017928		LIQUIDIMPLANT	TSDR	LIVE
3	86077305		LIQUIDIMPLANT	TSDR	LIVE
4	86007978		RE NATURE HEALTHY PEOPLE, HEALTHY PETS, HEALTHY PLANET	TSDR	LIVE
5	86104890		GENDERPLANNER	TSDR	LIVE
6	86057156		FITO PERU IN THE WORLD	TSDR	LIVE
7	86052726		PLANTIOX	TSDR	LIVE
8	86052717		PLANTRAMIN	TSDR	LIVE
9	86047098		PLANT A SEED, SEE WHAT GROWS CHILDREN'S FOUNDATION.	TSDR	LIVE
10	86038749		GP GAME PLAN	TSDR	LIVE
11	85836134		BYOPLANET	TSDR	LIVE
12	85479314	4434608	PI	TSDR	LIVE
13	85928003		DISCOVER THE POWER OF PLANTS	TSDR	LIVE
14	85945267		L. PLANTARUM LM	TSDR	LIVE
15	85866314		PLANT BASED LIFESTYLE SOLUTIONS	TSDR	LIVE
16	85466647	4433063	HEALTHY PLANET NUTRITION	TSDR	LIVE
17	85846737		HAPPY PLANET	TSDR	LIVE
18	85026705	4336902	HAPPY PLANET HEALTH SHOTS	TSDR	LIVE

19	85026678	4336901	HAPPY PLANET	TSDR	LIVE
20	85395895	4390321	DOC BROCS POWER PLANTS	TSDR	LIVE
21	85966299		PLANNED NUTRITION	TSDR	LIVE
22	85953311		PLANTAVITA	TSDR	LIVE
23	85946481		SAFE THE PLANET	TSDR	LIVE
24	85660919		DR. PRISK'S GAIN PLAN	TSDR	LIVE
25	85072794	4150744	POWER PLANT	TSDR	LIVE
26	85928038		DRINK YOUR PLANTS	TSDR	LIVE
27	85789015	4423078	PLANT FORCE	TSDR	LIVE
28	85904826		OUR PRODUCTS, OUR PASSION, OUR PLANET	TSDR	LIVE
29	85782971		PINO RESPLANDECIENTE	TSDR	LIVE
30	85734080		BUPLANT	TSDR	LIVE
31	85418528		AFTER PLAN	TSDR	LIVE
32	85812995		SANYACHO WILD MOUNTAIN PLANTS EXTRACT	TSDR	LIVE
33	85927924		SUPERPLANTS	TSDR	LIVE
34	85838602		PLANT PUNCH	TSDR	LIVE
35	85270713		OVUPLANT	TSDR	LIVE
36	85428682	4403855	SHA SHA GINGERFUL SWEET TEA	TSDR	LIVE
37	85428675	4403854	SHA SHA SEEDMILKSHAKE	TSDR	LIVE
38	85830426	4395752	PHT	TSDR	LIVE
39	85746476		ANIMAL PLANET	TSDR	LIVE
40	85495907	4396918	ABETO RESPLANDECIENTE	TSDR	LIVE
41	85382117		EZ PLAN	TSDR	LIVE
42	85889510	4389881	FISH-FREE OMEGA PLANT-BASED OILS	TSDR	LIVE
43	85774176		THE PLAN 4 LIFE	TSDR	LIVE
44	85697294		PLANT HEAD	TSDR	LIVE
45	85569061	4388971	VITAMIN PLANET	TSDR	LIVE
46	85537206		FIBROPLANT	TSDR	LIVE
47	85356933		SUPERPLANET	TSDR	LIVE
48	85647706		THE PLANET'S MOST SUSTAINABLE	TSDR	LIVE
49	85728315	4371172	CARPLAN AUTO FINISH	TSDR	LIVE
50	85182055		PLANET APPROVED	TSDR	LIVE
51	85361628		PLANTTEC MEDICAL MEDICAL SOLUTIONS INSPIRED BY NATURE	TSDR	LIVE
52	85783133		BACKUP PLAN ONESTEP	TSDR	LIVE
53	85434256		POWERPLANT	TSDR	LIVE
54	85870856		PLANET MEDICINE	TSDR	LIVE
55	85829790		TRAUMAPLANT	TSDR	LIVE

56	85824326		EPIPLANT	TSDR	LIVE
57	85178648		PLANET LIVING	TSDR	LIVE
58	85935336		P POWER PLANT	TSDR	LIVE
59	85602446		GREEN-TAC PLANT CONTACT AGENT	TSDR	LIVE
60	85746931		PLANT NUTRITION	TSDR	LIVE
61	85616139		PLANTPOWER	TSDR	LIVE
62	85789021		PLANT FORCE LIQUID IRON	TSDR	LIVE
63	85588244	4237534	TRANSFORMING THE PLANET ONE WARRIOR AT A TIME	TSDR	LIVE
64	85419733		AQUA PLANET	TSDR	LIVE
65	85556094	4323037	PLANTCAPS	TSDR	LIVE
66	85729259		GDIAPERS ACCESSORIES HAPPY BABY HAPPY PLANET	TSDR	LIVE
67	85507914	4311553	PLANTCAPS	TSDR	LIVE
68	85444445	4289863	FLYING SKULL CUSTOS PLANTAM PLANT PRODUCTS	TSDR	LIVE
69	85451032	4280549	PHYTON	TSDR	LIVE
70	85290815	4191571	ORGANIKA PLANT ENZYMES	TSDR	LIVE
71	85645179	4275713	ULTRA PLAN	TSDR	LIVE
72	85783101		BACKUP PLAN	TSDR	LIVE
73	85562288	4221883	PLANTSKYDD	TSDR	LIVE
74	85341807	4218925	PLANT DOCTOR	TSDR	LIVE
75	85459845	4215406	PBB, PLANET BODY BUILDING	TSDR	LIVE
76	85484311	4197460	SHILIANHUA (SEKIRANKA)	TSDR	LIVE
77	85163675	4177758	THE JELLY BEAN PLANET	TSDR	LIVE
78	85396136		PLANT HERBAL TREASURES	TSDR	LIVE
79	85435306	4146585	ZHANGGUANG 101 TAXUS 101	TSDR	LIVE
80	85419803	4145919	PLANTIZYME	TSDR	LIVE
81	85234168	4143805	BIOCOMPATIBLE 100% PLANT-BASED DISSOLVABLE	TSDR	LIVE
82	85295330	4113079	REJUVAPLANKTON	TSDR	LIVE
83	85185467	4113229	BIOACTIVE PLANT FRACTION	TSDR	LIVE
84	85975431	4099194	100% NATURAL RICH EARTH PLANT-DERIVED MINERALS	TSDR	LIVE
85	85253645	4097312	PLAN 30 DIAS	TSDR	LIVE
86	85074866	3919591	PLANTFUSION	TSDR	LIVE
87	85096107	4057241	OPTIMAL PLANT PROTEINS	TSDR	LIVE
88	85004256	3980336	DIANAPLANTSCIENCES	TSDR	LIVE
89	85104459	4047750	RX PLANT MEDICINES	TSDR	LIVE
90	85177323	4029917	DR. MCCOMBS' CANDIDA PLAN	TSDR	LIVE

91	85075274	4027788	DERMA PLANET	TSDR	LIVE
92	85100820	4005094	PLANTS & CO.	TSDR	LIVE
93	85093122	3987389	WHOLE-PLANT OILS OMEGA 3-6-9	TSDR	LIVE
94	85062880	3904437	PLAN B ONE-STEP	TSDR	LIVE
95	85055017	3904380	PLAN B ONE-STEP	TSDR	LIVE
96	85054966	3904379	PLAN B ONE-STEP	TSDR	LIVE
97	85052985	3904329	PLAN B ONE-STEP	TSDR	LIVE
98	79020329	3240027	BRINGING PLANT POTENTIAL TO LIFE	TSDR	LIVE
99	79028211	3362650	NEXPLANON	TSDR	LIVE
100	79028244	3362652	X-PLANON	TSDR	LIVE

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EXHIBIT 3

4140 PARKLAKE AVE STE 600
RALEIGH, NORTH CAROLINA 27612-3730
UNITED STATES

Phone: 9198541400

Fax: 9198541401

Correspondent e-mail: instructions@myersbigel.com kcarlos@myersbigel.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 22, 2013	REGISTERED-PRINCIPAL REGISTER	
Sep. 20, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 19, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Sep. 19, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 10, 2013	STATEMENT OF USE PROCESSING COMPLETE	69302
Aug. 13, 2013	USE AMENDMENT FILED	69302
Sep. 06, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Aug. 13, 2013	TEAS STATEMENT OF USE RECEIVED	
Aug. 13, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 02, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 07, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 07, 2013	PUBLISHED FOR OPPOSITION	
Apr. 17, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 01, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Apr. 01, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 21, 2013	EXAMINER'S AMENDMENT ENTERED	68171
Mar. 20, 2013	ASSIGNED TO LIE	68171
Mar. 20, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 20, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 20, 2013	EXAMINERS AMENDMENT -WRITTEN	74887
Mar. 19, 2013	ASSIGNED TO EXAMINER	74887
Dec. 06, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 01, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 19, 2013

Generated on: This page was generated by TSDR on 2013-11-26 12:30:51 EST

Mark: VITAMIN PLANET

Vitamin Planet

US Serial Number: 85569061
Application Filing Date: Mar. 14, 2012
US Registration Number: 4388971
Registration Date: Aug. 20, 2013
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Aug. 20, 2013
Publication Date: Nov. 13, 2012
Notice of Allowance Date: Jan. 08, 2013

Mark Information

Mark Literal Elements: VITAMIN PLANET
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "VITAMIN" FOR INTERNATIONAL CLASS 5

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements made in significant part of vitamins

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 11, 2013

Use in Commerce: Mar. 01, 2013

For: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 11, 2013

Use in Commerce: Mar. 01, 2013

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Richard Harary
Owner Address: 5443 International Drive
Orlando, FLORIDA 32819
UNITED STATES
Legal Entity Type: INDIVIDUAL
Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jason T. Daniel

Docket Number: 110403TM-02

Attorney Primary Email Address: jdaniel@cflpatents.com

Attorney Email Authorized: No

CorrespondentCorrespondent Name/Address: JASON T. DANIEL
DANIEL LAW OFFICES, P.A.
STE 100
605 E ROBINSON ST
ORLANDO, FLORIDA 32801
UNITED STATES

Phone: 4078418275

Fax: 4078418372

Correspondent e-mail: jdaniel@cflpatents.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Aug. 20, 2013	REGISTERED-PRINCIPAL REGISTER	
Jul. 18, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 17, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	73797
Jul. 17, 2013	ASSIGNED TO LIE	73797
Jul. 16, 2013	ASSIGNED TO LIE	59554
Jul. 02, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 02, 2013	STATEMENT OF USE PROCESSING COMPLETE	69302
May 31, 2013	USE AMENDMENT FILED	69302
Jun. 28, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
May 31, 2013	TEAS STATEMENT OF USE RECEIVED	
Jan. 08, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 13, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 13, 2012	PUBLISHED FOR OPPOSITION	
Oct. 24, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 05, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Oct. 01, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 21, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 20, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 20, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 28, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 28, 2012	NON-FINAL ACTION E-MAILED	6325
Aug. 28, 2012	NON-FINAL ACTION WRITTEN	76508
Aug. 13, 2012	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 29, 2012	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
Jul. 17, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Jul. 17, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 09, 2012	EXAMINER'S AMENDMENT ENTERED	76568
Jul. 08, 2012	ASSIGNED TO LIE	76568
Jul. 07, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 07, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 07, 2012	EXAMINERS AMENDMENT -WRITTEN	76508
Jul. 07, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 07, 2012	NON-FINAL ACTION E-MAILED	6325
Jul. 07, 2012	NON-FINAL ACTION WRITTEN	76508

Jun. 21, 2012 ASSIGNED TO EXAMINER
Mar. 22, 2012 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Mar. 17, 2012 NEW APPLICATION ENTERED IN TRAM

76508

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 17, 2013

Attorney of Record

Attorney Name: Lawrence R. Robins **Docket Number:** 11796.0102-0
Attorney Primary Email Address: docketing@finnegan.com **Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: LAWRENCE R. ROBINS
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER L.L.
 901 NEW YORK AVE NW
 WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
 UNITED STATES
Phone: 202-408-4000 **Fax:** 202-408-4400
Correspondent e-mail: docketing@finnegan.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Lawrence R. Robins **Phone:** 202-408-4000
Fax: 202-408-4400
Domestic Representative e-mail: docketing@finnegan.com **Domestic Representative e-mail Authorized:** Yes

Prosecution History

Date	Description	Proceeding Number
Apr. 02, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 15, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 15, 2013	PUBLISHED FOR OPPOSITION	
Dec. 26, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 07, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Dec. 04, 2012	ASSIGNED TO LIE	77976
Nov. 20, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 19, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 19, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 19, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 19, 2012	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Jun. 17, 2012	USE AMENDMENT ACCEPTED	73706
Jun. 14, 2012	AMENDMENT TO USE PROCESSING COMPLETE	88889
Jun. 14, 2012	USE AMENDMENT FILED	88889
Jun. 13, 2012	TEAS AMENDMENT OF USE RECEIVED	
Jun. 11, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 11, 2012	NON-FINAL ACTION E-MAILED	6325
Jun. 11, 2012	NON-FINAL ACTION WRITTEN	73706
Jun. 08, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 07, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 07, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 05, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 05, 2012	NON-FINAL ACTION E-MAILED	6325
Apr. 05, 2012	NON-FINAL ACTION WRITTEN	73706
Apr. 05, 2012	ASSIGNED TO EXAMINER	73706
Jan. 10, 2012	NOTICE OF PSEUDO MARK MAILED	
Jan. 09, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 06, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 02, 2013

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Mark: PLANTFUSION

PLANTFUSION

US Serial Number: 85074866
US Registration Number: 3919591
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Feb. 15, 2011
Publication Date: Nov. 30, 2010

Application Filing Date: Jun. 30, 2010
Registration Date: Feb. 15, 2011
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: PLANTFUSION
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1064237
International Application(s) /Registration(s) Based on this Property: A0022657/1064237

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Amino acids for nutritional purposes; Dietary and nutritional supplements; Dietary food supplements; Dietary supplemental drinks; Dietary supplements; Dietary supplements for human consumption; Food supplements; Nutritional supplements; Powdered nutritional supplement drink mix

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 16, 2008

Use in Commerce: Oct. 16, 2008

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Reliance Vitamin Company, Inc.
DBA, AKA, Formerly: DBA Nutrafusion Nutritionals
Owner Address: 500 Memorial Drive
Somerset, NEW JERSEY 08873
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Rita C. Chipperson, Esq.

Attorney Primary Email Address: rcc@chippersonlaw.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Rita C. Chipperson, Esq.
CHIPPERSON LAW GROUP, P.C.
163 Madison Avenue, Suite 220-40
MORRISTOWN, NEW JERSEY 07960
UNITED STATES

Phone: 973 845-9071

Fax: 973 845-6176

Correspondent e-mail: rcc@chippersonlaw.com ms@chippersonlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 27, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 03, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 15, 2011	REGISTERED-PRINCIPAL REGISTER	
Nov. 30, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 30, 2010	PUBLISHED FOR OPPOSITION	
Oct. 26, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Oct. 26, 2010	ASSIGNED TO LIE	70997
Oct. 12, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 08, 2010	ASSIGNED TO EXAMINER	76507
Jul. 07, 2010	NOTICE OF PSEUDO MARK MAILED	
Jul. 06, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 03, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 15, 2011

Generated on: This page was generated by TSDR on 2013-11-26 12:32:03 EST

Mark: THEWPLANET

THEWPLANET

US Serial Number: 79075562

Application Filing Date: Jul. 15, 2009

US Registration Number: 4010937

Registration Date: Aug. 16, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 16, 2011

Publication Date: May 31, 2011

Mark Information

Mark Literal Elements: THEWPLANET

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1020008

International Registration Date: Jul. 15, 2009

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Pharmaceutical and dietetic preparations for well-being and beauty, namely, pharmaceutical preparations for memory, sound sleep, digestion, weight control, skincare, mineral stimulation, and bone health; pharmaceuticals and dietetic preparations for well-being and beauty, namely, preparations for use in the treatment of age-related conditions and for slowing the aging process, namely, hypertension, diabetes, arthritis, memory loss, disorders of the nervous system, age-related macular degeneration, disorders of the digestive system, osteoporosis, skin dryness and sleep disorders, antioxidant products in the form of dietary supplements containing antioxidants and medicated skincare products containing antioxidants, and cognitive products in the form of preparations to improve memory and mental acuity; pharmaceutical and dietetic preparations for well-being and beauty, namely, medicated skin care lotions, gels, creams and solutions for dermatological use, medicated serums for treatment of hair, skin and lips; vitamins and mineral supplements; Veterinary preparations for dogs and cats for well-being and beauty, namely, medicated preparations for animal skincare, mineral stimulation, and bone health; veterinary preparations for dogs and cats for well-being and beauty, namely, medicated skin care lotions, vitamins, mineral supplements, antioxidants; Nutritional supplements for medical use and pharmaceuticals in all galenic formulations for well-being and beauty, namely, pharmaceutical preparations for memory, sound sleep, digestion, weight control, skin care, mineral stimulation, and bone health; nutritional supplements for medical use and pharmaceuticals in all galenic formulations, namely, preparations for use in the treatment of age-related conditions and for slowing the aging process, namely, hypertension, diabetes, arthritis, memory loss, disorders of the nervous system, age-related macular degeneration, disorders of the digestive system, osteoporosis, skin dryness and sleep disorders, antioxidant products in the form of dietary supplements containing antioxidants and medicated skincare products containing antioxidants, and cognitive products in the form of preparations to improve memory and mental acuity; nutritional supplements for medical use and pharmaceuticals in all galenic formulations, namely, medicated skin care lotions, gels, creams and solutions for dermatological use, medicated serums for treatment of hair, skin and lips, vitamins and mineral supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Provision of access to electronic sites featuring blogs; blogs, namely, providing an on-line forum in the fields of health, well-being, beauty, and economic, social and environmental issues; Sites, namely, provision of access to electronic sites in the fields of health, well-being, beauty, and economic, social and environmental issues; Audiovisual communication, namely, streaming of audiovisual material on the internet; Television broadcasting

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 66(a)

For: Consultancy in the field of energy-saving, namely, technological consulting services in the field of conserving energy, energy efficiency, and alternative energy generation; consultancy in the nature of technical information and advice in the field of global warming prevention, technical consultancy in the field of environmental science as it relates to the protection of biodiversity, consultancy in the field of building consultancy, namely, architectural consultancy and research on building construction or city planning; Maintenance of websites for third parties; Technical project studies in the field of computer science, namely, computer systems analysis, design and

development of computer software, research and design of computer software, computer project management, conducting of feasibility studies, scientific study and research in the field of computer science; Research in biology and chemistry in the fields of beauty care and health; research in cosmetology; Research in the fields of environmental protection and sustainable development relative to protecting the environment and environmental concerns; Research and development in the field of food and food supplements

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: LMS

Owner Address: 13 rue Elsa Triolet
F-77176 SAVIGNY-LE-TEMPLE
FRANCE

Legal Entity Type: Société à responsabilité limitée

State or Country Where Organized: FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mary Margaret L. O'Donnell

Docket Number: 66806-0999

Attorney Primary Email Address: mdocketing@raderfishman.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: MARY MARGARET L O'DONNELL
RADER FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MICHIGAN 48304
UNITED STATES

Phone: 248-594-0649

Fax: 248-594-0610

Correspondent e-mail: mdocketing@raderfishman.com

Correspondent e-mail Authorized: No

Domestic Representative

Domestic Representative Name: Mary Margaret L. O'Donnell

Phone: 248-594-0649

Fax: 248-594-0610

Domestic Representative e-mail: mdocketing@raderfishman.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
May 18, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Feb. 08, 2012	FINAL DISPOSITION NOTICE SENT TO IB	
Feb. 08, 2012	FINAL DISPOSITION PROCESSED	68359
Nov. 16, 2011	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Aug. 19, 2011	NOTIFICATION PROCESSED BY IB	
Aug. 16, 2011	REGISTERED-PRINCIPAL REGISTER	
May 31, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 31, 2011	PUBLISHED FOR OPPOSITION	
May 27, 2011	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
May 18, 2011	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	

May 18, 2011	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
May 11, 2011	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
May 11, 2011	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Apr. 25, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 21, 2011	ASSIGNED TO LIE	70138
Apr. 20, 2011	EXPARTE APPEAL TERMINATED	75562
Apr. 20, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 31, 2011	AMENDMENT FROM APPLICANT ENTERED	68658
Mar. 31, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	68658
Mar. 29, 2011	JURISDICTION RESTORED TO EXAMINING ATTORNEY	75562
Feb. 04, 2011	NOTIFICATION OF ACTION DENYING REQ FOR RECON E-MAILED	
Feb. 04, 2011	ACTION DENYING REQ FOR RECON E-MAILED	
Feb. 04, 2011	ACTION CONTINUING FINAL - COMPLETED	72517
Feb. 01, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	68658
Feb. 01, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	68658
Jan. 31, 2011	ASSIGNED TO LIE	68658
Jan. 21, 2011	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jan. 21, 2011	EX PARTE APPEAL-INSTITUTED	75562
Jan. 21, 2011	JURISDICTION RESTORED TO EXAMINING ATTORNEY	75562
Jan. 21, 2011	EXPARTE APPEAL RECEIVED AT TTAB	
Jul. 26, 2010	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jul. 26, 2010	FINAL REFUSAL E-MAILED	
Jul. 26, 2010	FINAL REFUSAL WRITTEN	72517
Jun. 25, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 25, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 25, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 25, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 25, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 25, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 22, 2010	REFUSAL PROCESSED BY IB	
Dec. 28, 2009	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Dec. 28, 2009	REFUSAL PROCESSED BY MPU	67445
Dec. 24, 2009	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Dec. 23, 2009	NON-FINAL ACTION WRITTEN	72517
Dec. 19, 2009	APPLICATION FILING RECEIPT MAILED	
Dec. 15, 2009	ASSIGNED TO EXAMINER	72517
Dec. 15, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2009	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1020008

Priority Claimed Flag: Yes

Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED

Notification of Designation Date: Dec. 10, 2009

International Registration Renewal Date: Jul. 15, 2019

First Refusal Flag: Yes

International Registration Date: Jul. 15, 2009

Date of Section 67 Priority Claim: Jan. 16, 2009

Date of International Registration Status: Dec. 10, 2009

Date of Automatic Protection: Jun. 10, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 16, 2011

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Exparte Appeal

Proceeding Number: [79075562](#)

Filing Date: Jan 21, 2011

Status: Terminated

Status Date: Apr 20, 2011

Interlocutory Attorney:

Plaintiff(s)

Name: LMS

Correspondent Address: MARY MARGARET L O'DONNELL
RADER FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE, SUITE 140
BLOOMFIELD HILLS MI , 48304
UNITED STATES

Correspondent e-mail: tmcketing@raderfishman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THEWPLANET	Registered	79075562	4010937

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Jan 21, 2011	
2	Appeal Acknowledged; Case Remanded	Jan 21, 2011	
3	INSTITUTED	Jan 21, 2011	
4	REQUEST FOR RECONSIDERATION	Jan 21, 2011	
5	RECONSIDERATION DENIED	Feb 04, 2011	
6	PROCEEDINGS RESUMED	Feb 07, 2011	
7	APPLICANT'S REQUEST FOR REMAND	Mar 24, 2011	
8	REMANDED TO EXAMINER	Mar 29, 2011	
9	TERMINATED	Apr 20, 2011	

Attorney Name: Stanley E. Soper and Alison Pitt

Attorney Primary Email Address: legal@nutracorp.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Stanley E. Soper and Alison Pitt
NUTRAMARKS, INC.
1500 KEARNS BOULEVARD, SUITE B200
PARK CITY, UTAH 84060
UNITED STATES

Phone: 435-655-6000

Fax: 435-655-6080

Correspondent e-mail: legal@nutracorp.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 19, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
May 19, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
May 04, 2010	TEAS SECTION 8 & 15 RECEIVED	
Mar. 02, 2004	REGISTERED-PRINCIPAL REGISTER	
Dec. 09, 2003	PUBLISHED FOR OPPOSITION	
Nov. 19, 2003	NOTICE OF PUBLICATION	
Sep. 30, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 30, 2003	EXAMINERS AMENDMENT E-MAILED	
Sep. 28, 2003	ASSIGNED TO EXAMINER	76741

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 114

Date in Location: May 19, 2010

Generated on: This page was generated by TSDR on 2013-11-26 12:41:45 EST

Mark: PLANT-PURE DHA

Plant-Pure DHA

US Serial Number: 77709710
Application Filing Date: Apr. 08, 2009
US Registration Number: 4268508
Registration Date: Jan. 01, 2013
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jan. 01, 2013
Publication Date: Jan. 26, 2010
Notice of Allowance Date: Apr. 20, 2010

Mark Information

Mark Literal Elements: PLANT-PURE DHA
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "DHA"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements
International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 01, 2009
Use in Commerce: Apr. 01, 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Lang Naturals, Inc.
Owner Address: 20 Silva Lane
Middletown, RHODE ISLAND 02842
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: RHODE ISLAND

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: LANG NATURALS, INC.
LANG NATURALS, INC.
20 SILVA LN
MIDDLETOWN, RHODE ISLAND 02842-5638

UNITED STATES

Phone: 401-848-7700

Fax: 401-848-7701

Correspondent e-mail: ellen.kahn@langnaturals.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 01, 2013	REGISTERED-PRINCIPAL REGISTER	
Nov. 24, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 23, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	73797
Nov. 19, 2012	ASSIGNED TO LIE	73797
Nov. 02, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 30, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 29, 2012	STATEMENT OF USE PROCESSING COMPLETE	65362
Oct. 19, 2012	USE AMENDMENT FILED	65362
Oct. 29, 2012	EXTENSION 5 GRANTED	65362
Oct. 19, 2012	EXTENSION 5 FILED	65362
Oct. 19, 2012	TEAS EXTENSION RECEIVED	
Oct. 19, 2012	TEAS STATEMENT OF USE RECEIVED	
Apr. 27, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 26, 2012	EXTENSION 4 GRANTED	65362
Apr. 19, 2012	EXTENSION 4 FILED	65362
Apr. 19, 2012	TEAS EXTENSION RECEIVED	
Apr. 19, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 14, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 13, 2011	EXTENSION 3 GRANTED	65362
Oct. 07, 2011	EXTENSION 3 FILED	65362
Oct. 07, 2011	TEAS EXTENSION RECEIVED	
Apr. 16, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 15, 2011	EXTENSION 2 GRANTED	65362
Apr. 11, 2011	EXTENSION 2 FILED	65362
Apr. 11, 2011	TEAS EXTENSION RECEIVED	
Nov. 02, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 01, 2010	EXTENSION 1 GRANTED	65362
Oct. 15, 2010	EXTENSION 1 FILED	65362
Nov. 01, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Oct. 15, 2010	TEAS EXTENSION RECEIVED	
Apr. 20, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 26, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 26, 2010	PUBLISHED FOR OPPOSITION	
Dec. 18, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Dec. 17, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 15, 2009	EXAMINER'S AMENDMENT ENTERED	77075
Dec. 15, 2009	ASSIGNED TO LIE	77075
Dec. 15, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 15, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 15, 2009	EXAMINERS AMENDMENT -WRITTEN	77073
Nov. 26, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Nov. 25, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 25, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 29, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 29, 2009	NON-FINAL ACTION E-MAILED	6325
May 29, 2009	NON-FINAL ACTION WRITTEN	77073
May 29, 2009	ASSIGNED TO EXAMINER	77073
Apr. 13, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 11, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 23, 2012

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Mark: PLANT-PURE

Plant-Pure

US Serial Number: 77709576
Application Filing Date: Apr. 08, 2009
US Registration Number: 4257941
Registration Date: Dec. 11, 2012
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Dec. 11, 2012
Publication Date: Feb. 02, 2010
Notice of Allowance Date: Apr. 27, 2010

Mark Information

Mark Literal Elements: PLANT-PURE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements
International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 01, 2009
Use in Commerce: Apr. 01, 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Lang Naturals, Inc.
Owner Address: 20 Silva Lane
Middletown, RHODE ISLAND 02842
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: RHODE ISLAND

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: LANG NATURALS, INC.
LANG NATURALS, INC.
20 SILVA LN
MIDDLETOWN, RHODE ISLAND 02842-5638
UNITED STATES

Phone: 401-848-7700

Fax: 401-848-7701

Correspondent e-mail: ellen.kahn@langnaturals.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 11, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 09, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 08, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
Nov. 02, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 30, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 29, 2012	STATEMENT OF USE PROCESSING COMPLETE	65362
Oct. 19, 2012	USE AMENDMENT FILED	65362
Oct. 29, 2012	EXTENSION 5 GRANTED	65362
Oct. 19, 2012	EXTENSION 5 FILED	65362
Oct. 19, 2012	TEAS EXTENSION RECEIVED	
Oct. 19, 2012	TEAS STATEMENT OF USE RECEIVED	
Apr. 27, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 26, 2012	EXTENSION 4 GRANTED	65362
Apr. 19, 2012	EXTENSION 4 FILED	65362
Apr. 19, 2012	TEAS EXTENSION RECEIVED	
Apr. 19, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 14, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 13, 2011	EXTENSION 3 GRANTED	65362
Oct. 07, 2011	EXTENSION 3 FILED	65362
Oct. 07, 2011	TEAS EXTENSION RECEIVED	
Apr. 16, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 15, 2011	EXTENSION 2 GRANTED	65362
Apr. 11, 2011	EXTENSION 2 FILED	65362
Apr. 11, 2011	TEAS EXTENSION RECEIVED	
Nov. 02, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 01, 2010	EXTENSION 1 GRANTED	65362
Oct. 15, 2010	EXTENSION 1 FILED	65362
Nov. 01, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Oct. 15, 2010	TEAS EXTENSION RECEIVED	
Apr. 27, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 02, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 02, 2010	PUBLISHED FOR OPPOSITION	
Dec. 26, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Dec. 20, 2009	ASSIGNED TO LIE	68552
Dec. 17, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 15, 2009	EXAMINER'S AMENDMENT ENTERED	70629
Dec. 15, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 15, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 15, 2009	EXAMINERS AMENDMENT -WRITTEN	77073
Dec. 11, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Dec. 11, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Dec. 11, 2009	ASSIGNED TO LIE	70629

Nov. 25, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 29, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 29, 2009	NON-FINAL ACTION E-MAILED	6325
May 29, 2009	NON-FINAL ACTION WRITTEN	77073
May 29, 2009	ASSIGNED TO EXAMINER	77073
Apr. 13, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 11, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 08, 2012

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Mark: PLANT PURE OMEGA-3



US Serial Number: 77728164
US Registration Number: 3955330
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 03, 2011
Publication Date: Nov. 10, 2009

Application Filing Date: May 04, 2009
Registration Date: May 03, 2011
Currently TEAS Plus: Yes
Notice of Allowance Date: Feb. 02, 2010

Mark Information

Mark Literal Elements: PLANT PURE OMEGA-3
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of a gradation of the colors sky blue, light cyan and dark cyan appearing within the Water Drop portion of the mark. The color hunter green appears within the Leaf portion of the mark. The color white appears within the literal element of the mark, "Plant Pure omega-3", which is in Minion Pro BoldCond font.
Color Drawing: Yes
Color(s) Claimed: The color(s) sky blue, light cyan, dark cyan, hunter green and white is/are claimed as a feature of the mark.
Disclaimer: "OMEGA-3"
Design Search Code(s): 01.15.08 - Single drop (rain, tear, etc.); Teardrop (a single drop); Raindrop (a single drop)
05.03.25 - Other leaves; Leaf, single
26.17.13 - Underlined words or letters; Overlined words or letters; Letters or words underlined and/or overlined by one or more strokes or lines

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements containing omega-3
International Class(es): 005 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Feb. 02, 2010

U.S Class(es): 006, 018, 044, 046, 051, 052
Use in Commerce: Feb. 02, 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Lang Naturals, Inc.
Owner Address: 20 Silva Lane
Middletown, RHODE ISLAND 02842
UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: RHODE ISLAND

Attorney/Correspondence Information

Attorney of Record - None Correspondent

Correspondent Name/Address: LANG NATURALS, INC.
LANG NATURALS, INC.
20 SILVA LN
MIDDLETOWN, RHODE ISLAND 02842-5638
UNITED STATES

Phone: 401-848-7700

Fax: 401-848-7701

Correspondent e-mail: bruce.lang@langnaturals.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 03, 2011	REGISTERED-PRINCIPAL REGISTER	
Mar. 29, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 28, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Mar. 27, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 31, 2011	ASSIGNED TO EXAMINER	69192
Jan. 20, 2011	STATEMENT OF USE PROCESSING COMPLETE	76538
Jan. 19, 2011	USE AMENDMENT FILED	76538
Jan. 19, 2011	TEAS STATEMENT OF USE RECEIVED	
Aug. 25, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 24, 2010	EXTENSION 1 GRANTED	76538
Jul. 30, 2010	EXTENSION 1 FILED	76538
Aug. 24, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jul. 30, 2010	TEAS EXTENSION RECEIVED	
Feb. 02, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 10, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 10, 2009	PUBLISHED FOR OPPOSITION	
Oct. 07, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Oct. 06, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 06, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 06, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 06, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 06, 2009	EXAMINERS AMENDMENT -WRITTEN	81141
Sep. 10, 2009	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Aug. 24, 2009	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Aug. 12, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Aug. 12, 2009	ASSIGNED TO LIE	68123
Aug. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 29, 2009	ASSIGNED TO EXAMINER	81141
May 08, 2009	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
May 07, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 07, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 28, 2011

Phone: (858) 361-2224

Correspondent e-mail: gabriel@amazonplanetacai.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 29, 2010	REGISTERED-PRINCIPAL REGISTER	
May 26, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 25, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	66121
May 24, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 18, 2010	STATEMENT OF USE PROCESSING COMPLETE	61813
May 01, 2010	USE AMENDMENT FILED	61813
May 18, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 01, 2010	TEAS STATEMENT OF USE RECEIVED	
Jan. 19, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 27, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 27, 2009	PUBLISHED FOR OPPOSITION	
Sep. 18, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Sep. 16, 2009	ASSIGNED TO LIE	66121
Sep. 08, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 08, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 08, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 08, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 08, 2009	EXAMINERS AMENDMENT -WRITTEN	72620
Sep. 08, 2009	ASSIGNED TO EXAMINER	72620
Jun. 10, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 10, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 25, 2010

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 21, 2010	REGISTERED-PRINCIPAL REGISTER	
Nov. 19, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Nov. 18, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
Nov. 18, 2010	ASSIGNED TO LIE	74221
Nov. 03, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 21, 2010	STATEMENT OF USE PROCESSING COMPLETE	76985
Oct. 05, 2010	USE AMENDMENT FILED	76985
Oct. 21, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Oct. 05, 2010	TEAS STATEMENT OF USE RECEIVED	
Apr. 03, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Apr. 01, 2010	EXTENSION 1 GRANTED	98765
Apr. 01, 2010	EXTENSION 1 FILED	98765
Apr. 01, 2010	TEAS EXTENSION RECEIVED	
Mar. 17, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 06, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 14, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 14, 2009	PUBLISHED FOR OPPOSITION	
Jun. 24, 2009	NOTICE OF PUBLICATION	
Jun. 08, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Jun. 08, 2009	ASSIGNED TO LIE	71441
Jun. 05, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 02, 2009	ASSIGNED TO EXAMINER	74309
Mar. 17, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 14, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 18, 2010

Assignment Abstract Of Title Information**Summary**

Total Assignments: 1

Registrant: NUTRICAP LABS, LLC.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4165/0067](#)

Pages: 3

Date Recorded: Mar. 08, 2010

Supporting Documents: [assignment-tm-4165-0067.pdf](#)**Assignor**Name: [NAC MARKETING COMPANY, LLC.](#)

Execution Date: Mar. 04, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

AssigneeName: [NUTRICAP LABS, LLC.](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Address: 70 CAROLYN BOULEVARD

FARMINGDALE, NEW YORK 11735

Correspondent

Correspondent Name: DILWORTH & BARRESE, LLP.

Correspondent Address: 1000 WOODBURY ROAD, SUITE 405
WOODBURY, NEW YORK 11797

Domestic Representative - Not Found

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: (Based on 44(e)) All purpose lubricants for household use; all of the aforementioned goods being environmentally friendly

International Class(es): 004 - Primary Class

U.S Class(es): 001, 006, 015

Class Status: ACTIVE

Basis: 44(e)

For: (Based on 44(e)) Nutritional supplements for human consumption for anti-wrinkles, namely, capsules, gel caps and tablets; dietary supplements for human consumption for anti-wrinkles, namely, pills, capsules, gel caps and tablets; nutraceuticals for use as a dietary supplement for anti-wrinkles, namely, pills, capsules, gel caps and tablets; medicated skin care preparations for anti-wrinkles, namely, daytime and nighttime pills, capsules, gel caps and tablets; household deodorants; antibacterial cleaners, anti-microbial handwash, all purpose disinfectants, air, car and carpet deodorizers, room freshener in spray form, and medicated pre-moistened towelettes; medicated lotions and creams for varicose veins and foot and leg muscle and joint pain; antibacterial alcohol skin sanitizer gel; Bars for human consumption, namely, meal replacement bars, vitamins and minerals formed and packaged as bars; powders for human consumption, namely, powdered nutritional supplement drink mixes, meal replacement powders; shakes for human consumption, namely, meal replacement shakes, vitamins for human consumption; nutritional supplements for human consumption for anti-aging, skin conditioning, skin firming, weight loss and weight maintenance, namely, capsules, gel caps and tablets; dietary supplements for human consumption for anti-aging, skin conditioning, skin firming, weight loss and weight maintenance, namely, pills, capsules, gel caps and tablets; nutraceuticals for use as a dietary supplement for anti-aging, skin conditioning, skin firming, weight loss and weight maintenance, namely, pills, capsules, gel caps and tablets; and medicated skin care preparations for anti-aging, skin conditioning and skin firming, namely, daytime and nighttime pills, capsules, gel caps and tablets; all of the aforementioned goods being environmentally friendly

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Oct. 03, 2006

Use in Commerce: Oct. 03, 2006

For: (Based on 44(e)) Cleaning cloths, pre-moistened towelettes and sponges for household cleaning purposes; all of the aforementioned goods being environmentally friendly

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: Yes

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Rwachsberg Holdings Inc.

Owner Address: 1 Apollo Place
Toronto, Ontario M3J0H2
CANADA

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Stephen R. Baird

Docket Number: 12418

Attorney Primary Email Address: sbaird@winthrop.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: STEPHEN R. BAIRD
WINTHROP & WEINSTINE, P.A.
225 SOUTH SIXTH STREET, SUITE 3500
MINNEAPOLIS, MINNESOTA 55402
UNITED STATES

Phone: (612) 604-6585

Fax: (612) 604-6985

Correspondent e-mail: sbaird@winthrop.com

Correspondent e-mail Authorized: Yes

Domestic RepresentativeDomestic Representative Stephen R. Baird
Name:**Prosecution History**

Date	Description	Proceeding Number
Aug. 28, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 28, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 14, 2012	REGISTERED-PRINCIPAL REGISTER	
Jul. 13, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 12, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Jul. 10, 2012	ASSIGNED TO LIE	68123
Jun. 30, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 25, 2012	STATEMENT OF USE PROCESSING COMPLETE	69302
May 30, 2012	USE AMENDMENT FILED	69302
Jun. 25, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
May 31, 2012	TEAS STATEMENT OF USE RECEIVED	
Dec. 02, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 30, 2011	EXTENSION 1 GRANTED	98765
Nov. 30, 2011	EXTENSION 1 FILED	98765
Nov. 30, 2011	TEAS EXTENSION RECEIVED	
May 31, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 05, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 05, 2011	PUBLISHED FOR OPPOSITION	
Mar. 02, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Feb. 15, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 15, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 15, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 15, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 15, 2011	EXAMINERS AMENDMENT -WRITTEN	70729
Feb. 14, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 14, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 14, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 14, 2011	EXAMINERS AMENDMENT -WRITTEN	70729
Feb. 07, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	67287
Feb. 07, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	67287
Feb. 03, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 06, 2010	DATA MODIFICATION COMPLETED	67287
Aug. 04, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 04, 2010	NON-FINAL ACTION E-MAILED	6325
Aug. 04, 2010	NON-FINAL ACTION WRITTEN	70729
Jul. 13, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 12, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 12, 2010	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Jun. 11, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	67287
Jun. 10, 2010	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jan. 11, 2010	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Jan. 11, 2010	INQUIRY TO SUSPENSION E-MAILED	
Jan. 11, 2010	SUSPENSION INQUIRY WRITTEN	70729

Jan. 11, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	67287
Jul. 09, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 09, 2009	LETTER OF SUSPENSION E-MAILED	6332
Jul. 09, 2009	SUSPENSION LETTER WRITTEN	70729
Jul. 09, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 09, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 09, 2009	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Mar. 02, 2009	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Mar. 02, 2009	INQUIRY TO SUSPENSION E-MAILED	
Mar. 02, 2009	SUSPENSION INQUIRY WRITTEN	70729
Sep. 02, 2008	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 02, 2008	LETTER OF SUSPENSION E-MAILED	6332
Sep. 02, 2008	SUSPENSION LETTER WRITTEN	70729
Aug. 25, 2008	LIE CHECKED SUSP - TO ATTY FOR ACTION	67287
Aug. 25, 2008	ASSIGNED TO LIE	67287
Feb. 25, 2008	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 25, 2008	LETTER OF SUSPENSION E-MAILED	6332
Feb. 25, 2008	SUSPENSION LETTER WRITTEN	70729
Feb. 05, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 04, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 04, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 03, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 03, 2007	NON-FINAL ACTION E-MAILED	6325
Aug. 03, 2007	NON-FINAL ACTION WRITTEN	70729
Jul. 31, 2007	ASSIGNED TO EXAMINER	70729
Jul. 03, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 12, 2012

EXHIBIT 4

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Mark: HEALTHY PLANET NUTRITION

Healthy Planet Nutrition

US Serial Number: 85466647 Application Filing Date: Nov. 08, 2011
US Registration Number: 4433063 Registration Date: Nov. 12, 2013
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Nov. 12, 2013
Publication Date: Apr. 17, 2012 Notice of Allowance Date: Jun. 12, 2012

Mark Information

Mark Literal Elements: HEALTHY PLANET NUTRITION
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "NUTRITION"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements
International Class(es): 005 - Primary Class U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Nov. 01, 2011 Use in Commerce: Nov. 30, 2011

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Healthy Planet Vitamins, LLC
Owner Address: 19620 Wells Drive
Tarzana, CALIFORNIA 91356
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Emanuel Orlando
Attorney Primary Email Address: eorlando4@gmail.com Attorney Email Address: Yes
Authorized:

Correspondent

Correspondent Name/Address: EMANUEL ORLANDO
1204 ROXBURY DR UNIT 2C

LOS ANGELES, CALIFORNIA 90035-1024
UNITED STATES

Phone: 3104352830

Fax: 3105521033

Correspondent e-mail: eorlando4@gmail.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 12, 2013	REGISTERED-PRINCIPAL REGISTER	
Oct. 05, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 04, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	73797
Oct. 04, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 30, 2013	ASSIGNED TO EXAMINER	77868
Sep. 25, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 24, 2013	STATEMENT OF USE PROCESSING COMPLETE	65362
Aug. 22, 2013	USE AMENDMENT FILED	65362
Sep. 24, 2013	EXTENSION 2 GRANTED	65362
Jun. 12, 2013	EXTENSION 2 FILED	65362
Sep. 24, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Aug. 22, 2013	NOTICE OF REVIVAL - E-MAILED	
Aug. 22, 2013	TEAS STATEMENT OF USE RECEIVED	
Aug. 22, 2013	EXTENSION RECEIVED WITH TEAS PETITION	
Aug. 22, 2013	PETITION TO REVIVE-GRANTED	88889
Aug. 22, 2013	TEAS PETITION TO REVIVE RECEIVED	
Jul. 15, 2013	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Jul. 15, 2013	ABANDONMENT - NO USE STATEMENT FILED	99999
Dec. 14, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 12, 2012	EXTENSION 1 GRANTED	98765
Dec. 12, 2012	EXTENSION 1 FILED	98765
Dec. 12, 2012	TEAS EXTENSION RECEIVED	
Jun. 12, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 17, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 17, 2012	PUBLISHED FOR OPPOSITION	
Mar. 28, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 13, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Mar. 12, 2012	ASSIGNED TO LIE	73797
Feb. 25, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 25, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 25, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 25, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 25, 2012	EXAMINERS AMENDMENT -WRITTEN	82425
Feb. 25, 2012	ASSIGNED TO EXAMINER	82425
Nov. 14, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 11, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 04, 2013

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Mark: HAPPY PLANET

HAPPY PLANET

US Serial Number: 85026678
Application Filing Date: Apr. 29, 2010
US Registration Number: 4336901
Registration Date: May 21, 2013
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 21, 2013
Publication Date: Mar. 05, 2013

Mark Information

Mark Literal Elements: HAPPY PLANET
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2239717, 2820133, 3317399

Foreign Information

Foreign Registration Number: 1478900
Foreign Registration Date: Nov. 09, 2012
Foreign Application/Registration Country: CANADA
Foreign Expiration Date: Nov. 09, 2027

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: (Based on Use in Commerce) (Based on Section 44(e)): herbal supplements to increase energy and mental alertness, for reducing toxins from the body, for use in the treatment of nausea, for the treatment of cold and flu symptoms, to enhance immunity, and to improve the complexion of the skin; functional beverages, namely, non-alcoholic dietary supplement beverages that provide supplemental vitamins, strengthen the body's immune system and replace depleted minerals; and functional beverages, namely, non-alcoholic beverages fortified with herbs, vitamins and minerals to promote health and to strengthen the body's immune system

International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a) 44(e)
First Use: Apr. 2009
Use in Commerce: Oct. 2009

For: (Based on Use in Commerce) functional beverages, namely, energy drinks

International Class(es): 032 - Primary Class
U.S Class(es): 045, 046, 048
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 2009
Use in Commerce: Oct. 2009

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No

Filed 66A: No
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: EARTH'S OWN FOOD COMPANY INC.
Owner Address: 200-4190 LOUGHEED HIGHWAY
BURNABY V5C 6A8
BRITISH COLUMBIA
Legal Entity Type: CORPORATION
State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Tanya M. Reitzel
Attorney Primary Email Address: coastal@trademarkable.com
Docket Number: 1947-164
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Tanya M. Reitzel
Coastal Trademark Services
1081 Cambie Street
VANCOUVER, BC V6B5L7
CANADA
Phone: 604-687-7432
Fax: 604-687-3478
Correspondent e-mail Authorized: info@coastalip.com Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 06, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 21, 2013	REGISTERED-PRINCIPAL REGISTER	
Mar. 05, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 05, 2013	PUBLISHED FOR OPPOSITION	
Feb. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 29, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Jan. 22, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 22, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Jan. 22, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Jan. 15, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 14, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 09, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 09, 2012	NON-FINAL ACTION E-MAILED	6325
Dec. 09, 2012	NON-FINAL ACTION WRITTEN	83706
Nov. 29, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 29, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 23, 2012	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Nov. 23, 2012	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Oct. 09, 2012	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Oct. 09, 2012	INQUIRY TO SUSPENSION E-MAILED	
Oct. 09, 2012	SUSPENSION INQUIRY WRITTEN	83706
Sep. 27, 2012	LIE CHECKED SUSP - TO ATTY FOR ACTION	68123
Mar. 15, 2012	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Mar. 15, 2012	LETTER OF SUSPENSION E-MAILED	6332
Mar. 15, 2012	SUSPENSION LETTER WRITTEN	83706

Mar. 14, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Mar. 14, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Feb. 10, 2012	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Sep. 06, 2011	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Sep. 06, 2011	INQUIRY TO SUSPENSION E-MAILED	
Sep. 06, 2011	SUSPENSION INQUIRY WRITTEN	83706
Sep. 01, 2011	LIE CHECKED SUSP - TO ATTY FOR ACTION	68123
Mar. 18, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 18, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 24, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 24, 2011	LETTER OF SUSPENSION E-MAILED	6332
Feb. 24, 2011	SUSPENSION LETTER WRITTEN	83706
Feb. 16, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Feb. 16, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Feb. 08, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 16, 2010	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Aug. 16, 2010	PRIORITY ACTION E-MAILED	6326
Aug. 16, 2010	PRIORITY ACTION WRITTEN	83706
Aug. 12, 2010	DATA MODIFICATION COMPLETED	68123
Aug. 10, 2010	ASSIGNED TO LIE	68123
Aug. 10, 2010	ASSIGNED TO EXAMINER	83706
May 05, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 03, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 21, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Happy Planet Foods, Inc.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5142/0172](#)

Pages: 11

Date Recorded: Oct. 30, 2013

Supporting Documents: [assignment-tm-5142-0172.pdf](#)

Assignor

Name: [HAPPY PLANET FOODS, INC.](#)

Execution Date: Oct. 26, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Assignee

Name: [EARTH'S OWN FOOD COMPANY INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Address: 200-4190 LOUGHEED HIGHWAY
BURNABY, BRITISH COLUMBIA V5C 6A8

Correspondent

Correspondent Name: MICHAEL E. MANGELSON

Correspondent Address: 201 SOUTH MAIN STREET, SUITE 1100
SALT LAKE CITY, UT 84111

Domestic Representative

Domestic Representative Name: MICHAEL E. MANGELSON

Domestic Representative 201 SOUTH MAIN STREET, SUITE 1100
Address: SALT LAKE CITY, UT 84111

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Mark: POWER PLANT

POWER PLANT

US Serial Number: 85072794
US Registration Number: 4150744
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jun. 17, 2013
Publication Date: Jul. 19, 2011
Application Filing Date: Jun. 28, 2010
Registration Date: May 29, 2012
Currently TEAS Plus: Yes
Notice of Allowance Date: Sep. 13, 2011

Mark Information

Mark Literal Elements: POWER PLANT
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Dietary supplements
International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Feb. 12, 2012
Use in Commerce: Feb. 12, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Invite Health, Inc.
Owner Address: 900 Shames Drive
Westbury, NEW YORK 11590
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry Miller
Attorney Primary Email Address: lmiller@fedkas.com
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: LARRY MILLER
FEDER KASZOVITZ LLP
845 THIRD AVENUE
NEW YORK, NEW YORK 10022-6601
UNITED STATES

Phone: 212-888-8200

Fax: 212-888-7776

Correspondent e-mail: lmiller@fedkas.com acantu@fedkas.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 17, 2013	TTAB RELEASE CASE TO TRADEMARKS	56370
Jun. 17, 2013	CANCELLATION TERMINATED NO. 999999	56370
Jun. 17, 2013	CANCELLATION DISMISSED NO. 999999	56370
Dec. 19, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 19, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 26, 2012	CANCELLATION INSTITUTED NO. 999999	56370
May 29, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 25, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 24, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Apr. 24, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 23, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 23, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Apr. 23, 2012	EXAMINERS AMENDMENT E-MAILED	
Apr. 23, 2012	SU-EXAMINER'S AMENDMENT WRITTEN	80817
Apr. 04, 2012	STATEMENT OF USE PROCESSING COMPLETE	65362
Mar. 13, 2012	USE AMENDMENT FILED	65362
Apr. 04, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Apr. 02, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74193
Mar. 13, 2012	TEAS STATEMENT OF USE RECEIVED	
Mar. 05, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 05, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 13, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 19, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 19, 2011	PUBLISHED FOR OPPOSITION	
Jun. 10, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Jun. 10, 2011	ASSIGNED TO LIE	68123
May 26, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 06, 2010	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Dec. 06, 2010	LETTER OF SUSPENSION E-MAILED	6332
Dec. 06, 2010	SUSPENSION LETTER WRITTEN	80817
Nov. 18, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 18, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 18, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 14, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 14, 2010	NON-FINAL ACTION E-MAILED	6325
Oct. 14, 2010	NON-FINAL ACTION WRITTEN	80817
Oct. 05, 2010	ASSIGNED TO EXAMINER	80817
Jul. 01, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 01, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 24, 2012

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Cancellation

Proceeding Number: [92056370](#)

Filing Date: Oct 25, 2012

Status: Terminated

Status Date: Jun 17, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Invite Health, Inc.

Correspondent Address: LARRY MILLER
FEDER KASZOVITZ LLP
845 THIRD AVENUE
NEW YORK NY , 10022-6601
UNITED STATESCorrespondent e-mail: lmiller@fedkas.com , acantu@fedkas.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
POWER PLANT	Registered	85072794	4150744

Plaintiff(s)

Name: Hikari Holdings, LC

Correspondent Address: RICHARD L HILL
HILL JOHNSON & SCHMUTZ
4844 NORTH 300 WEST, SUITE 300
PROVO UT , 84604-5663
UNITED STATESCorrespondent e-mail: rhill@djplaw.com , rthurman@djplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOC BROC'S POWER PLANTS	Registered	85395895	4390321

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 25, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 26, 2012	Dec 05, 2012
3	PENDING, INSTITUTED	Oct 26, 2012	
4	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 04, 2012	
5	EXTENSION OF TIME GRANTED	Dec 06, 2012	
6	D MOT FOR EXT W/ CONSENT	Feb 05, 2013	
7	EXTENSION OF TIME GRANTED	Feb 05, 2013	
8	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 05, 2013	
9	SUSPENDED	Apr 05, 2013	
10	W/DRAW OF PET FOR CANCELLATION	Jun 12, 2013	
11	BD DECISION: DISMISSED W/ PREJ	Jun 17, 2013	
12	TERMINATED	Jun 17, 2013	

Type of Proceeding: Cancellation

Proceeding Number: [92053291](#)

Filing Date: Nov 16, 2010

Status: Terminated

Status Date: May 18, 2011

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: KWHL USA Enterprise

Correspondent Address: KWHL USA ENTERPRISE
868 WEST 16TH STREET
NEWPORT BEACH CA , 92663

UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number
POWER PLANT	Cancelled - Section 18	75766510	2443905
Plaintiff(s)			

Name: InVite Health, Inc.

Correspondent Address: CHARLES H KNULL
ULLMAN SHAPIRO & ULLMAN LLP
299 BROADWAY, SUITE 1700
NEW YORK NY , 10007
UNITED STATES

Correspondent e-mail: tms@usulaw.com , chk@usulaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
POWERPLANT	Registered	85072794	4150744

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 16, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2010	Dec 26, 2010
3	PENDING, INSTITUTED	Nov 16, 2010	
4	UNDELIVERABLE MAIL	Dec 07, 2010	
5	SUSPENDED	Jan 18, 2011	
6	SERVICE BY PUBLICATION	Mar 29, 2011	
7	BOARD'S DECISION: GRANTED	May 16, 2011	
8	COMMR'S ORDER CANCELLING REGISTRATION	May 17, 2011	
9	TERMINATED	May 18, 2011	
10	D'S UNDELIVERABLE MAIL NO ACTION TAKEN	Jun 03, 2011	

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Mark: PLANTRAMIN

PLANTRAMIN

US Serial Number: 86052717

Application Filing Date: Aug. 30, 2013

Register: Principal

Mark Type: Trademark

Status: Approved by the examining attorney for publication but has not yet published for opposition. Although rare, withdrawal of approval prior to publication may occur after final review. The opposition period begins on the date of publication.

Status Date: Nov. 25, 2013

Mark Information

Mark Literal Elements: PLANTRAMIN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Nutritional proprietary ingredient blend sold as an integral component of dietary supplements and mineral tablets

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Yoli, LLC

Owner Address: 4520 West 2100 South Suite 601
Salt Lake City, UTAH 84120
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEVADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: XAVIER MORALES

Attorney Primary Email Address: XM@SECUREYOURTRADEMARK.COM

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: XAVIER MORALES
LAW OFFICE OF XAVIER MORALES
PO BOX 690488
SAN ANTONIO, TEXAS 78269-0488
UNITED STATES

Phone: 866-618-2517

Fax: 866-639-4889

Correspondent e-mail: XM@SECUREYOURTRADEMARK.COM

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 26, 2013	ASSIGNED TO LIE	68123
Nov. 25, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 23, 2013	ASSIGNED TO EXAMINER	69222
Sep. 10, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 03, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BUCHANAN WILL, NORA

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Nov. 25, 2013

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Mark: SUPERPLANET

SUPERPLANET

US Serial Number: 85356933

Application Filing Date: Jun. 27, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: A third request for extension of time to file a Statement of Use has been granted.

Status Date: Aug. 22, 2013

Publication Date: Jan. 10, 2012

Notice of Allowance Date: Mar. 06, 2012

Mark Information

Mark Literal Elements: SUPERPLANET

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Nutritionally fortified beverages for children

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Providing an on-line virtual environment in which users can interact for recreational, entertainment, and educational purposes

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GeniusPowerMagic, LLC

Owner Address: 2436 Schloraship
Irvine, CALIFORNIA 92612
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Josh Gerben, Esq.

Attorney Primary Email Address: trademark@gerbenlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Josh Gerben, Esq.
Name/Address: GERBEN LAW FIRM, PLLC
1050 CONNECTICUT AVE NW FL 10
WASHINGTON, DISTRICT OF COLUMBIA 20036-5334
UNITED STATES

Phone: 202-294-2287

Correspondent e-mail: jgerben@gerbenlawfirm.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 23, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 22, 2013	EXTENSION 3 GRANTED	76538
Aug. 14, 2013	EXTENSION 3 FILED	76538
Aug. 14, 2013	TEAS EXTENSION RECEIVED	
Mar. 20, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 19, 2013	EXTENSION 2 GRANTED	76538
Mar. 01, 2013	EXTENSION 2 FILED	76538
Mar. 18, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Mar. 01, 2013	TEAS EXTENSION RECEIVED	
Nov. 09, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 18, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 16, 2012	EXTENSION 1 GRANTED	98765
Aug. 16, 2012	EXTENSION 1 FILED	98765
Aug. 16, 2012	TEAS EXTENSION RECEIVED	
Mar. 06, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 10, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 10, 2012	PUBLISHED FOR OPPOSITION	
Dec. 21, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 06, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Dec. 06, 2011	ASSIGNED TO LIE	73797
Nov. 15, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 01, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 01, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 01, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 17, 2011	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Oct. 17, 2011	PRIORITY ACTION E-MAILED	6326
Oct. 17, 2011	PRIORITY ACTION WRITTEN	76629
Oct. 12, 2011	ASSIGNED TO EXAMINER	76629
Jul. 30, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 02, 2011	NOTICE OF PSEUDO MARK MAILED	
Jul. 01, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 30, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BELL, MARLENE D

Law Office Assigned: LAW OFFICE 105

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Mar. 18, 2013

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Mark: ULTRA PLAN

ULTRA PLAN

US Serial Number: 85645179
Application Filing Date: Jun. 06, 2012
US Registration Number: 4275713
Registration Date: Jan. 15, 2013
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jan. 15, 2013
Publication Date: Oct. 30, 2012

Mark Information

Mark Literal Elements: ULTRA PLAN
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1211213

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Nutritional and dietary supplements formed and packaged as bars; Nutritional supplement in the nature of a nutrient-dense, protein-based drink mix; Nutritional supplements; Nutritional supplements in the form of capsules, tablets, gels, liquids, drops, powders, granules, oils, wafers and lozenges; Powdered nutritional supplement drink mix; Protein dietary supplements; Protein supplement shakes; Vitamin and mineral supplements; Vitamin supplements; Whey protein supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 01, 1980

Use in Commerce: Apr. 01, 1980

For: Soy-based food bars; Soy-based food bars also containing whey protein

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 31, 2001

Use in Commerce: Jan. 31, 2001

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Hi-Health Supermart Corporation
Owner Address: 7428 E. Karen Drive

Scottsdale, ARIZONA 85260
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: ARIZONA

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: HI-HEALTH SUPERMART CORPORATION
HI-HEALTH SUPERMART CORPORATION
7428 E KAREN DR
SCOTTSDALE, ARIZONA 85260-2479
UNITED STATES

Phone: 480-951-9000

Fax: 888-550-5057

Correspondent e-mail: chalpin@chalpin.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 15, 2013	REGISTERED-PRINCIPAL REGISTER	
Oct. 30, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 30, 2012	PUBLISHED FOR OPPOSITION	
Oct. 10, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 20, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 20, 2012	ASSIGNED TO EXAMINER	83694
Jun. 16, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 09, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 15, 2013

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Mark: PLANTIZYME

Plantizyme

US Serial Number: 85419803
Application Filing Date: Sep. 11, 2011
US Registration Number: 4145919
Registration Date: May 22, 2012
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 22, 2012
Publication Date: Mar. 06, 2012

Mark Information

Mark Literal Elements: PLANTIZYME
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Nutritional supplements containing plant-based enzymes for digestive support
International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Jan. 01, 2000
Use in Commerce: Jan. 01, 2000

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Thorne Research, Inc.
Owner Address: 25820 Highway 2 West
Dover, IDAHO 83864
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: IDAHO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kim R. Pearson
Attorney Primary Email Address: kpearson@thorne.com
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: KIM R. PEARSON
25820 HIGHWAY 2 W

SANDPOINT, IDAHO 83864-7364
UNITED STATES

Phone: 208-263-1337

Fax: 208-265-2488

Correspondent e-mail: kpearson@thorne.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 22, 2012	REGISTERED-PRINCIPAL REGISTER	
Mar. 06, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 06, 2012	PUBLISHED FOR OPPOSITION	
Feb. 15, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 02, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jan. 31, 2012	ASSIGNED TO LIE	70633
Jan. 13, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 12, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 11, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 11, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 04, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 04, 2012	NON-FINAL ACTION E-MAILED	6325
Jan. 04, 2012	NON-FINAL ACTION WRITTEN	83172
Dec. 28, 2011	ASSIGNED TO EXAMINER	83172
Sep. 15, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 14, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 22, 2012

EXHIBIT 5



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American English Dictionary

Definition of "planetary"

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Word Frequency ● ● ● ● ●

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planetary

 ('plænə,təri)

Definitions

adjective

1. of or having to do with a planet or the planets
2. terrestrial; global
3. wandering; erratic
4. moving in an orbit, like a planet
5. designating or of an epicyclic train of gears, as in an automobile transmission
6. (*astrology, rare*) under the influence of a planet

Word Origin

Fr *planétaire*

Translations for 'planetary'

American English: [planetary](#) *Planetary* means relating to or belonging to planets. Within our own galaxy there are probably tens of thousands of planetary systems.

Brazilian Portuguese: [planetário](#)

European Spanish: [planetario](#) *planetaria*

German: [Planeten-](#)

Japanese: [惑星の](#)

Portuguese: [planetário](#) *planetária*

Chinese: [行星的](#)

French: [planétaire](#)

Italian: [planetario](#) *planetaria*

Korean: [행성의](#)

Spanish: [planetario](#) *planetaria*

Example Sentences Including 'planetary'

The Sol class is a transport vessel designed for quick planetary landings of about five hundred troops.
Tony Daniel METAPLANETARY (2001)

In fact it came not from experiment but from a radically different way of simulating planetary interiors.

AMERICAN SCIENTIST (2000)

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planetary peer.
USA TODAY (2003)

Some astronomers put the upper limit for planetary mass at 13 times what's in Jupiter.
USA TODAY (2004)

By the 16th, the dominance of planetary power will have shifted to the bottom half of the Horoscope.
Joseph Polansky YOUR PERSONAL HOROSCOPE 2003

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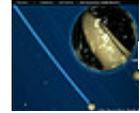
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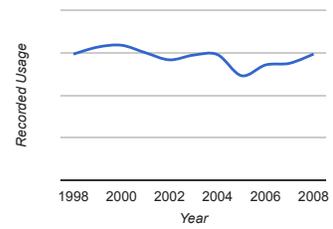
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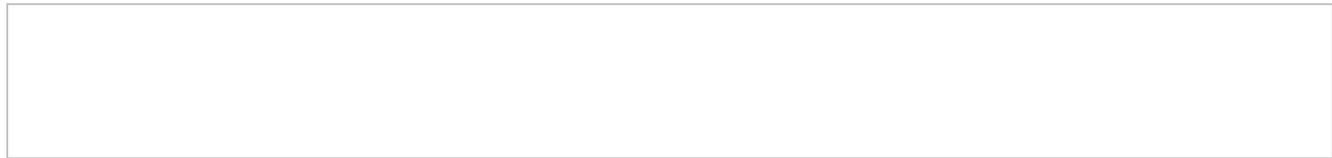
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American English Dictionary

Definition of "formula"

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Word Frequency ●●●●○

formula ('fɔrmjələ ; 'fɔrmjələ)

Spread the Word

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Definitions

noun

Word forms: plural 'formulas, 'formu,lae ('fɔrmju,l57455 ; 'fɔrmju,lai ; 'fɔrmjə,li ; 'fɔrmjə,lai)

- a fixed form of words, esp. one that has lost its original meaning or force and is now used only as a conventional or ceremonial expression ⇒ *"Very truly yours" is a formula used in letters*
- a rule or method for doing something, esp. when conventional and used or repeated without thought ⇒ *a formula for musical comedies*
- an exact statement of religious faith or doctrine
- directions for preparing a medicine, a paint, a baby's food, etc.
 - something prepared from such directions; often specif., a milk preparation for feeding a baby
- a set of algebraic symbols expressing a mathematical fact, principle, rule, etc. ⇒ *$A = \pi r^2$ is the formula for determining the area of a circle*
- (*chemistry*) an expression of the composition of a compound (or a radical, etc.) by a combination of symbols and figures to show the constituents *see also empirical formula, molecular formula, structural formula*

adjective

- designating or of any of various classes of racing car or motorcycle specially designed to conform to a particular set of specifications governing size, weight, engine displacement, etc.

Word Origin

L, dim. of *forma*, [form](#)

Synonyms

[View thesaurus entry](#)

= [method](#), [blueprint](#), [precept](#), [principle](#), [procedure](#), [recipe](#), [rule](#)

Translations for 'formula'



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American English: **formula** *Formula* is a powder which you mix with water to make artificial milk for babies. milk

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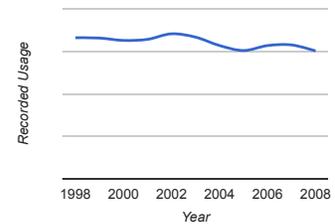
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Word usage trends for "formula"



View usage over:

Example Sentences Including 'formula'

Eleanor finally decided it was all right and showed him where to find Birkensteen's formula and also the key to the museum.

Sebastian, Hector et al? THE THREE INVESTIGATORS

Chen: The "one China" principle is the "one country, two systems" formula.
TIME MAGAZINE (2004)

Add Allen's 19 points and the Sonics have regained the formula to success they lost midway through the season.
SEATTLE TIMES (2004)

Sindelar says the formula seems well suited to Ravenna, a neighborhood he says craves a gathering place.
SEATTLE TIMES (2002)

We are thus led to put forward for most of our readers what may appear to be an oversimplified 50-50 formula.
Benjamin Graham, Jason Zweig THE INTELLIGENT INVESTOR - REVISED EDITION (2003)

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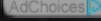
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Word Frequency ●●●●●

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plant (plænt  ; plant )

Definitions

noun

- any of a kingdom (Plantae) of eukaryotes generally characterized by the ability to carry on photosynthesis in its cells which contain chloroplasts and have cellulose in the cell wall, including all thallophytes and embryophytes
- a young tree, shrub, or herb, ready to put into other soil for growth to maturity; a slip, cutting, or set
- an herb, as distinguished from a tree or shrub
- the tools, machinery, buildings, grounds, etc. of a factory or business
- the equipment, buildings, etc. of any institution, as a hospital, school, etc.
- the apparatus or equipment for some particular mechanical operation or process → *the power plant of a ship*
- (*slang*) a person placed, or thing planned or used, to trick, mislead, or trap

transitive verb

- to put into soil, esp. into the ground, to grow
 - to set plants in (a piece of ground)
- to set firmly as into the ground; fix in position
- to fix in the mind; implant (an idea, etc.)
- to settle (a colony, colonists, etc.); found; establish
- to furnish or stock with animals
- (*US*) to put a stock of (oysters, young fish, etc.) in a body of water
- (*slang*) to deliver (a punch, blow, etc.) with force
- (*slang*)
 - to place (a person or thing) in such a way as to trick, trap, etc.
 - to place (an ostensible news item) in a newspaper, etc. with some ulterior motive, as in order to mold public opinion
- (*slang*)

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- b. to place (something) surreptitiously where it is certain to be found or discovered

[ice plant](#)
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Derived Forms

'**plant**, **like** *adjective*

Word Origin

ME *plante* < OE < L *planta*, sprout, twig, prob. back-form. < *plantare*, to smooth the soil for planting < *planta*, sole of the foot < IE **plat-*, var. of base **pla-*, broad, flat > [plain](#)¹

Synonyms

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- = **vegetable**, [bush](#), [flower](#), herb, shrub, weed
- = **factory**, foundry, [mill](#), [shop](#), [works](#), yard
- = **machinery**, apparatus, [equipment](#), [gear](#)
- = **sow**, put in the ground, [scatter](#), [seed](#), [transplant](#)
- = **place**, [establish](#), [fix](#), [found](#), [insert](#), [put](#), [set](#)

Translations for 'plant'

American English: [plant](#) A *plant* is a factory or a place where power is produced....car assembly plants. *plant*site/equipment

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Arabic: [مصنع](#)

Brazilian Portuguese: [fábrica](#)

Chinese: [工厂](#)

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Dutch: [fabriek](#)

European Spanish: [maquinaria](#)
equipos

Finnish: [tehdas](#)

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Greek: [εργοστασιακή μονάδα](#)

Italian: [impianto](#)

Japanese: [製造工場](#) site/equipment

Korean: [공장](#)

Norwegian: [anlegg](#)

Polish: [fabryka](#)

Portuguese: [fábrica](#)

Romanian: [fabrică](#) *fabrici*

Russian: [завод](#)

Spanish: [planta](#)

Swedish: [anläggning](#)

Thai: [โรงงาน](#)

Turkish: [tesis](#)

Ukrainian: [завод](#)

Vietnamese: [nhà máy](#)

Example Sentences Including 'plant'

All you can see on the site is a half-built Korean engineering plant.
Mark Burnell CHAMELEON (2002)

And plant operators in some extreme cases do nothing at all.
TIME MAGAZINE (2003)

A huge phosphate plant outside Pocatello closed last year, idling more than 400 workers.
SEATTLE TIMES (2002)

The bulk and breadth of a single big plant could block a doorway.
SEATTLE TIMES (2002)

The monks held an anxious meeting in which they elected to crop the plant close to the roots.
Bruce Feiler WALKING THE BIBLE (2001)

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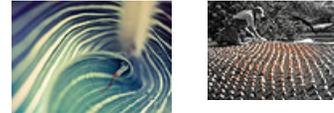
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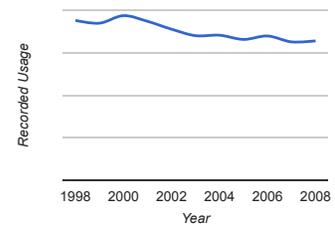
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Ad by Google related to: **plant**

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www.bamboopipeline.com/

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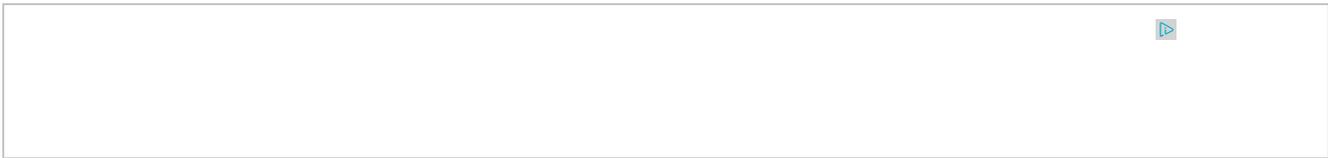
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herbal

 ('hɜrbəl ; 'ɜrbəl)

Definitions

adjective

- 1. of herbs

noun

- 2. a book about herbs or plants, esp. a book of early botanical writings concerned with their medicinal properties

Word Origin

ML *herbalis*

Translations for 'herbal'

American English: [herbal](#) *Herbal* means made from or using herbs....herbal remedies for colds.

Brazilian Portuguese: *herbáceo*

Chinese: 香草的

European Spanish: *de hierbas*

French: [à base de plantes](#)

German: *Kräuter-*

Italian: *a base di erbe*

Japanese: 薬草の

Korean: 약초의

Portuguese: *herbáceo herbácea*

Spanish: *de hierbas*

Example Sentences Including 'herbal'

Now he was just inches from a snoozing Amy Skoda, whose hair tickled his cheek and smelled like herbal shampoo.

Chuck Logan ABSOLUTE ZERO (2002)

This time he will not go for the allopathic treatment, but for the traditional herbal one and Allah willing he will be all right!

EXQUISITE CORPSE (2001)

It was discovered by K. H. Lee, a medicinal chemist at the University of North Carolina, who also is an expert in herbal medicines.

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parts.

PHILADELPHIA ENQUIRER (2003)

If you seek medical attention be sure to mention your use of the herbal product and take a sample to be analyzed if possible.

Byer, Curtis O. & Shainberg, Louis W. (contributor) LIVING WELL: HEALTH IN YOUR HANDS (1995)

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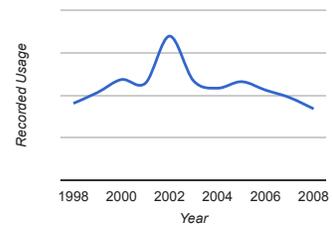
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treasure ('trɛʒər)

Definitions

noun

- accumulated or stored wealth, esp. in the form of money, precious metals, jewels, etc.
- any person or thing considered very valuable

transitive verb

Word forms: **'treasured**, **'treasuring**

- to store away or save up (money, valuables, etc.) as for future use; hoard
- to value greatly; cherish

ap

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ci,ate
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Word Origin

ME *tresoure* < OFr *tresor* < L *thesaurus*: see [thesaurus](#)

Synonyms

[View thesaurus entry](#)

- = [riches](#), [cash](#), [fortune](#), gold, jewels, [money](#), [valuables](#), [wealth](#)
- = [darling](#), apple of one's eye, [gem](#), [jewel](#), nonpareil, [paragon](#), pride and joy
- = [prize](#), [adore](#), [cherish](#), [esteem](#), hold dear, [idolize](#), [love](#), [revere](#), [value](#)

Translations for 'treasure'

American English: [treasure](#) In stories, *treasure* is a collection of valuable old objects, such as gold coins and jewels....buried treasure. *treasures*

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- Brazilian Portuguese: [tesouro](#)
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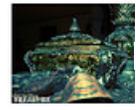
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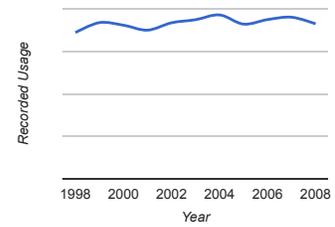
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Word usage trends for "treasures"



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Example Sentences Including 'treasure'

You find a treasure, any kind of treasure , you must turn it in to the government.
José Latour HAVANA BEST FRIENDS (2002)

During the opening weekend, families can play a treasure hunt game.
 CHICAGO SUN-TIMES (2002)

Rebecca Miller, whose "Personal Velocity" was a Sundance treasure.
 CHICAGO SUN-TIMES (2002)

On November 18, 1518, Cortés and a small army left Cuba to verify the stories of Mexico's treasure.
Divine, Robert A. (editor) & Breen, T. H & Frederickson, George M & Williams, R. Hal AMERICA PAST AND PRESENT (1995)

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EXHIBIT 6

Jeremy M. McLaughlin
jeremy.mclaughlin@aporter.com
+1 415.471.3297
+1 415.471.3400 Fax
10th Floor
Three Embarcadero Center
San Francisco, CA 94111-4024

November 5, 2013

VIA E-MAIL

Kuscha Hatami
LegalForce
1580 W. El Camino Real, Suite 13
Mountain View, CA 94040

Re: PLANT HERBAL TREASURES

Dear Kuscha:

I am writing in response to your October 22, 2013 meet and confer letter regarding Threshold's discovery responses. Before addressing individual responses, I note that on November 1 I sent you a copy of the executed signature page of the protective order in this case. Accordingly, Threshold expects to begin its document production in the next week, and it will supplement that production if additional responsive documents become available.

Document Requests

Request No. 10

This request asks Threshold to produce "[d]ocuments sufficient to identify Opposer's typical or target customer of Opposer's Goods and Services."

Threshold does not dispute that "classes of customers for a party's involved goods or services are discoverable." *See* TBMP §414(3). For that reason, in response to Interrogatory Nos. 2 and 3, Threshold has provided, in a verified discovery response, descriptions of the channels of trade through which it distributes its product and descriptions of its typical customers. Indeed, in the authority you cite —*J.B. Williams Co. v. Pepsodent G.m.b.H.*, 188 USPQ 577 (1975)—the party responding to discovery identified the class of customers via interrogatory responses. Moreover, as we have explained, a general list of retailers can be found on the www.planetaryherbals.com

Kuscha Hatami
November 5, 2013
Page 2

website, which provides further information regarding Threshold's customers. This information is "sufficient to identify" Threshold's typical customers.

Request No. 16

This request asks Threshold to produce "[d]ocuments concerning actual or threatened litigation in the United States involving trademark infringement or unfair competition claims in which Opposer has been engaged, including but not limited to State Court, Federal Court, Trademark Trial and Appeal Board, and all other legal proceedings."

Threshold objected to this request as overbroad and unduly burdensome because, as written, it requires production of documents relating to *any* trademark or unfair competition litigation, even if it does not involve marks or goods relevant to this proceeding. Such a broad request is impermissible. Indeed, even the authorities you cite explain that the identity of all civil and USPTO proceedings *involving the mark* is not objectionable and that information concerning litigation *based on the responding party's involved mark* is discoverable. Those authorities do not sanction requests relating to *any* mark or *any* litigation by the responding party. Threshold, therefore, will produce documents relating to trademark or unfair competition litigation in the United States only involving the PLANETARY or PLANETARY FORMULA marks.

Request Nos. 18-19

Request No. 18 seeks "[d]ocuments concerning an inquiry, complaint, or other communication concerning the qualities, advantages, or lack of quality of Opposer's Goods and Services." Request No. 19 seeks "[d]ocuments concerning the lack of quality of Applicant's Goods and Services."

To the extent required, Threshold will provide an appropriate privilege log once it has completed its production. Any documents that are responsive to these categories and withheld because of privilege will be appropriately documented on that log.

In addition, Threshold objected to these requests on relevance grounds. Threshold is asserting that your client's mark is confusingly similar to its PLANETARY and PLANETARY FORMULA marks, and the factors required to make such a showing do not involve an inquiry into whether a consumer has complained about the quality of the goods on which Threshold uses its marks. You, therefore, have failed to demonstrate the relevance of these documents, and the requests aim only to harass Threshold.

Kuscha Hatami
November 5, 2013
Page 3

Request No. 20

Request No. 20 seeks “[d]ocuments concerning Applicant, Applicant’s Goods and Services, or Applicant’s Mark(s).”

To the extent required, Threshold will provide an appropriate privilege log once it has completed its production. Any documents that are responsive to these categories and withheld because of privilege will be appropriately documented on that log.

In addition, Threshold has objected to this request on overbreadth and burden. As written, the request would require production of *any* document having *anything* to do with your client, his mark, or the goods and services affiliated with that mark. You have failed to provide a justification for such a broad request, which would encompass materials relating to your client that have nothing to do with this proceeding. For example, if Threshold were in possession of an article authored by Dr. Campbell or a news story that mentions him, that would be responsive to the request, even though it may not be connected to this marks at issue in this proceeding. By the very nature of other requests, Threshold will be producing documents relating to the Applicant, the Applicant’s marks, and the Applicant’s good and services—see, *e.g.*, Request Nos. 16, 21, 22, 24, 36.

Interrogatories

Interrogatory Nos. 24 & 33

Interrogatory No. 24 asks Threshold to “[s]tate any and all instances of actual confusion known to Opposer between the source of Opposer’s products or services and Applicant’s products or services.” Interrogatory No. 33 asks Threshold to “[s]tate whether Opposer or any party identified in response to Interrogatory Nos. 7 and 8 have ever (a) received mail, telephone calls inquiring about Applicant or Applicant’s goods; or (b) obtained any knowledge or information regarding confusion on the part of any person as to the source, sponsorship, affiliation or approval of Applicant’s services.”

Threshold is currently not aware of an instance of actual confusion. However, as explained in Threshold’s discovery responses and my letter of October 9, 2013, instances of actual confusion may yet to be discovered by Threshold as Applicant produces documents and discovery responses in this proceeding. Moreover, as discovery is currently underway, Threshold may also determine instances of actual confusion from

Kuscha Hatami
November 5, 2013
Page 4

other, third-party sources, such as retailers. Threshold is not required to disclose trial evidence before trial. Nonetheless, if Threshold discovers any instances of actual confusion, we will disclose those instances at the appropriate time in the litigation.

Interrogatory No. 37

This interrogatory asks for “all Internet domain names, MySpace pages, Twitter handles, Facebook profiles, Facebook pages, Facebook usernames, or other social media identifiers containing the terms PLANT, PLANETARY, PLANTAL, PLANETARY FORMULAS, and FORMULAS and any related Stylized Images that have ever been registered by you, or at your instruction, or by any of your licensees, or at their instruction, and provide for each the registration date and expiration date, if any.”

You claim this is “highly relevant to whether or not a likelihood of confusion exists between the respective marks” because “social network users will post on a company’s respective social network pages in regards to another mark that is confusingly similar.” You also “do not believe” that this information is not in Threshold’s possession and control.

First, the commentary about Threshold’s products that you reference is likely to be found on websites that sell Threshold’s products, such as retailer websites, and those webpages are not under the control or possession of Threshold. Second, the request is overbroad in that it seeks any registered website that contains terms such as Plant or Formulas. Threshold may own several websites or social media pages that contain such terms but do not relate to the products and marks at issue in this proceeding. Finally, Threshold refers Applicant to the website <http://www.planetaryherbals.com/> and <http://www.sourcenaturals.com>.

Interrogatory No. 43¹

This interrogatory asks for “the meaning and connotation of the phrase ‘Plant Herbal Treasures’ and its individual elements.”

In your meet and confer letter, you further clarify that you are asking for “the definitions of ‘Plant’, ‘Herbal’, and ‘Treasures’, and the meaning of the phrase ‘Plant Herbal

¹ As you correctly note in your meet and confer letter, Threshold mistakenly labeled this as Interrogatory No. 1 in its Response to Applicant’s Second Set of Interrogatories.

Kuscha Hatami
November 5, 2013
Page 5

Treasures'" However, the definitions of the words "Plant," "Herbal," and "Treasures" are equally available to Applicant as they are to Threshold, as definitions are located in dictionaries. As to the meaning of the entire phrase, Threshold is unable to determine a meaning.

Interrogatory No. 44

This interrogatory asks for "the meaning and connotation of the word 'Planetary.'"

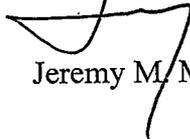
The definition of a word is available in dictionaries, which are equally available to Applicant. Moreover, as explained in Threshold's response, it views the phrase as a representation of Threshold's efforts to source the best of the world's herbal ingredients and remedies.

Interrogatory No. 45

This interrogatory asks for "the meaning and connotation of the phrase 'Planetary Formulas' and its individual elements."

The definition of a word is available in dictionaries, which are equally available to Applicant. Moreover, as explained in Threshold's response, it views the phrase as a representation of Threshold's efforts to source the best of the world's herbal ingredients and remedies.

Sincerely,



Jeremy M. McLaughlin

EXHIBIT 7

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Mark: PLANETARY FORMULAS

US Serial Number: 74524065
US Registration Number: 1900303
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Apr. 25, 2005
Publication Date: Mar. 28, 1995

Application Filing Date: May 12, 1994
Registration Date: Jun. 20, 1995

Mark Information

Mark Literal Elements: PLANETARY FORMULAS
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)
Disclaimer: "FORMULAS"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: dietary herbal supplements and nutritional supplements

International Class(es): 005 - Primary Class

U.S Class(es): 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 1984

Use in Commerce: Jan. 01, 1984

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Threshold Enterprises Ltd.
Owner Address: 23 Janis Way
Scotts Valley, CALIFORNIA 95066
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anna W. Manville, Esq.

Docket Number: 22445.009

Attorney Primary Email trademarkdocketing@aporter.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Anna W. Manville, Esq.
Arnold & Porter LLP
555 Twelfth Street, NW
IP DOCKETING
Washington, DISTRICT OF COLUMBIA 20004
UNITED STATES

Phone: 202.942.5000

Fax: 202.942.5999

Correspondent e-mail: trademarkdocketing@aporter.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 07, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 07, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 21, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 21, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 13, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 25, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 25, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 25, 2005	ASSIGNED TO PARALEGAL	76293
Mar. 25, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Mar. 25, 2005	PAPER RECEIVED	
Oct. 20, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 17, 2000	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 20, 1995	REGISTERED-PRINCIPAL REGISTER	
Mar. 28, 1995	PUBLISHED FOR OPPOSITION	
Feb. 24, 1995	NOTICE OF PUBLICATION	
Nov. 16, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 04, 1994	EXAMINER'S AMENDMENT MAILED	
Oct. 20, 1994	NON-FINAL ACTION MAILED	
Oct. 12, 1994	ASSIGNED TO EXAMINER	72146
Sep. 22, 1994	ASSIGNED TO EXAMINER	66508

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 20, 2005

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Apr. 25, 2005

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Threshold Enterprises Ltd.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [5011/0638](#)

Pages: 10

Date Recorded: Apr. 22, 2013

Supporting Documents: [assignment-tm-5011-0638.pdf](#)

Assignor

Name: [THRESHOLD ENTERPRISES LTD.](#) Execution Date: Apr. 03, 2013
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [JPMORGAN CHASE BANK, N.A.](#)
Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country Where Organized: UNITED STATES
Address: 3 PARK PLAZA, SUITE 900
IRVINE, CALIFORNIA 92614

Correspondent

Correspondent Name: MCGLINCHAY STAFFORD, PLLC
Correspondent Address: 301 MAIN STREET, 14TH FLOOR
BATON ROUGE, LA 70801

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91204124](#) Filing Date: Mar 01, 2012
Status: Pending Status Date: Mar 01, 2012
Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Robert Campbell
Correspondent Address: JENNIE CHENG
RAJ ABHYANKER PC
1580 WEST EL CAMINO REAL, SUITE 8
MOUNTAIN VIEW CA , 94040
UNITED STATES
Correspondent e-mail: kuscha@legalforcelaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANT HERBAL TREASURES	Opposition Pending	85396136	

Plaintiff(s)

Name: Threshold Enterprises, Ltd.
Correspondent Address: JEREMY M MCLAUGHLIN
ARNOLD & PORTER LLP
THREE EMBARCADERO CENTER, 10TH FLOOR
SAN FRANCISCO CA , 94111
UNITED STATES
Correspondent e-mail: jeremy.mclaughlin@aporter.com , trademarkdocketing@aporter.com , elisabeth.richards@aporter.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANETARY	Registered	78746648	3370447
PLANETARY FORMULAS	Renewed	74524065	1900303

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 01, 2012	Apr 10, 2012
3	PENDING, INSTITUTED	Mar 01, 2012	
4	D'S REQUEST TO WITHDRAW AS ATTORNEY	Mar 27, 2012	
5	RESPONSE DUE 30 DAYS (DUE DATE) D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Apr 06, 2012	May 06, 2012

6	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Apr 18, 2012
7	BOARD ORDER; ANSWER DUE 6/11/2012	May 21, 2012
8	ANSWER	Jun 11, 2012
9	STIPULATION FOR AN EXTENSION OF TIME	Aug 16, 2012
10	EXTENSION OF TIME GRANTED	Aug 16, 2012
11	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Dec 27, 2012
12	SUSPENDED	Dec 27, 2012
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 17, 2013
14	SUSPENDED	Apr 17, 2013
15	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jun 06, 2013
16	SUSPENDED	Jun 06, 2013
17	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 05, 2013
18	SUSPENDED	Aug 05, 2013
19	P MOT FOR EXT W/ CONSENT	Oct 03, 2013
20	EXTENSION OF TIME GRANTED	Nov 07, 2013

Type of Proceeding: Opposition

Proceeding Number: [91190406](#)

Filing Date: May 27, 2009

Status: Terminated

Status Date: Sep 04, 2009

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Evol Nutrition Associates, Inc.

Correspondent Address: JOHN E. BELLUS, JR.
STONE & BELLUS, P.C.
6849 PTREE DUNWOODY RD BLDG B3 STE 100
ATLANTA GA , 30328
UNITED STATES

Correspondent e-mail: johnbellus@stonebellus.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANET X	Abandoned - After Inter-Partes Decision	77565313	

Plaintiff(s)

Name: Threshold Enterprises Ltd.

Correspondent Address: Mary Catherine Merz
Merz & Associates, P.C.
1140 Lake Street, Suite 304
Oak Park IL , 60301
UNITED STATES

Correspondent e-mail: docket@merz-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANETARY FORMULAS	Renewed	74524065	1900303
PLANETARY	Registered	78746648	3370447

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 27, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 27, 2009	Jul 06, 2009
3	PENDING, INSTITUTED	May 27, 2009	
4	NOTICE OF DEFAULT	Jul 21, 2009	
5	BOARD'S DECISION: SUSTAINED	Sep 04, 2009	
6	TERMINATED	Sep 04, 2009	

Type of Proceeding: Opposition

Proceeding Number: [91186700](#)

Filing Date: Sep 30, 2008

Status: Terminated

Status Date: Feb 26, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Landen Resource Corporation

Correspondent Address: Eric Landen
Landen Resource Corporation
P.O. Box 147
Lake Forest IL , 60045-0147
UNITED STATES

Correspondent e-mail: twhite@schiffhardin.com , trademarks@schiffhardin.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANETARY PROBIOTICS	Abandoned - No Statement Of Use Filed	77369113	

Plaintiff(s)

Name: Threshold Enterprises, Ltd.

Correspondent Address: Mary Catherine Merz
Merz & Associates, P.C.
1140 Lake Street, Suite 304
Oak Park IL , 60301
UNITED STATES

Correspondent e-mail: bharaguchi@merz-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANETARY FORMULAS	Renewed	74524065	1900303
PLANETARY	Registered	78746648	3370447

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 30, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 30, 2008	Nov 09, 2008
3	PENDING, INSTITUTED	Sep 30, 2008	
4	NOTICE OF DEFAULT	Nov 24, 2008	
5	MOTION TO AMEND APPLICATION	Nov 25, 2008	
6	RESPONSE DUE 30 DAYS (DUE DATE)	Dec 23, 2008	Jan 22, 2009
7	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jan 28, 2009	
8	SUSPENDED	Feb 03, 2009	
9	NOTICE OF DEFAULT	May 14, 2009	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	May 14, 2009	
11	SUSPENDED	May 14, 2009	
12	STIPULATION FOR AN EXTENSION OF TIME	Jun 10, 2009	
13	EXTENSION OF TIME GRANTED	Jun 10, 2009	
14	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jul 14, 2009	
15	SUSPENDED	Jul 15, 2009	
16	NOTICE OF DEFAULT	Oct 26, 2009	
17	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Nov 24, 2009	
18	SUSPENDED	Nov 24, 2009	
19	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jan 25, 2010	
20	SUSPENDED	Jan 25, 2010	
21	WITHDRAWAL OF OPPOSITION	Feb 24, 2010	
22	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 26, 2010	
23	TERMINATED	Feb 26, 2010	

EXHIBIT 8

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Mark: PLANT HERBAL TREASURES

PLANT HERBAL TREASURES

US Serial Number: 85396136

Application Filing Date: Aug. 12, 2011

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Mar. 01, 2012

Publication Date: Jan. 31, 2012

Mark Information

Mark Literal Elements: PLANT HERBAL TREASURES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "PLANT HERBAL"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary herbal supplements, vitamins, and nutritional supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Campbell, Robert

Owner Address: 2917 Camino Del Bosque
Santa Fe, NEW MEXICO 87507
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher Ditico

Docket Number: 31712

Attorney Primary Email Address: trademarks@rajpatent.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JENNIE CHENG
RAJ ABHYANKER PC
1580 WEST EL CAMINO REAL
SUITE 8
MOUNTAIN VIEW, CALIFORNIA 94040

UNITED STATES

Phone: 650 965-8731

Fax: 650 989-2131

Correspondent e-mail: trademarks@rajpatent.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 01, 2012	OPPOSITION INSTITUTED NO. 999999	204124
Mar. 01, 2012	OPPOSITION PAPERS RECEIVED AT TTAB	
Jan. 31, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 31, 2012	PUBLISHED FOR OPPOSITION	
Jan. 11, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 28, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Dec. 28, 2011	ASSIGNED TO LIE	73797
Dec. 06, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 06, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 06, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 06, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 06, 2011	EXAMINERS AMENDMENT -WRITTEN	76933
Dec. 05, 2011	ASSIGNED TO EXAMINER	76933
Aug. 16, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 16, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: POWELL, LINDA A

Law Office Assigned: LAW OFFICE 106

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 28, 2011

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91204124](#)

Filing Date: Mar 01, 2012

Status: Pending

Status Date: Mar 01, 2012

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Robert Campbell

Correspondent Address: JENNIE CHENG
RAJ ABHYANKER PC
1580 WEST EL CAMINO REAL, SUITE 8
MOUNTAIN VIEW CA , 94040
UNITED STATES

Correspondent e-mail: kuscha@legalforcelaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PLANT HERBAL TREASURES	Opposition Pending	85396136	

Plaintiff(s)

Name: Threshold Enterprises, Ltd.

Correspondent Address: JEREMY M MCLAUGHLIN
ARNOLD & PORTER LLP
THREE EMBARCADERO CENTER, 10TH FLOOR
SAN FRANCISCO CA , 94111
UNITED STATES

Correspondent e-mail: jeremy.mclaughlin@aporter.com , trademarkdocketing@aporter.com , elisabeth.richards@aporter.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
PLANETARY	Registered	78746648	3370447
PLANETARY FORMULAS	Renewed	74524065	1900303

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 01, 2012	Apr 10, 2012
3	PENDING, INSTITUTED	Mar 01, 2012	
4	D'S REQUEST TO WITHDRAW AS ATTORNEY	Mar 27, 2012	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 06, 2012	May 06, 2012
6	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Apr 18, 2012	
7	BOARD ORDER; ANSWER DUE 6/11/2012	May 21, 2012	
8	ANSWER	Jun 11, 2012	
9	STIPULATION FOR AN EXTENSION OF TIME	Aug 16, 2012	
10	EXTENSION OF TIME GRANTED	Aug 16, 2012	
11	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Dec 27, 2012	
12	SUSPENDED	Dec 27, 2012	
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 17, 2013	
14	SUSPENDED	Apr 17, 2013	
15	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jun 06, 2013	
16	SUSPENDED	Jun 06, 2013	
17	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 05, 2013	
18	SUSPENDED	Aug 05, 2013	
19	P MOT FOR EXT W/ CONSENT	Oct 03, 2013	
20	EXTENSION OF TIME GRANTED	Nov 07, 2013	

EXHIBIT 9


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(This page: 1 ~ 100)**

 Refine Search

 Current Search: **S10: *PLAN*[bi,ti,mp] and 005[ic] and live[lid]** docs: 232 occ: 707

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86057156		FITO PERU IN THE WORLD	TSDR	LIVE
2	86052726		PLANTIOX	TSDR	LIVE
3	86052717		PLANTRAMIN	TSDR	LIVE
4	86074302		FLUIDIMPLANT	TSDR	LIVE
5	86017928		LIQUIDIMPLANT	TSDR	LIVE
6	86077305		LIQUIDIMPLANT	TSDR	LIVE
7	86007978		RE NATURE HEALTHY PEOPLE, HEALTHY PETS, HEALTHY PLANET	TSDR	LIVE
8	86104890		GENDERPLANNER	TSDR	LIVE
9	86047098		PLANT A SEED, SEE WHAT GROWS CHILDREN'S FOUNDATION.	TSDR	LIVE
10	86038749		GP GAME PLAN	TSDR	LIVE
11	85836134		BYOPLANET	TSDR	LIVE
12	85479314	4434608	PI	TSDR	LIVE
13	85928003		DISCOVER THE POWER OF PLANTS	TSDR	LIVE
14	85945267		L. PLANTARUM LM	TSDR	LIVE
15	85866314		PLANT BASED LIFESTYLE SOLUTIONS	TSDR	LIVE
16	85466647	4433063	HEALTHY PLANET NUTRITION	TSDR	LIVE
17	85846737		HAPPY PLANET	TSDR	LIVE
18	85026705	4336902	HAPPY PLANET HEALTH SHOTS	TSDR	LIVE

19	85026678	4336901	HAPPY PLANET	TSDR	LIVE
20	85395895	4390321	DOC BROCS POWER PLANTS	TSDR	LIVE
21	85966299		PLANNED NUTRITION	TSDR	LIVE
22	85953311		PLANTAVITA	TSDR	LIVE
23	85946481		SAFE THE PLANET	TSDR	LIVE
24	85660919		DR. PRISK'S GAIN PLAN	TSDR	LIVE
25	85072794	4150744	POWER PLANT	TSDR	LIVE
26	85928038		DRINK YOUR PLANTS	TSDR	LIVE
27	85789015	4423078	PLANT FORCE	TSDR	LIVE
28	85904826		OUR PRODUCTS, OUR PASSION, OUR PLANET	TSDR	LIVE
29	85782971		PINO RESPLANDECIENTE	TSDR	LIVE
30	85734080		BUPLANT	TSDR	LIVE
31	85418528		AFTER PLAN	TSDR	LIVE
32	85812995		SANYACHO WILD MOUNTAIN PLANTS EXTRACT	TSDR	LIVE
33	85927924		SUPERPLANTS	TSDR	LIVE
34	85838602		PLANT PUNCH	TSDR	LIVE
35	85270713		OVUPLANT	TSDR	LIVE
36	85428682	4403855	SHA SHA GINGERFUL SWEET TEA	TSDR	LIVE
37	85428675	4403854	SHA SHA SEEDMILKSHAKE	TSDR	LIVE
38	85830426	4395752	PHT	TSDR	LIVE
39	85746476		ANIMAL PLANET	TSDR	LIVE
40	85495907	4396918	ABETO RESPLANDECIENTE	TSDR	LIVE
41	85382117		EZ PLAN	TSDR	LIVE
42	85889510	4389881	FISH-FREE OMEGA PLANT-BASED OILS	TSDR	LIVE
43	85774176		THE PLAN 4 LIFE	TSDR	LIVE
44	85697294		PLANT HEAD	TSDR	LIVE
45	85569061	4388971	VITAMIN PLANET	TSDR	LIVE
46	85537206		FIBROPLANT	TSDR	LIVE
47	85356933		SUPERPLANET	TSDR	LIVE
48	85647706		THE PLANET'S MOST SUSTAINABLE	TSDR	LIVE
49	85728315	4371172	CARPLAN AUTO FINISH	TSDR	LIVE
50	85182055		PLANET APPROVED	TSDR	LIVE
51	85361628		PLANTTEC MEDICAL MEDICAL SOLUTIONS INSPIRED BY NATURE	TSDR	LIVE
52	85783133		BACKUP PLAN ONESTEP	TSDR	LIVE
53	85434256		POWERPLANT	TSDR	LIVE
54	85870856		PLANET MEDICINE	TSDR	LIVE
55	85829790		TRAUMAPLANT	TSDR	LIVE

56	85824326		EPIPLANT	TSDR	LIVE
57	85178648		PLANET LIVING	TSDR	LIVE
58	85935336		P POWER PLANT	TSDR	LIVE
59	85602446		GREEN-TAC PLANT CONTACT AGENT	TSDR	LIVE
60	85746931		PLANT NUTRITION	TSDR	LIVE
61	85616139		PLANTPOWER	TSDR	LIVE
62	85789021		PLANT FORCE LIQUID IRON	TSDR	LIVE
63	85588244	4237534	TRANSFORMING THE PLANET ONE WARRIOR AT A TIME	TSDR	LIVE
64	85419733		AQUA PLANET	TSDR	LIVE
65	85556094	4323037	PLANTCAPS	TSDR	LIVE
66	85729259		GDIAPERS ACCESSORIES HAPPY BABY HAPPY PLANET	TSDR	LIVE
67	85507914	4311553	PLANTCAPS	TSDR	LIVE
68	85444445	4289863	FLYING SKULL CUSTOS PLANTAM PLANT PRODUCTS	TSDR	LIVE
69	85451032	4280549	PHYTON	TSDR	LIVE
70	85290815	4191571	ORGANIKA PLANT ENZYMES	TSDR	LIVE
71	85645179	4275713	ULTRA PLAN	TSDR	LIVE
72	85783101		BACKUP PLAN	TSDR	LIVE
73	85562288	4221883	PLANTSKYDD	TSDR	LIVE
74	85341807	4218925	PLANT DOCTOR	TSDR	LIVE
75	85459845	4215406	PBB, PLANET BODY BUILDING	TSDR	LIVE
76	85484311	4197460	SHILIANHUA (SEKIRANKA)	TSDR	LIVE
77	85163675	4177758	THE JELLY BEAN PLANET	TSDR	LIVE
78	85396136		PLANT HERBAL TREASURES	TSDR	LIVE
79	85435306	4146585	ZHANGGUANG 101 TAXUS 101	TSDR	LIVE
80	85419803	4145919	PLANTIZYME	TSDR	LIVE
81	85234168	4143805	BIOCOMPATIBLE 100% PLANT-BASED DISSOLVABLE	TSDR	LIVE
82	85295330	4113079	REJUVAPLANKTON	TSDR	LIVE
83	85185467	4113229	BIOACTIVE PLANT FRACTION	TSDR	LIVE
84	85975431	4099194	100% NATURAL RICH EARTH PLANT-DERIVED MINERALS	TSDR	LIVE
85	85253645	4097312	PLAN 30 DIAS	TSDR	LIVE
86	85074866	3919591	PLANTFUSION	TSDR	LIVE
87	85096107	4057241	OPTIMAL PLANT PROTEINS	TSDR	LIVE
88	85004256	3980336	DIANAPLANTSCIENCES	TSDR	LIVE
89	85104459	4047750	RX PLANT MEDICINES	TSDR	LIVE
90	85177323	4029917	DR. MCCOMBS' CANDIDA PLAN	TSDR	LIVE

91	85075274	4027788	DERMA PLANET	TSDR	LIVE
92	85100820	4005094	PLANTS & CO.	TSDR	LIVE
93	85093122	3987389	WHOLE-PLANT OILS OMEGA 3-6-9	TSDR	LIVE
94	85062880	3904437	PLAN B ONE-STEP	TSDR	LIVE
95	85055017	3904380	PLAN B ONE-STEP	TSDR	LIVE
96	85054966	3904379	PLAN B ONE-STEP	TSDR	LIVE
97	85052985	3904329	PLAN B ONE-STEP	TSDR	LIVE
98	79020329	3240027	BRINGING PLANT POTENTIAL TO LIFE	TSDR	LIVE
99	79028211	3362650	NEXPLANON	TSDR	LIVE
100	79028244	3362652	X-PLANON	TSDR	LIVE

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 Current Search: **S6: *Plant*[bi,ti,mp] and 005[ic] and live[lid]** docs: 126 occ: 388

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86057156		FITO PERU IN THE WORLD	TSDR	LIVE
2	86052726		PLANTIOX	TSDR	LIVE
3	86052717		PLANTRAMIN	TSDR	LIVE
4	86074302		FLUIDIMPLANT	TSDR	LIVE
5	86017928		LIQUIDIMPLANT	TSDR	LIVE
6	86077305		LIQUIDIMPLANT	TSDR	LIVE
7	86047098		PLANT A SEED, SEE WHAT GROWS CHILDREN'S FOUNDATION.	TSDR	LIVE
8	85479314	4434608	PI	TSDR	LIVE
9	85928003		DISCOVER THE POWER OF PLANTS	TSDR	LIVE
10	85945267		L. PLANTARUM LM	TSDR	LIVE
11	85866314		PLANT BASED LIFESTYLE SOLUTIONS	TSDR	LIVE
12	85395895	4390321	DOC BROC'S POWER PLANTS	TSDR	LIVE
13	85953311		PLANTAVITA	TSDR	LIVE
14	85072794	4150744	POWER PLANT	TSDR	LIVE
15	85928038		DRINK YOUR PLANTS	TSDR	LIVE
16	85789015	4423078	PLANT FORCE	TSDR	LIVE
17	85734080		BUPLANT	TSDR	LIVE
18	85812995		SANYACHO WILD MOUNTAIN PLANTS EXTRACT	TSDR	LIVE

19	85927924		SUPERPLANTS	TSDR	LIVE
20	85838602		PLANT PUNCH	TSDR	LIVE
21	85270713		OVUPLANT	TSDR	LIVE
22	85428682	4403855	SHA SHA GINGERFUL SWEET TEA	TSDR	LIVE
23	85428675	4403854	SHA SHA SEEDMILKSHAKE	TSDR	LIVE
24	85889510	4389881	FISH-FREE OMEGA PLANT-BASED OILS	TSDR	LIVE
25	85697294		PLANT HEAD	TSDR	LIVE
26	85537206		FIBROPLANT	TSDR	LIVE
27	85361628		PLANTTEC MEDICAL MEDICAL SOLUTIONS INSPIRED BY NATURE	TSDR	LIVE
28	85434256		POWERPLANT	TSDR	LIVE
29	85829790		TRAUMAPLANT	TSDR	LIVE
30	85824326		EPIPLANT	TSDR	LIVE
31	85935336		P POWER PLANT	TSDR	LIVE
32	85602446		GREEN-TAC PLANT CONTACT AGENT	TSDR	LIVE
33	85746931		PLANT NUTRITION	TSDR	LIVE
34	85616139		PLANTPOWER	TSDR	LIVE
35	85789021		PLANT FORCE LIQUID IRON	TSDR	LIVE
36	85556094	4323037	PLANTCAPS	TSDR	LIVE
37	85507914	4311553	PLANTCAPS	TSDR	LIVE
38	85444445	4289863	FLYING SKULL CUSTOS PLANTAM PLANT PRODUCTS	TSDR	LIVE
39	85451032	4280549	PHYTON	TSDR	LIVE
40	85290815	4191571	ORGANIKA PLANT ENZYMES	TSDR	LIVE
41	85562288	4221883	PLANTSKYDD	TSDR	LIVE
42	85341807	4218925	PLANT DOCTOR	TSDR	LIVE
43	85484311	4197460	SHILIANHUA (SEKIRANKA)	TSDR	LIVE
44	85396136		PLANT HERBAL TREASURES	TSDR	LIVE
45	85435306	4146585	ZHANGGUANG 101 TAXUS 101	TSDR	LIVE
46	85419803	4145919	PLANTIZYME	TSDR	LIVE
47	85234168	4143805	BIOCOMPATIBLE 100% PLANT-BASED DISSOLVABLE	TSDR	LIVE
48	85185467	4113229	BIOACTIVE PLANT FRACTION	TSDR	LIVE
49	85975431	4099194	100% NATURAL RICH EARTH PLANT-DERIVED MINERALS	TSDR	LIVE
50	85074866	3919591	PLANTFUSION	TSDR	LIVE
51	85096107	4057241	OPTIMAL PLANT PROTEINS	TSDR	LIVE
52	85004256	3980336	DIANAPLANTSCIENCES	TSDR	LIVE
53	85104459	4047750	RX PLANT MEDICINES	TSDR	LIVE
54	85100820	4005094	PLANTS & CO.	TSDR	LIVE
55	85093122	3987389	WHOLE-PLANT OILS OMEGA 3-6-9	TSDR	LIVE

56	79020329	3240027	BRINGING PLANT POTENTIAL TO LIFE	TSDR	LIVE
57	79016652	3117423	THURSDAY PLANTATION	TSDR	LIVE
58	79076534	3841676	VACCIPLANT	TSDR	LIVE
59	79082586	3991770	AMONG THE 10 GREATEST DISCOVERIES IN NUTRITION WITH PLANT STANOL	TSDR	LIVE
60	79079748	3870365	PLANTAFRESH	TSDR	LIVE
61	79067551	3856854	EAU DE PLANTULE	TSDR	LIVE
62	79065806	3750011	IMPLANTLINE	TSDR	LIVE
63	79042947	3643620	CIMPLANT	TSDR	LIVE
64	78849809	3309611	CONSERO	TSDR	LIVE
65	78816407	3264512		TSDR	LIVE
66	78373893	3313428	CALLISTO PLANT TECHNOLOGY	TSDR	LIVE
67	78330537	2979577	BETTER PLANTS BETTER PLANET	TSDR	LIVE
68	78319286	3455167	VISIAN ICL	TSDR	LIVE
69	78146690	2799330	PLANTOPIA	TSDR	LIVE
70	77880043	4403589	BABY PEDRO'S PLANTAIN BANANA CO.	TSDR	LIVE
71	77634849	4075626	NATURAL PLANTATION THE POWER OF ONE	TSDR	LIVE
72	77634838	4057933	NATURAL PLANTATION	TSDR	LIVE
73	77709710	4268508	PLANT-PURE DHA	TSDR	LIVE
74	77709576	4257941	PLANT-PURE	TSDR	LIVE
75	77810215	3783829	MULTILINK IMPLANT	TSDR	LIVE
76	77863072	3962696	PLANTIMEX	TSDR	LIVE
77	77783401	3951531	PSC PLANT STEM CELLS	TSDR	LIVE
78	77728164	3955330	PLANT PURE OMEGA-3	TSDR	LIVE
79	77883324	3898830	PLANTADVANTAGE	TSDR	LIVE
80	77848515	3877954	SIMPLANT	TSDR	LIVE
81	77839556	3920738	PLANTOKINE	TSDR	LIVE
82	77839524	3920737	PLANTOKINE	TSDR	LIVE
83	77812756	3874609	PLANT INTELLIGENCE	TSDR	LIVE
84	77702958	3760170	IMPLANTS S14	TSDR	LIVE
85	77382634	4100505	IGEN	TSDR	LIVE
86	77497927	3653473	VETERINARY TRANSPLANT SERVICES, INC. VTS	TSDR	LIVE
87	77036577	3517004	EARTH WISE PLANT & PLANET IN HARMONY	TSDR	LIVE
88	77424226	3516097	PLANTIVA	TSDR	LIVE
89	77288158	3665511	PB2 POWDERED PEANUT BUTTER	TSDR	LIVE
90	77288152	3653083	PB2	TSDR	LIVE
91	77231103	3699478	PROPLANT	TSDR	LIVE
92	77152772	3518935	PLANTE SYSTEM COMPLEXE VEGETAL P.E.S.	TSDR	LIVE

93	77122225	3612971	PLANT SPIRITS APOTHECARY	TSDR	LIVE
94	77122211	3576830	PLANT SPIRITS	TSDR	LIVE
95	77086293	3322943	EARTHLY MAMA HERBALS, INC. "PLANTING TOGETHER TODAY, SOWING NEW SEEDS FOR TOMORROW" S.C.C.	TSDR	LIVE
96	76467544	2822508	NATURAL PLANTATION	TSDR	LIVE
97	76547231	2909942	ACADIAN SEAPLANTS	TSDR	LIVE
98	76285546	2545015	PLANTPRO	TSDR	LIVE
99	76684524	3583747	MTF SPORTS MEDICINE	TSDR	LIVE
100	76544077	2916987	RALPH PLANTWAGON NUTRITIONAL FORMULAS	TSDR	LIVE

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 Current Search: **S7: *Planet*[bi,ti,mp] and 005[ic] and live[lid]** docs: 54 occ: 163

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86007978		RE NATURE HEALTHY PEOPLE, HEALTHY PETS, HEALTHY PLANET	TSDR	LIVE
2	85836134		BYOPLANET	TSDR	LIVE
3	85466647	4433063	HEALTHY PLANET NUTRITION	TSDR	LIVE
4	85846737		HAPPY PLANET	TSDR	LIVE
5	85026705	4336902	HAPPY PLANET HEALTH SHOTS	TSDR	LIVE
6	85026678	4336901	HAPPY PLANET	TSDR	LIVE
7	85946481		SAFE THE PLANET	TSDR	LIVE
8	85904826		OUR PRODUCTS, OUR PASSION, OUR PLANET	TSDR	LIVE
9	85830426	4395752	PHT	TSDR	LIVE
10	85746476		ANIMAL PLANET	TSDR	LIVE
11	85569061	4388971	VITAMIN PLANET	TSDR	LIVE
12	85356933		SUPERPLANET	TSDR	LIVE
13	85647706		THE PLANET'S MOST SUSTAINABLE	TSDR	LIVE
14	85182055		PLANET APPROVED	TSDR	LIVE
15	85870856		PLANET MEDICINE	TSDR	LIVE
16	85178648		PLANET LIVING	TSDR	LIVE
17	85588244	4237534	TRANSFORMING THE PLANET ONE WARRIOR AT A TIME	TSDR	LIVE
18	85419733		AQUA PLANET	TSDR	LIVE

19	85729259		GDIAPERS ACCESSORIES HAPPY BABY HAPPY PLANET	TSDR	LIVE
20	85459845	4215406	PBB, PLANET BODY BUILDING	TSDR	LIVE
21	85163675	4177758	THE JELLY BEAN PLANET	TSDR	LIVE
22	85075274	4027788	DERMA PLANET	TSDR	LIVE
23	79124710			TSDR	LIVE
24	79075562	4010937	THEWPLANET	TSDR	LIVE
25	79087872	3980291	OUR HOME OUR PLANET	TSDR	LIVE
26	78746648	3370447	PLANETARY	TSDR	LIVE
27	78951212	3500280	WHOLENESS FOR THE PLANET	TSDR	LIVE
28	78330537	2979577	BETTER PLANTS BETTER PLANET	TSDR	LIVE
29	78239646	2820013	PEACEFUL PLANET	TSDR	LIVE
30	77899373		BALANCED PLANETS SUPERFOODS DAILY	TSDR	LIVE
31	77899358		BALANCED PLANETS REFRESH	TSDR	LIVE
32	77881580		BALANCEDPLANETS	TSDR	LIVE
33	77899452		BALANCED PLANETS VITAL ELEMENTS	TSDR	LIVE
34	77899438		BALANCED PLANETS TESTOSTERONE BUILDER	TSDR	LIVE
35	77899403		BALANCED PLANETS OXYTOCIN BUILDER	TSDR	LIVE
36	77831317	4021020	PLANET PEOPLE	TSDR	LIVE
37	77954581	4258029	PLANET PETCO	TSDR	LIVE
38	77907702	4150579	PLANET PETCO	TSDR	LIVE
39	77721987	3842557	PLANET PRO	TSDR	LIVE
40	77838573	4045931	GRAIN · FREE PLANET GLUTEN-FREE BAKED GOODS	TSDR	LIVE
41	77753886	3812015	AMAZON PLANET	TSDR	LIVE
42	77688615	3894574	PLANET EARTH	TSDR	LIVE
43	77641323	3782267	BECAUSE YOU CARE ABOUT THE PLANET WE SHARE	TSDR	LIVE
44	77218227	4190877	GREEN PLANET	TSDR	LIVE
45	77317991	3680496	GREEN YARD. GREEN PLANET.	TSDR	LIVE
46	77036577	3517004	EARTH WISE PLANT & PLANET IN HARMONY	TSDR	LIVE
47	77439093	3857294	OUR HOME OUR PLANET	TSDR	LIVE
48	77308768	3917387	PLANET EARTH	TSDR	LIVE
49	76207949	2735270	PLANET MOTHERHOOD	TSDR	LIVE
50	76323441	2714463	PLANET LIVING	TSDR	LIVE
51	76212649	2703064	VET PLANET	TSDR	LIVE
52	76706389	4020948	FURREVER DEVOTED TO PETS, PEOPLE & THE PLANET	TSDR	LIVE
53	75081531	2049002	PURE PLANET	TSDR	LIVE

54	74524065	1900303	PLANETARY FORMULAS	TSDR	LIVE
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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86090294		FORMULATED FOR YOU	TSDR	LIVE
2	86016957		EMILY HERBAL FORMULA	TSDR	LIVE
3	86019929		LIVLEANFORMULA #1	TSDR	LIVE
4	86105927		THE ULTIMATE BRAIN FORMULA	TSDR	LIVE
5	86104926		ARTHRO-7 CLINICALLY PROVEN FORMULA CLINICALLY PROVEN	TSDR	LIVE
6	86094947		BIOZEN FORMULA	TSDR	LIVE
7	86019472		STORM FORMULA MORE WEATHER RESISTANT	TSDR	LIVE
8	86086758		BIKINI FORMULA	TSDR	LIVE
9	86074632		BABY MILK PREMIUM FORMULA FOR CHILDREN 2 TO 6 YEARS OLD NET WT. 16OZ (454G)	TSDR	LIVE
10	86074321		JIM RICKEN'S FOOT FORMULA #1	TSDR	LIVE
11	86069909		FORMULA NUTRITION	TSDR	LIVE
12	86057953		LIPO-PLASMA GREEN FORMULA GUARANTEED PREMIUM QUALITY	TSDR	LIVE
13	86047267		CURE HANGOVER FORMULA	TSDR	LIVE
14	86022982		VIVID FORMULA	TSDR	LIVE
15	85631139		MILITARY FORMULA	TSDR	LIVE
16	85969576		PURPLE LIFE FORMULA	TSDR	LIVE
17	85585933		FORMULATED BY PHYSICIANS	TSDR	LIVE

18	85796337		FORMULATION NATURIST M.R.C.G. K-3	TSDR	LIVE
19	85810737	4431368	RESEARCHED & FORMULATED BY STEPHEN A. CENTER, M.D.	TSDR	LIVE
20	85767743		HEARTHSTONE HOMEMADE FOR DOGS MEASURABLY BETTER NUTRITION YOUR FRESH INGREDIENTS HEARTHSTONE CUSTOM RECIPE HEARTHSTONE NUTRIENT FORMULA	TSDR	LIVE
21	85777325		ADVANCED MOISTURE FORMULA	TSDR	LIVE
22	85694168		RAVEOLUTION RECOVERY FORMULA	TSDR	LIVE
23	85941222		HB HELLO BABY MILK BASED INFANT FORMULAR	TSDR	LIVE
24	85905136	4428902	ROCKIT SHOTS FORMULA 110	TSDR	LIVE
25	85796829	4429961	MORINGA FORMULA 200	TSDR	LIVE
26	85549743		ENGINEERED BY NATURE FORMULATED BY SCIENCE	TSDR	LIVE
27	85483317	4182583	JNK FORMULA	TSDR	LIVE
28	85863442	4424845	HERBALIS FORMULA	TSDR	LIVE
29	85497089	4426061	FORMULA 21	TSDR	LIVE
30	85932410		DOCSFORMULA	TSDR	LIVE
31	85960667		CLINICAL SYNERGY FORMULAS	TSDR	LIVE
32	85849894	4417767	OPTIMAL HEALING FORMULA	TSDR	LIVE
33	85685306		ORIENTAL FORMULA FOR BABIES	TSDR	LIVE
34	85557881	4269753	BRAIN BOOSTER MEMORY FORMULA	TSDR	LIVE
35	85565011		LA FORMULE	TSDR	LIVE
36	85689808		NS FORMULA	TSDR	LIVE
37	85879924	4411156	ROCKIT FUEL FORMULA 110	TSDR	LIVE
38	85848754	4410547	FORMULA 110	TSDR	LIVE
39	85964647		FERTILITY FORMULA	TSDR	LIVE
40	85960884		MHF MASTER HOLISTIC FORMULATIONS	TSDR	LIVE
41	85899505		PRO 40 FORMULA	TSDR	LIVE
42	85537654	4407803	MASTER HOLISTIC FORMULATIONS	TSDR	LIVE
43	85848277		PURPLE HEART FORMULA	TSDR	LIVE
44	85951240		SCANDINAVIAN FORMULAS	TSDR	LIVE
45	85899285		CFL FORMULA	TSDR	LIVE
46	85945062		LIPOFORMULA	TSDR	LIVE
47	85906219		FORMULATED FOR LIFE	TSDR	LIVE
48	85894321		THE PHYSIQUE FORMULA	TSDR	LIVE
49	85841236	4399896	F21	TSDR	LIVE
50	85829734		LNG RESTITUTION FORMULA	TSDR	LIVE
51	85736122	4401627	ORIGINAL TIGER HERBAL FORMULA	TSDR	LIVE
52	85735040		DR. SUNIL GUPTA'S FORMULA	TSDR	LIVE

53	85654876	4397409	FORMULAMD	TSDR	LIVE
54	85873777		PHARMACIST WEIGHT LOSS FORMULA	TSDR	LIVE
55	85930307		QUANTUM ENERGY FORMULAS	TSDR	LIVE
56	85689846		HELL WEEK FORMULA	TSDR	LIVE
57	85775554		LIQUID GOLD JOINT FORMULA	TSDR	LIVE
58	85676734		CANADA'S ORIGINAL RENE HERBAL FORMULA SINCE 1922	TSDR	LIVE
59	85629838	4385243	TDS FORMULAWATER	TSDR	LIVE
60	85249292		RELIPID FORMULA	TSDR	LIVE
61	85742036		BOOST FORMULA	TSDR	LIVE
62	85793009	4379351	FORMULA HR	TSDR	LIVE
63	85908049		FF FREEMAN FORMULA .COM	TSDR	LIVE
64	85874888		META INTERACTIVE FORMULA	TSDR	LIVE
65	85786951		F3 FOREMAN FORMULA BY GF360	TSDR	LIVE
66	85898155		FORMULATED FOR COFFEE DRINKERS	TSDR	LIVE
67	85789066	4370275	DOCTOR WILSON'S ORIGINAL FORMULATIONS	TSDR	LIVE
68	85850209		ALWAYS FIT FORMULA	TSDR	LIVE
69	85835117		ARCHES TINNITUS SLEEP FORMULA	TSDR	LIVE
70	85763527	4360678	FOCUS FORMULA	TSDR	LIVE
71	85590555		BIOCEUTICAL FORMULATIONS	TSDR	LIVE
72	85174617		TAYLORMADE MD FORMULATIONS	TSDR	LIVE
73	85135556		DIVINE EARTH FORMULAS	TSDR	LIVE
74	85953351		BIO-ALIGNED FORMULA	TSDR	LIVE
75	85949640		FUNGICID ANTI-FUNGAL FORMULA	TSDR	LIVE
76	85532210		LIPO-XR POWERFUL WEIGHT LOSS FORMULA	TSDR	LIVE
77	85443370		CLINICALLY TESTED THERAPEUTIC TRIPLE OAT FORMULA	TSDR	LIVE
78	85573307	4345201	AGE DEFYING ENERGY FORMULA	TSDR	LIVE
79	85839522		COMPLETE FORMULA MULTIVITAMINS	TSDR	LIVE
80	85480758	4175536	NATURE'S BABY FORMULA	TSDR	LIVE
81	85681233		PAR FORMULATIONS	TSDR	LIVE
82	85868469		MENIFORMULA	TSDR	LIVE
83	85728690	4331881	BETTER FORMULAS. BETTER RESULTS.	TSDR	LIVE
84	85763919		BIOPATH FORMULAS	TSDR	LIVE
85	85362915	4111426	FORMULA 3 COUGH SYRUP	TSDR	LIVE
86	85552157	4307811	CF CELL FORMULA NATURAL NUTRITION THAT HELPS YOU REGAIN VITALITY AND YOUTH!	TSDR	LIVE
87	85371435	4307469	MASTER LU'S HAIR FORMULA TRADITIONAL CHINESE HERBAL FORMULA	TSDR	LIVE

88	85878997		MASS PRODUCTION DEER FEED ANTLER GROWTH FORMULA	TSDR	LIVE
89	85686837	4305112	FORMULAT10	TSDR	LIVE
90	85104715	4222399	ITCH DISRUPTING FORMULA	TSDR	LIVE
91	85597387	4294846	NATURAL MEDICINE FORMULAS	TSDR	LIVE
92	85058770	3907957	AMAZON MAXIMUM POWER FORMULA #1	TSDR	LIVE
93	85839494		COMPLETE FORMULA VITAMIN	TSDR	LIVE
94	85327275	4177252	ENERGY AND ENDURANCE FORMULA	TSDR	LIVE
95	85280249	4045113	2-DAY FAST FORMULA	TSDR	LIVE
96	85291140	4280313	FUNCTIONAL FORMULARIES	TSDR	LIVE
97	85205550	4219652	FORMULA CANDIDA	TSDR	LIVE
98	85599087	4267491	CHRISTIAN WILDE'S ENHANCED TURMERIC + FORMULA	TSDR	LIVE
99	85580166	4241666	NATURE NATURALS PREMIUM FORMULA	TSDR	LIVE
100	85514933	4240850	FREEMAN FORMULA RELIEF	TSDR	LIVE

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EXHIBIT 10

4140 PARKLAKE AVE STE 600
RALEIGH, NORTH CAROLINA 27612-3730
UNITED STATES

Phone: 9198541400

Fax: 9198541401

Correspondent e-mail: instructions@myersbigel.com kcarlos@myersbigel.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 22, 2013	REGISTERED-PRINCIPAL REGISTER	
Sep. 20, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 19, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Sep. 19, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 10, 2013	STATEMENT OF USE PROCESSING COMPLETE	69302
Aug. 13, 2013	USE AMENDMENT FILED	69302
Sep. 06, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Aug. 13, 2013	TEAS STATEMENT OF USE RECEIVED	
Aug. 13, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 02, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 07, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 07, 2013	PUBLISHED FOR OPPOSITION	
Apr. 17, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 01, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Apr. 01, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 21, 2013	EXAMINER'S AMENDMENT ENTERED	68171
Mar. 20, 2013	ASSIGNED TO LIE	68171
Mar. 20, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 20, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 20, 2013	EXAMINERS AMENDMENT -WRITTEN	74887
Mar. 19, 2013	ASSIGNED TO EXAMINER	74887
Dec. 06, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 01, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 19, 2013

EXHIBIT 11

Generated on: This page was generated by TSDR on 2013-11-27 15:38:28 EST

Mark: PLANTCAPS

PLANTCAPS

US Serial Number: 85507914
Application Filing Date: Jan. 03, 2012
US Registration Number: 4311553
Registration Date: Apr. 02, 2013
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 02, 2013
Publication Date: Jan. 15, 2013

Mark Information

Mark Literal Elements: PLANTCAPS
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1128631
International Application(s) /Registration(s) Based on this Property: A0030515/1128631

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: EMPTY PLANT-BASED CAPSULES FOR PHARMACEUTICAL PRODUCTS, DIETARY AND NUTRITIONAL SUPPLEMENTS, HERBAL SUPPLEMENTS, VITAMINS AND MINERAL SUPPLEMENTS

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 13, 2012

Use in Commerce: Mar. 13, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Capsugel Belgium NV
Owner Address: Rijksweg 11
Bornem 2880
BELGIUM
Legal Entity Type: naamloze vennootschap (nv)
State or Country Where Organized: BELGIUM

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lawrence R. Robins **Docket Number:** 11796.0102-0
Attorney Primary Email Address: docketing@finnegan.com **Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: LAWRENCE R. ROBINS
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER L.L.
 901 NEW YORK AVE NW
 WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
 UNITED STATES
Phone: 202-408-4000 **Fax:** 202-408-4400
Correspondent e-mail: docketing@finnegan.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Lawrence R. Robins **Phone:** 202-408-4000
Fax: 202-408-4400
Domestic Representative e-mail: docketing@finnegan.com **Domestic Representative e-mail Authorized:** Yes

Prosecution History

Date	Description	Proceeding Number
Apr. 02, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 15, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 15, 2013	PUBLISHED FOR OPPOSITION	
Dec. 26, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 07, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Dec. 04, 2012	ASSIGNED TO LIE	77976
Nov. 20, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 19, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 19, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 19, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 19, 2012	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Jun. 17, 2012	USE AMENDMENT ACCEPTED	73706
Jun. 14, 2012	AMENDMENT TO USE PROCESSING COMPLETE	88889
Jun. 14, 2012	USE AMENDMENT FILED	88889
Jun. 13, 2012	TEAS AMENDMENT OF USE RECEIVED	
Jun. 11, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 11, 2012	NON-FINAL ACTION E-MAILED	6325
Jun. 11, 2012	NON-FINAL ACTION WRITTEN	73706
Jun. 08, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 07, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 07, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 05, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 05, 2012	NON-FINAL ACTION E-MAILED	6325
Apr. 05, 2012	NON-FINAL ACTION WRITTEN	73706
Apr. 05, 2012	ASSIGNED TO EXAMINER	73706
Jan. 10, 2012	NOTICE OF PSEUDO MARK MAILED	
Jan. 09, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 06, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 02, 2013

EXHIBIT 12

Generated on: This page was generated by TSDR on 2013-11-27 14:47:34 EST

Mark: PLANTIZYME

Plantizyme

US Serial Number: 85419803
Application Filing Date: Sep. 11, 2011
US Registration Number: 4145919
Registration Date: May 22, 2012
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 22, 2012
Publication Date: Mar. 06, 2012

Mark Information

Mark Literal Elements: PLANTIZYME
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Nutritional supplements containing plant-based enzymes for digestive support

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2000

Use in Commerce: Jan. 01, 2000

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Thorne Research, Inc.
Owner Address: 25820 Highway 2 West
Dover, IDAHO 83864
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: IDAHO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kim R. Pearson
Attorney Primary Email Address: kpearson@thorne.com
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: KIM R. PEARSON
25820 HIGHWAY 2 W

SANDPOINT, IDAHO 83864-7364
UNITED STATES

Phone: 208-263-1337

Fax: 208-265-2488

Correspondent e-mail: kpearson@thorne.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 22, 2012	REGISTERED-PRINCIPAL REGISTER	
Mar. 06, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 06, 2012	PUBLISHED FOR OPPOSITION	
Feb. 15, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 02, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jan. 31, 2012	ASSIGNED TO LIE	70633
Jan. 13, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 12, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 11, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 11, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 04, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 04, 2012	NON-FINAL ACTION E-MAILED	6325
Jan. 04, 2012	NON-FINAL ACTION WRITTEN	83172
Dec. 28, 2011	ASSIGNED TO EXAMINER	83172
Sep. 15, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 14, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 22, 2012

EXHIBIT 13

Generated on: This page was generated by TSDR on 2013-11-27 14:49:47 EST

Mark: PLAN 30 DIAS



US Serial Number: 85253645 **Application Filing Date:** Feb. 28, 2011
US Registration Number: 4097312 **Registration Date:** Feb. 07, 2012
Register: Supplemental
Mark Type: Trademark
Date Amended to Current Register: Dec. 13, 2011
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Feb. 07, 2012

Mark Information

Mark Literal Elements: PLAN 30 DIAS
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM
Description of Mark: The mark consists of the words "PLAN 30 DIAS" in stylized letters.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Translation: The English translation of "PLAN 30 DIAS" in the mark is "30 DAYS PLAN".

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Medicinal herbal infusions for dietetic purposes
International Class(es): 005 - Primary Class **U.S Class(es):** 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Mar. 24, 1996 **Use in Commerce:** Jun. 30, 1999

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: LABORATORIO Y HERBORISTERIA SANTA MARGARITA, S.A.
Owner Address: Campos Cervera 5485
Asunción
PARAGUAY

Legal Entity Type: CORPORATION

State or Country Where Organized: PARAGUAY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Arturo Pérez-Guerrero

Attorney Primary Email Address: arturo@perezguerrero.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: ARTURO PÉREZ-GUERRERO
LAW OFFICES OF ARTURO PÉREZ-GUERRERO
P.O. BOX 9024163
SAN JUAN, PUERTO RICO 00902-4163
UNITED STATES

Phone: 787-722-4450

Fax: 787-998-7474

Correspondent e-mail: arturo@perezguerrero.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 07, 2012	REGISTERED-SUPPLEMENTAL REGISTER	
Jan. 03, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jan. 03, 2012	ASSIGNED TO LIE	66213
Dec. 14, 2011	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Dec. 13, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 13, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 13, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 13, 2011	PETITION TO REVIVE-GRANTED	88889
Dec. 13, 2011	TEAS PETITION TO REVIVE RECEIVED	
May 24, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 24, 2011	NON-FINAL ACTION E-MAILED	6325
May 24, 2011	NON-FINAL ACTION WRITTEN	73363
May 23, 2011	ASSIGNED TO EXAMINER	73363
Mar. 03, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 03, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 07, 2012

EXHIBIT 14

Generated on: This page was generated by TSDR on 2013-11-27 14:52:25 EST

Mark: PLANTFUSION

PLANTFUSION

US Serial Number: 85074866
US Registration Number: 3919591
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Feb. 15, 2011
Publication Date: Nov. 30, 2010

Application Filing Date: Jun. 30, 2010
Registration Date: Feb. 15, 2011
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: PLANTFUSION
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1064237
International Application(s) /Registration(s) Based on this Property: A0022657/1064237

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Amino acids for nutritional purposes; Dietary and nutritional supplements; Dietary food supplements; Dietary supplemental drinks; Dietary supplements; Dietary supplements for human consumption; Food supplements; Nutritional supplements; Powdered nutritional supplement drink mix

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 16, 2008

Use in Commerce: Oct. 16, 2008

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Reliance Vitamin Company, Inc.
DBA, AKA, Formerly: DBA Nutrafusion Nutritionals
Owner Address: 500 Memorial Drive
Somerset, NEW JERSEY 08873
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Rita C. Chipperson, Esq.

Attorney Primary Email Address: rcc@chippersonlaw.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Rita C. Chipperson, Esq.
CHIPPERSON LAW GROUP, P.C.
163 Madison Avenue, Suite 220-40
MORRISTOWN, NEW JERSEY 07960
UNITED STATES

Phone: 973 845-9071

Fax: 973 845-6176

Correspondent e-mail: rcc@chippersonlaw.com ms@chippersonlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 27, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 03, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 15, 2011	REGISTERED-PRINCIPAL REGISTER	
Nov. 30, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 30, 2010	PUBLISHED FOR OPPOSITION	
Oct. 26, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Oct. 26, 2010	ASSIGNED TO LIE	70997
Oct. 12, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 08, 2010	ASSIGNED TO EXAMINER	76507
Jul. 07, 2010	NOTICE OF PSEUDO MARK MAILED	
Jul. 06, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 03, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 15, 2011

EXHIBIT 15

Generated on: This page was generated by TSDR on 2013-11-27 14:55:05 EST

Mark: PLANKTON-EEZE

PLANKTON-EEZE

US Serial Number: 78957068
Application Filing Date: Aug. 21, 2006
US Registration Number: 3403594
Registration Date: Mar. 25, 2008
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Mar. 25, 2008
Publication Date: Apr. 10, 2007
Notice of Allowance Date: Jul. 03, 2007

Mark Information

Mark Literal Elements: PLANKTON-EEZE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Veterinary preparations for treatment of skin, hair, oral, gastrointestinal, soft tissue, mucous coat, mucous membranes, horn, feet, beak, teeth, eyes, ears, nose, bone, electrolytes, nervous system, cardiovascular system, immune system, urogenital system, and reproductive system; Pharmaceutical preparations for treatment of skin, hair, oral, gastrointestinal, soft tissue, mucous membranes, teeth, eyes, ears, nose, bone, electrolytes, nervous system, cardiovascular system, immune system, urogenital system, and reproductive system; Dietetic foods adapted for medical use; Animal feed additive for use as a nutritional supplement for medical purposes; Food supplements; Dietary supplements; Mineral supplements; Nutritional supplements; Vaccines; Vitamins

International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 01, 2004
Use in Commerce: Dec. 01, 2004

For: Animal feed; Drinks for animals

International Class(es): 031 - Primary Class
U.S Class(es): 001, 046
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 01, 2004
Use in Commerce: Dec. 01, 2004

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ZOOLIFE, INC.
Owner Address: ALLEN BARRON SUITE
104 WEST GRAND AVENUE
ESCONDIDO, CALIFORNIA 92025
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: No Place Where Organized Found

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: ZOOLIFE, INC.
ALLEN BARRON SUITE 104 WEST GRAND AVENUE
ESCONDIDO, CALIFORNIA 92025
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2010	WITHDRAWAL OF ATTORNEY GRANTED	
Mar. 31, 2010	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Jun. 18, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 25, 2008	REGISTERED-PRINCIPAL REGISTER	
Feb. 20, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	76984
Feb. 19, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 30, 2008	STATEMENT OF USE PROCESSING COMPLETE	76538
Jan. 03, 2008	USE AMENDMENT FILED	76538
Jan. 03, 2008	TEAS STATEMENT OF USE RECEIVED	
Jul. 03, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 10, 2007	PUBLISHED FOR OPPOSITION	
Mar. 21, 2007	NOTICE OF PUBLICATION	
Feb. 21, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	76984
Feb. 21, 2007	ASSIGNED TO LIE	76984
Jan. 16, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 16, 2007	ASSIGNED TO EXAMINER	74645
Aug. 28, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 20, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Zoolife International Limited

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3796/0191](#)

Pages: 4

Date Recorded: Jun. 16, 2008

Supporting Documents: [assignment-tm-3796-0191.pdf](#)

Assignor

Name: [ZOOLIFE INTERNATIONAL, LTD.](#)

Execution Date: Dec. 06, 2006

Legal Entity Type: COMPANY

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [ZOOLIFE, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: ALLEN BARRON SUITE
104 WEST GRAND AVENUE
ESCONDIDO, CALIFORNIA 92025

Correspondent

Correspondent Name: MARC E. HANKIN

Correspondent Address: 11414 THURSTON CIRCLE
LOS ANGELES, CA 90049

Domestic Representative - Not Found

EXHIBIT 16

Basis: 1(a)

First Use: Apr. 16, 2003

Use in Commerce: Aug. 04, 2003

For: Retail store, mail order and on-line ordering services featuring personal care products and gift items

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 15, 2003

Use in Commerce: Apr. 15, 2003

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: PLANTOPIA, INC.

Owner Address: 4701 WEST FAIRVIEW HEIGHTS
TAMPA, FLORIDA 33616
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Arthur W. Fisher, III

Docket Number: V-3398-010

Attorney Primary Email Address: weese_fisher@msn.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Arthur W. Fisher, III
A W FISHER, III P.A.
5555 W WATERS AVE., STE 609
TAMPA, FLORIDA 33634
UNITED STATES

Phone: 813-885-2006

Fax: 813-888-6275

Correspondent e-mail: mail@tampajlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 04, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 22, 2009	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59807
Dec. 11, 2009	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	59807
Dec. 21, 2009	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	59807
Dec. 11, 2009	TEAS SECTION 8 & 15 RECEIVED	
Dec. 23, 2003	REGISTERED-PRINCIPAL REGISTER	
Oct. 23, 2003	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 17, 2003	ASSIGNED TO EXAMINER	69222
Oct. 15, 2003	CASE FILE IN TICRS	
Oct. 01, 2003	STATEMENT OF USE PROCESSING COMPLETE	
Sep. 24, 2003	USE AMENDMENT FILED	
Sep. 24, 2003	TEAS STATEMENT OF USE RECEIVED	
Jun. 17, 2003	NOA MAILED - SOU REQUIRED FROM APPLICANT	

Mar. 25, 2003 PUBLISHED FOR OPPOSITION
Mar. 05, 2003 NOTICE OF PUBLICATION
Dec. 27, 2002 APPROVED FOR PUB - PRINCIPAL REGISTER
Dec. 20, 2002 EXAMINER'S AMENDMENT MAILED
Dec. 10, 2002 ASSIGNED TO EXAMINER

69222

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted in Part

Affidavit of Incontestability: Section 15 - Accepted

Change in Registration: Yes

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: Not Found

Date in Location: Dec. 22, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: PLANTOPIA, INC.

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [2718/0761](#)

Pages: 2

Date Recorded: Sep. 22, 2003

Supporting Documents: [assignment-tm-2718-0761.pdf](#)

Assignor

Name: [BODY & SOUL SOAPS, INC.](#)

Execution Date: Aug. 01, 2002

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [PLANTOPIA, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: 4701 WEST FAIRVIEW HEIGHTS
TAMPA, FLORIDA 33616

Correspondent

Correspondent Name: DAVID W. PETTIS, JR., ESQ., P.A.

Correspondent Address: 501 EAST KENNEDY BLVD.
SUITE 700
TAMPA, FL 33602-5200

Domestic Representative - Not Found

EXHIBIT 17

Generated on: This page was generated by TSDR on 2013-11-27 14:59:52 EST

Mark: PLANT-PURE

Plant-Pure

US Serial Number: 77709576
Application Filing Date: Apr. 08, 2009
US Registration Number: 4257941
Registration Date: Dec. 11, 2012
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Dec. 11, 2012
Publication Date: Feb. 02, 2010
Notice of Allowance Date: Apr. 27, 2010

Mark Information

Mark Literal Elements: PLANT-PURE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements
International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 01, 2009
Use in Commerce: Apr. 01, 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Lang Naturals, Inc.
Owner Address: 20 Silva Lane
Middletown, RHODE ISLAND 02842
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: RHODE ISLAND

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: LANG NATURALS, INC.
LANG NATURALS, INC.
20 SILVA LN
MIDDLETOWN, RHODE ISLAND 02842-5638
UNITED STATES

Phone: 401-848-7700

Fax: 401-848-7701

Correspondent e-mail: ellen.kahn@langnaturals.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 11, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 09, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 08, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
Nov. 02, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 30, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 29, 2012	STATEMENT OF USE PROCESSING COMPLETE	65362
Oct. 19, 2012	USE AMENDMENT FILED	65362
Oct. 29, 2012	EXTENSION 5 GRANTED	65362
Oct. 19, 2012	EXTENSION 5 FILED	65362
Oct. 19, 2012	TEAS EXTENSION RECEIVED	
Oct. 19, 2012	TEAS STATEMENT OF USE RECEIVED	
Apr. 27, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 26, 2012	EXTENSION 4 GRANTED	65362
Apr. 19, 2012	EXTENSION 4 FILED	65362
Apr. 19, 2012	TEAS EXTENSION RECEIVED	
Apr. 19, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 14, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 13, 2011	EXTENSION 3 GRANTED	65362
Oct. 07, 2011	EXTENSION 3 FILED	65362
Oct. 07, 2011	TEAS EXTENSION RECEIVED	
Apr. 16, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 15, 2011	EXTENSION 2 GRANTED	65362
Apr. 11, 2011	EXTENSION 2 FILED	65362
Apr. 11, 2011	TEAS EXTENSION RECEIVED	
Nov. 02, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 01, 2010	EXTENSION 1 GRANTED	65362
Oct. 15, 2010	EXTENSION 1 FILED	65362
Nov. 01, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Oct. 15, 2010	TEAS EXTENSION RECEIVED	
Apr. 27, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 02, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 02, 2010	PUBLISHED FOR OPPOSITION	
Dec. 26, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Dec. 20, 2009	ASSIGNED TO LIE	68552
Dec. 17, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 15, 2009	EXAMINER'S AMENDMENT ENTERED	70629
Dec. 15, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 15, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 15, 2009	EXAMINERS AMENDMENT -WRITTEN	77073
Dec. 11, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Dec. 11, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Dec. 11, 2009	ASSIGNED TO LIE	70629

Nov. 25, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 29, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 29, 2009	NON-FINAL ACTION E-MAILED	6325
May 29, 2009	NON-FINAL ACTION WRITTEN	77073
May 29, 2009	ASSIGNED TO EXAMINER	77073
Apr. 13, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 11, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 08, 2012

EXHIBIT 18

Generated on: This page was generated by TSDR on 2013-11-27 15:02:51 EST

Mark: PLANTIMEX

Plantimex

US Serial Number: 77863072 **Application Filing Date:** Nov. 02, 2009
US Registration Number: 3962696 **Registration Date:** May 17, 2011
Filed as TEAS Plus: Yes **Currently TEAS Plus:** Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 17, 2011
Publication Date: Apr. 06, 2010 **Notice of Allowance Date:** Jun. 01, 2010

Mark Information

Mark Literal Elements: PLANTIMEX
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Calcium supplements; Dietary and nutritional supplements; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary food supplements; Dietary supplement for eliminating toxins from the intestinal tract; Dietary supplemental drinks; Dietary supplemental drinks in the nature of vitamin and mineral beverages; Dietary supplements; Dietary supplements for animals; Dietary supplements for controlling cholesterol; Dietary supplements for human consumption; Food supplements; Food supplements, namely, anti-oxidants; Ground flaxseed fiber for use as a dietary supplement; Health food supplements; Herbal supplements; Homeopathic supplements; Lecithin for use as a dietary supplement; Liquid nutritional supplement; Meal replacement and dietary supplement drink mixes; Mineral food supplements; Mineral nutritional supplements; Mineral supplements; Natural herbal supplements; Natural supplements for treating depression and anxiety; Natural supplements for treating erectile dysfunction; Nutraceuticals for use as a dietary supplement; Nutritional supplements; Nutritional supplements in lotion form sold as a component of nutritional skin care products; Powdered fruit-flavored dietary supplement drink mix; Powdered nutritional supplement drink mix; Protein supplements; Vitamin and mineral supplements; Vitamin supplement in tablet form for use in making an effervescent beverage when added to water; Vitamin supplements; Weight management supplements

International Class(es): 005 - Primary Class **U.S Class(es):** 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Jan. 01, 2009 **Use in Commerce:** Jan. 01, 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Alvarez, Salvador
Owner Address: 7577 Airway Rd.
Suite 105
san diego, CALIFORNIA 92154
UNITED STATES
Legal Entity Type: INDIVIDUAL **Citizenship:** UNITED STATES

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Alvarez, Salvador
Name/Address: 7577 Airway Rd.
san diego, CALIFORNIA 92154
UNITED STATES

Phone: 619 423 7954

Fax: 619 671 1083

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 16, 2012	WITHDRAWAL OF ATTORNEY GRANTED	
Mar. 16, 2012	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Jan. 28, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 28, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 28, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 28, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 17, 2011	REGISTERED-PRINCIPAL REGISTER	
Apr. 14, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 13, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Apr. 10, 2011	ASSIGNED TO LIE	69712
Apr. 04, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 18, 2011	STATEMENT OF USE PROCESSING COMPLETE	65362
Mar. 16, 2011	USE AMENDMENT FILED	65362
Mar. 16, 2011	TEAS STATEMENT OF USE RECEIVED	
Feb. 09, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 08, 2011	EXTENSION 1 GRANTED	65362
Dec. 01, 2010	EXTENSION 1 FILED	65362
Feb. 08, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jan. 12, 2011	EXTENSION RECEIVED WITH TEAS PETITION	
Jan. 12, 2011	PETITION TO REVIVE-GRANTED	88889
Jan. 12, 2011	TEAS PETITION TO REVIVE RECEIVED	
Jan. 07, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 07, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 03, 2011	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Jan. 03, 2011	ABANDONMENT - NO USE STATEMENT FILED	99999
Jun. 01, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 06, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 06, 2010	PUBLISHED FOR OPPOSITION	
Mar. 04, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Mar. 04, 2010	ASSIGNED TO LIE	76243
Feb. 09, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 05, 2010	ASSIGNED TO EXAMINER	72517
Nov. 05, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 05, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 13, 2011

EXHIBIT 19

Attorney Name: Timothy J. Lockhart

Docket Number: 87057.002

Attorney Primary Email Address: jp@wilsav.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Timothy J. Lockhart
Willcox & Savage P.C.
440 Monticello Avenue
Attn.: IP Administrator
Norfolk, VIRGINIA 23510-2243
UNITED STATES

Phone: 757-628-5582

Fax: 757-628-5566

Correspondent e-mail: jp@wilsav.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 30, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 30, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 29, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 30, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 30, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 31, 2010	REGISTERED-PRINCIPAL REGISTER	
Jul. 30, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 29, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
Jul. 29, 2010	ASSIGNED TO LIE	68552
Jul. 15, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 30, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 30, 2010	STATEMENT OF USE PROCESSING COMPLETE	66230
Jun. 07, 2010	USE AMENDMENT FILED	66230
Jun. 29, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jun. 07, 2010	TEAS STATEMENT OF USE RECEIVED	
Dec. 08, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 15, 2009	PUBLISHED FOR OPPOSITION	
Aug. 26, 2009	NOTICE OF PUBLICATION	
Aug. 10, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Aug. 10, 2009	ASSIGNED TO LIE	76243
Jul. 31, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 28, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 28, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 28, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 17, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 17, 2009	NON-FINAL ACTION E-MAILED	6325
Jul. 17, 2009	NON-FINAL ACTION WRITTEN	82088
Jul. 17, 2009	ASSIGNED TO EXAMINER	82088
Apr. 28, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 28, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 29, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: Planet Smoothie, LLC

Assignment 1 of 3

Conveyance: AMENDMENT TO CREDIT AGREEMENT AND SECURITY AGREEMENT

Reel/Frame: [4230/0835](#)

Pages: 9

Date Recorded: Jun. 24, 2010

Supporting Documents: [assignment-tm-4230-0835.pdf](#)

Assignor

Name: [PLANET SMOOTHIE, LLC](#)

Execution Date: Dec. 31, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [AIP-SHACK/PLANET, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 2000 MORRIS AVENUE; STE. 1200
BIRMINGHAM, ALABAMA 35203

Correspondent

Correspondent Name: LEE SHEPPARD

Correspondent Address: 1901 SIXTH AVENUE NORTH; STE 2400
BIRMINGHAM, AL 35203

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4674/0156](#)

Pages: 6

Date Recorded: Dec. 07, 2011

Supporting Documents: [assignment-tm-4674-0156.pdf](#)

Assignor

Name: [AIP-SHACK/PLANET, LLC](#)

Execution Date: Nov. 28, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ALABAMA

Assignee

Name: [PLANET SMOOTHIE, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 1425 ELLSWORTH INDUSTRIAL BOULEVARD, SUITE 38
ATLANTA, GEORGIA 30318

Correspondent

Correspondent Name: TIMOTHY J. LOCKHART

Correspondent Address: 440 MONTICELLO AVENUE, SUITE 2200
ATTN.: IP ADMINISTRATOR
NORFOLK, VA 23510-2243

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4684/0308](#)

Pages: 9

Date Recorded: Dec. 21, 2011

Supporting Documents: [assignment-tm-4684-0308.pdf](#)

Assignor

Name: [PLANET SMOOTHIE, LLC](#)

Execution Date: Nov. 29, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [TASTI D-LITE LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 341 COOL SPRINGS BOULEVARD, SUITE 100
ATTN.: GRAYSON C. BROWN, ESQ., MBA

FRANKLIN, TENNESSEE 37067

Correspondent

Correspondent Name: TIMOTHY J. LOCKHART

Correspondent Address: 440 MONTICELLO AVENUE, SUITE 2200
ATTN.: IP ADMINISTRATOR
NORFOLK, VA 23510-2243

Domestic Representative - Not Found

EXHIBIT 20

Generated on: This page was generated by TSDR on 2013-11-27 15:06:44 EST

Mark: PLANT PURE OMEGA-3



US Serial Number: 77728164
US Registration Number: 3955330
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 03, 2011
Publication Date: Nov. 10, 2009

Application Filing Date: May 04, 2009
Registration Date: May 03, 2011
Currently TEAS Plus: Yes
Notice of Allowance Date: Feb. 02, 2010

Mark Information

Mark Literal Elements: PLANT PURE OMEGA-3
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of a gradation of the colors sky blue, light cyan and dark cyan appearing within the Water Drop portion of the mark. The color hunter green appears within the Leaf portion of the mark. The color white appears within the literal element of the mark, "Plant Pure omega-3", which is in Minion Pro BoldCond font.
Color Drawing: Yes
Color(s) Claimed: The color(s) sky blue, light cyan, dark cyan, hunter green and white is/are claimed as a feature of the mark.
Disclaimer: "OMEGA-3"
Design Search Code(s): 01.15.08 - Single drop (rain, tear, etc.); Teardrop (a single drop); Raindrop (a single drop)
05.03.25 - Other leaves; Leaf, single
26.17.13 - Underlined words or letters; Overlined words or letters; Letters or words underlined and/or overlined by one or more strokes or lines

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements containing omega-3

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 02, 2010

Use in Commerce: Feb. 02, 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Lang Naturals, Inc.
Owner Address: 20 Silva Lane
Middletown, RHODE ISLAND 02842
UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: RHODE ISLAND

Attorney/Correspondence Information

Attorney of Record - None Correspondent

Correspondent Name/Address: LANG NATURALS, INC.
LANG NATURALS, INC.
20 SILVA LN
MIDDLETOWN, RHODE ISLAND 02842-5638
UNITED STATES

Phone: 401-848-7700

Fax: 401-848-7701

Correspondent e-mail: bruce.lang@langnaturals.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 03, 2011	REGISTERED-PRINCIPAL REGISTER	
Mar. 29, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 28, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Mar. 27, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 31, 2011	ASSIGNED TO EXAMINER	69192
Jan. 20, 2011	STATEMENT OF USE PROCESSING COMPLETE	76538
Jan. 19, 2011	USE AMENDMENT FILED	76538
Jan. 19, 2011	TEAS STATEMENT OF USE RECEIVED	
Aug. 25, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 24, 2010	EXTENSION 1 GRANTED	76538
Jul. 30, 2010	EXTENSION 1 FILED	76538
Aug. 24, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jul. 30, 2010	TEAS EXTENSION RECEIVED	
Feb. 02, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 10, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 10, 2009	PUBLISHED FOR OPPOSITION	
Oct. 07, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Oct. 06, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 06, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 06, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 06, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 06, 2009	EXAMINERS AMENDMENT -WRITTEN	81141
Sep. 10, 2009	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Aug. 24, 2009	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Aug. 12, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Aug. 12, 2009	ASSIGNED TO LIE	68123
Aug. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 29, 2009	ASSIGNED TO EXAMINER	81141
May 08, 2009	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
May 07, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 07, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 28, 2011

EXHIBIT 21

Generated on: This page was generated by TSDR on 2013-11-27 15:10:13 EST

Mark: PLANTADVANTAGE



US Serial Number: 77883324
US Registration Number: 3898830
Register: Principal
Mark Type: Trademark
Application Filing Date: Dec. 01, 2009
Registration Date: Jan. 04, 2011
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jan. 04, 2011
Publication Date: Oct. 19, 2010

Mark Information

Mark Literal Elements: PLANTADVANTAGE
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the words "PlantAdvantage" with the letter "P" representing a stem of a plant.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Underlined words or letters; Overlined words or letters

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Natural supplements; whey protein supplements; herbal teas for medicinal purposes
International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Nov. 26, 2009
Use in Commerce: Nov. 26, 2009

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Molgaard, Jake
Owner Address: Suite 102
7600-75th Street
Kenosha, WISCONSIN 53142
UNITED STATES
Legal Entity Type: INDIVIDUAL
Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Peter N. Jansson
Attorney Primary Email Address: kfinder@janlaw.com
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: PETER N. JANSSON
JANSSON SHUPE & MUNGER LTD.
245 MAIN ST
RACINE, WISCONSIN 53403-1034
UNITED STATES

Phone: 262/632-6900

Fax: 262/632-2257

Correspondent e-mail: kfinder@janlaw.com

Correspondent e-mail No Authorized:

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jan. 04, 2011	REGISTERED-PRINCIPAL REGISTER	
Oct. 19, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 19, 2010	PUBLISHED FOR OPPOSITION	
Sep. 14, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Sep. 14, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 14, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
Sep. 14, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
Sep. 14, 2010	ASSIGNED TO LIE	73797
Aug. 30, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 05, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 05, 2010	NON-FINAL ACTION E-MAILED	6325
Mar. 05, 2010	NON-FINAL ACTION WRITTEN	76839
Mar. 04, 2010	ASSIGNED TO EXAMINER	76839
Dec. 08, 2009	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Dec. 07, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 04, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information - None
File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 04, 2011

EXHIBIT 22

Generated on: This page was generated by TSDR on 2013-11-27 15:17:12 EST

Mark: PLANTOKINE



US Serial Number: 77839556 **Application Filing Date:** Oct. 01, 2009
US Registration Number: 3920738 **Registration Date:** Feb. 15, 2011
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Feb. 15, 2011
Publication Date: Feb. 23, 2010 **Notice of Allowance Date:** May 18, 2010

Mark Information

Mark Literal Elements: PLANTOKINE
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of a green spiral leaf design and the stylized word "PLANTOKINE" appearing in the color gray underneath.
Color Drawing: Yes
Color(s) Claimed: The color(s) green and gray is/are claimed as a feature of the mark.
Design Search Code(s): 05.03.25 - Other leaves; Leaf, single
26.01.26 - Spirals; Swirls; Coils

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Nutritional supplements; food and dietary supplements
International Class(es): 005 - Primary Class **U.S Class(es):** 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Nov. 03, 2010 **Use in Commerce:** Nov. 03, 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Plantokines, Inc.
Owner Address: 1100 Roseville Parkway, No. 827
Roseville, CALIFORNIA 95678
UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** MARK B. HARRISON**Docket Number:** 89787-281514**Correspondent****Correspondent Name/Address:** MARK B. HARRISON
VENABLE LLP
PO BOX 34385
WASHINGTON, DISTRICT OF COLUMBIA 20045-9998
UNITED STATES**Phone:** (202) 344-4000**Fax:** (202) 344-8300**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Feb. 15, 2011	REGISTERED-PRINCIPAL REGISTER	
Jan. 08, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Jan. 07, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	73787
Jan. 07, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 07, 2010	STATEMENT OF USE PROCESSING COMPLETE	65362
Nov. 17, 2010	USE AMENDMENT FILED	65362
Dec. 02, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Nov. 17, 2010	PAPER RECEIVED	
May 18, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 23, 2010	PUBLISHED FOR OPPOSITION	
Feb. 03, 2010	NOTICE OF PUBLICATION	
Jan. 19, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Jan. 13, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 12, 2010	EXAMINERS AMENDMENT MAILED	
Jan. 11, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 11, 2010	EXAMINERS AMENDMENT -WRITTEN	74306
Jan. 06, 2010	NON-FINAL ACTION MAILED	
Jan. 05, 2010	NON-FINAL ACTION WRITTEN	74306
Dec. 29, 2009	ASSIGNED TO EXAMINER	74306
Nov. 21, 2009	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	73787
Nov. 21, 2009	ASSIGNED TO LIE	73787
Nov. 10, 2009	PAPER RECEIVED	
Oct. 09, 2009	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Oct. 08, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 05, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information - None****File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Jan. 07, 2011

EXHIBIT 23

Generated on: This page was generated by TSDR on 2013-11-27 15:19:06 EST

Mark: PLANT INTELLIGENCE

Plant Intelligence

US Serial Number: 77812756

Application Filing Date: Aug. 26, 2009

US Registration Number: 3874609

Registration Date: Nov. 09, 2010

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 09, 2010

Publication Date: Jan. 19, 2010

Notice of Allowance Date: Apr. 13, 2010

Mark Information

Mark Literal Elements: PLANT INTELLIGENCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: herbal, nutritional and dietary supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 12, 2010

Use in Commerce: Mar. 12, 2010

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gaia Herbs, Inc.

Owner Address: 101 Gaia Herbs Drive
Brevard, NORTH CAROLINA 28712
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: MASSACHUSETTS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: F. Michael Sajovec

Docket Number: 9138-65

Correspondent

Correspondent Name/Address: F. MICHAEL SAJOVEC
MYERS BIGEL SIBLEY & SAJOVEC PA
STE 600
4140 PARKLAKE AVE
RALEIGH, NORTH CAROLINA 27612
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 09, 2010	REGISTERED-PRINCIPAL REGISTER	
Oct. 08, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Oct. 07, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	76568
Oct. 07, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 06, 2010	STATEMENT OF USE PROCESSING COMPLETE	76874
Sep. 15, 2010	USE AMENDMENT FILED	76874
Oct. 06, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Sep. 15, 2010	TEAS STATEMENT OF USE RECEIVED	
Apr. 13, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 19, 2010	PUBLISHED FOR OPPOSITION	
Dec. 30, 2009	NOTICE OF PUBLICATION	
Dec. 15, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Dec. 15, 2009	ASSIGNED TO LIE	76568
Dec. 01, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 01, 2009	ASSIGNED TO EXAMINER	60740
Sep. 02, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 01, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 07, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Gaia Herbs, Inc.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [4720/0506](#)

Pages: 6

Date Recorded: Feb. 21, 2012

Supporting Documents: [assignment-tm-4720-0506.pdf](#)

Assignor

Name: [GAIA HERBS, INC.](#)

Execution Date: Feb. 17, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [FIFTH THIRD BANK](#)

Legal Entity Type: BANKING CORPORATION

State or Country Where Organized: OHIO

Address: 201 N. TRYON ST., SUITE 1800
CHARLOTTE, NORTH CAROLINA 28202

Correspondent

Correspondent Name: GINA EIKENBERRY-WRAY, NCCP

Correspondent Address: 201 N TRYON ST
MCGUIREWOODS LLP
CHARLOTTE, NC 28202

Domestic Representative - Not Found

EXHIBIT 24

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 21, 2010	REGISTERED-PRINCIPAL REGISTER	
Nov. 19, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Nov. 18, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
Nov. 18, 2010	ASSIGNED TO LIE	74221
Nov. 03, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 21, 2010	STATEMENT OF USE PROCESSING COMPLETE	76985
Oct. 05, 2010	USE AMENDMENT FILED	76985
Oct. 21, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Oct. 05, 2010	TEAS STATEMENT OF USE RECEIVED	
Apr. 03, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Apr. 01, 2010	EXTENSION 1 GRANTED	98765
Apr. 01, 2010	EXTENSION 1 FILED	98765
Apr. 01, 2010	TEAS EXTENSION RECEIVED	
Mar. 17, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 06, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 14, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 14, 2009	PUBLISHED FOR OPPOSITION	
Jun. 24, 2009	NOTICE OF PUBLICATION	
Jun. 08, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Jun. 08, 2009	ASSIGNED TO LIE	71441
Jun. 05, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 02, 2009	ASSIGNED TO EXAMINER	74309
Mar. 17, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 14, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 18, 2010

Assignment Abstract Of Title Information**Summary**

Total Assignments: 1

Registrant: NUTRICAP LABS, LLC.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4165/0067](#)

Pages: 3

Date Recorded: Mar. 08, 2010

Supporting Documents: [assignment-tm-4165-0067.pdf](#)**Assignor**Name: [NAC MARKETING COMPANY, LLC.](#)

Execution Date: Mar. 04, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

AssigneeName: [NUTRICAP LABS, LLC.](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Address: 70 CAROLYN BOULEVARD

FARMINGDALE, NEW YORK 11735

Correspondent

Correspondent Name: DILWORTH & BARRESE, LLP.

Correspondent Address: 1000 WOODBURY ROAD, SUITE 405
WOODBURY, NEW YORK 11797

Domestic Representative - Not Found

EXHIBIT 25

Generated on: This page was generated by TSDR on 2013-11-27 15:24:52 EST

Mark: PLANTIVA

PLANTIVA

US Serial Number: 77424226
Application Filing Date: Mar. 17, 2008
US Registration Number: 3516097
Registration Date: Oct. 14, 2008
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 14, 2008
Publication Date: Jul. 29, 2008

Mark Information

Mark Literal Elements: PLANTIVA
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Animal feed supplements; Dietary and nutritional supplements; Dietary food supplements; Dietary supplemental drinks; Dietary supplements; Dietary supplements for animals; Dietary supplements for human consumption; Dietary supplements for pets; Food supplements; Herbal supplements; Homeopathic supplements; Nutritional supplements; Nutritional supplements in lotion form sold as a component of nutritional skin care products

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 03, 2008

Use in Commerce: Mar. 03, 2008

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Plantiva LLC
Owner Address: PO Box 1477
Ojai, CALIFORNIA 93024
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: NEVADA

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: PLANTIVA LLC
PLANTIVA LLC
PO BOX 1477

OJAI, CALIFORNIA 93024
UNITED STATES

Correspondent e-mail: legal@plantiva.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 14, 2008	REGISTERED-PRINCIPAL REGISTER	
Jul. 29, 2008	PUBLISHED FOR OPPOSITION	
Jul. 09, 2008	NOTICE OF PUBLICATION	
Jun. 23, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Jun. 23, 2008	ASSIGNED TO LIE	76243
Jun. 23, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 23, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 23, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 23, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 23, 2008	EXAMINERS AMENDMENT -WRITTEN	81096
Jun. 23, 2008	ASSIGNED TO EXAMINER	81096
Mar. 20, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 14, 2008

EXHIBIT 26

Generated on: This page was generated by TSDR on 2013-11-27 15:28:17 EST

Mark: PLANTE SYSTEM COMPLEXE VEGETAL P.E.S.



US Serial Number: 77152772

Application Filing Date: Apr. 10, 2007

US Registration Number: 3518935

Registration Date: Oct. 21, 2008

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 21, 2008

Publication Date: Aug. 05, 2008

Mark Information

Mark Literal Elements: PLANTE SYSTEM COMPLEXE VEGETAL P.E.S.

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the wording "PLANTE SYSTEM COMPLEXE VEGETAL P.E.S" inside a white square. A small box with leaves appears above the word "PLANTE".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Translation: The English translation of the word "PLANTE SYSTEM COMPLEXE VEGETAL" in the mark is PLANT SYSTEM COMPLEX PLANT.

Design Search Code(s): 05.03.10 - Other branches with leaves, with or without fruit
26.09.20 - Squares inside one another
26.09.21 - Squares that are completely or partially shaded
26.11.21 - Rectangles that are completely or partially shaded
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Cosmetics, non-medicated skin soaps, perfumery and non-medicated skin care preparations

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 2002

Use in Commerce: Mar. 2003

For: Nutritional supplements; pharmaceutical preparations, namely, antidepressants, antitussive cold preparations, diet capsules, diet pills, dietary drinks mix for use as a meal replacement, nutritional drink mix for use as a meal replacement, appetite suppressants; dietary supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 2002

Use in Commerce: Mar. 2003

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Laboratoires Arkopharma

Owner Address: Zone Industrielle
Carros Cedex 06511
FRANCE

Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Horst M. Kasper

Docket Number: ARK854R1

Correspondent

Correspondent Name/Address: HORST M. KASPER
KASPER AND LAUGHLIN
13 FOREST DR
WARREN, NEW JERSEY 07059-5832
UNITED STATES

Phone: 908-757-2839

Fax: 908-526-6977

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 21, 2008	REGISTERED-PRINCIPAL REGISTER	
Aug. 05, 2008	PUBLISHED FOR OPPOSITION	
Jul. 16, 2008	NOTICE OF PUBLICATION	
Jun. 30, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Jun. 27, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 25, 2008	AMENDMENT FROM APPLICANT ENTERED	70468
Jun. 25, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Jun. 23, 2008	PAPER RECEIVED	
May 01, 2008	NON-FINAL ACTION MAILED	
May 01, 2008	NON-FINAL ACTION WRITTEN	73731
Apr. 23, 2008	ASSIGNED TO EXAMINER	73731
Apr. 16, 2008	AMENDMENT FROM APPLICANT ENTERED	70468
Apr. 16, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Apr. 14, 2008	PAPER RECEIVED	
Nov. 08, 2007	NON-FINAL ACTION MAILED	
Nov. 08, 2007	NON-FINAL ACTION WRITTEN	83257
Oct. 18, 2007	AMENDMENT FROM APPLICANT ENTERED	70468
Oct. 18, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Oct. 18, 2007	ASSIGNED TO LIE	70468
Sep. 10, 2007	PAPER RECEIVED	
Aug. 02, 2007	NON-FINAL ACTION MAILED	
Aug. 01, 2007	NON-FINAL ACTION WRITTEN	83257
Jul. 24, 2007	ASSIGNED TO EXAMINER	83257
Apr. 14, 2007	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 13, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 21, 2008

EXHIBIT 27

Generated on: This page was generated by TSDR on 2013-11-27 15:31:16 EST

Mark: PLANT SPIRITS APOTHECARY

PLANT SPIRITS APOTHECARY

US Serial Number: 77122225
Application Filing Date: Mar. 05, 2007
US Registration Number: 3612971
Registration Date: Apr. 28, 2009
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 28, 2009
Publication Date: Jun. 24, 2008
Notice of Allowance Date: Sep. 16, 2008

Mark Information

Mark Literal Elements: PLANT SPIRITS APOTHECARY
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "PLANT" AND "APOTHECARY"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Plant extracts for medical, veterinary and pharmaceutical purposes; Medicinal herb extracts

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2007

Use in Commerce: Jun. 27, 2007

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Texas Medicinals, LLC
Owner Address: 1203 East 7th Street
Austin, TEXAS 78702
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: TEXAS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Deena Kalai
Attorney Primary Email Address: deena@deenakalai.com
Docket Number: Texas Medici
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: DEENA KALAI
DEENA KALAI, PLLC
1304 E 7TH ST
AUSTIN, TEXAS 78702

UNITED STATES

Phone: 512-542-9054

Fax: 512-233-2305

Correspondent e-mail: deena@deenakalai.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 28, 2009	REGISTERED-PRINCIPAL REGISTER	
Mar. 21, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	76568
Mar. 21, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 04, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Mar. 04, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Mar. 03, 2009	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jan. 26, 2009	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 26, 2009	FINAL REFUSAL E-MAILED	
Jan. 26, 2009	SU - FINAL REFUSAL - WRITTEN	60785
Jan. 15, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Jan. 15, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Jan. 13, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 13, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jan. 13, 2009	NON-FINAL ACTION E-MAILED	
Jan. 13, 2009	SU - NON-FINAL ACTION - WRITTEN	60785
Jan. 08, 2009	STATEMENT OF USE PROCESSING COMPLETE	66530
Dec. 18, 2008	USE AMENDMENT FILED	66530
Jan. 08, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 18, 2008	TEAS STATEMENT OF USE RECEIVED	
Sep. 16, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 24, 2008	PUBLISHED FOR OPPOSITION	
Jun. 04, 2008	NOTICE OF PUBLICATION	
May 19, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
May 16, 2008	ASSIGNED TO LIE	76568
May 16, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 24, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 24, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 24, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 22, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 22, 2008	NON-FINAL ACTION E-MAILED	6325
Jan. 22, 2008	NON-FINAL ACTION WRITTEN	60785
Dec. 06, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 06, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 06, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 21, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 21, 2007	NON-FINAL ACTION E-MAILED	6325
Jun. 21, 2007	NON-FINAL ACTION WRITTEN	60785
Jun. 18, 2007	ASSIGNED TO EXAMINER	60785
Mar. 08, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 21, 2009

EXHIBIT 28

Date	Description	Proceeding Number
May 29, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
May 29, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 29, 2011	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	67723
May 18, 2011	PAPER RECEIVED	
Jan. 18, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Jan. 08, 2007	ASSIGNED TO PARALEGAL	67723
Nov. 03, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 03, 2006	PAPER RECEIVED	
Oct. 30, 2006	CASE FILE IN TICRS	
Dec. 12, 2001	POST REGISTRATION ACTION MAILED NO RESPONSE REQUIRED	
Aug. 10, 2001	REQUEST FOR NEW CERTIFICATE FILED	
May 22, 2001	REGISTERED-PRINCIPAL REGISTER	
Jan. 02, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 02, 2001	ASSIGNED TO EXAMINER	71994
Dec. 23, 2000	STATEMENT OF USE PROCESSING COMPLETE	
Oct. 16, 2000	USE AMENDMENT FILED	
Jun. 20, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 28, 2000	PUBLISHED FOR OPPOSITION	
Feb. 25, 2000	NOTICE OF PUBLICATION	
Jan. 03, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 30, 1999	ASSIGNED TO EXAMINER	71994

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 22, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: May 29, 2011

EXHIBIT 29

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Mark: PLANTA MEDICA



US Serial Number: 75592849
US Registration Number: 2307475
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Dec. 17, 2009
Publication Date: Oct. 19, 1999

Application Filing Date: Nov. 20, 1998
Registration Date: Jan. 11, 2000

Mark Information

Mark Literal Elements: PLANTA MEDICA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The trademark is consisting of the word "PLANTA MEDICA" under a circular design divided into four sectors each one with leaves at the inside.
Disclaimer: "PLANTA MEDICA"
Translation: The mark, translated into English, is "healthy herb."
Design Search Code(s): 05.03.25 - Leaf, single; Other leaves
26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
26.01.21 - Circles that are totally or partially shaded.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Cosmetics, namely, hair and skin creams; skin lotions; [non-medicated skin care preparations, namely, make-up; perfumes made of flower extracts for personal use; perfumes; hand and skin soaps; and hair shampoos]

International Class(es): 003 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 21, 1991
U.S Class(es): 001, 004, 006, 050, 051, 052
Use in Commerce: Sep. 24, 1998

For: Dietary food supplements for medical purposes; [herbal teas for medicinal purposes; laxatives; medicinal herbs;] medicinal infusions made of medicinal herbs [; medicinal oils; medicinal roots; mineral food supplements; sedatives; medicinal tonics made of natural herbs; and vitamin preparations]

International Class(es): 005 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 21, 1991
U.S Class(es): 006, 018, 044, 046, 051, 052
Use in Commerce: Sep. 24, 1998

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: PLANTA MEDICA S.R.L.

Owner Address: 37/bis, Via della Liberta, Frz. Pistrino
1-06010 CITERNA - PERUGIA
ITALY

Legal Entity Type: CORPORATION

State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donald L. Dennison

Correspondent

Correspondent Name/Address: DONALD L DENNISON
DENNISON SCHULTZ DOUGHERTY & MACDONALD
1727 KING ST STE 105
ALEXANDRIA, VIRGINIA 22314-2700
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 17, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Dec. 17, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 07, 2009	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	75184
Dec. 07, 2009	PAPER RECEIVED	
May 31, 2006	CASE FILE IN TICRS	
Dec. 30, 2005	AMENDMENT UNDER SECTION 7 - ISSUED	
Nov. 29, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75184
Oct. 19, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 19, 2005	PAPER RECEIVED	
Jan. 11, 2000	REGISTERED-PRINCIPAL REGISTER	
Oct. 19, 1999	PUBLISHED FOR OPPOSITION	
Sep. 17, 1999	NOTICE OF PUBLICATION	
May 20, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 28, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 06, 1999	NON-FINAL ACTION MAILED	
Mar. 29, 1999	ASSIGNED TO EXAMINER	74779

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 11, 2010

Change in Registration: Yes

Amendment to a Registration/Renewal Certificate: The drawing is amended to appear as follows: PUBLISH NEW CUT

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Dec. 17, 2009

EXHIBIT 30

Generated on: This page was generated by TSDR on 2013-11-27 15:37:17 EST

Mark: PLANTI-OXIDANTS

US Serial Number: 75293070
US Registration Number: 2158963
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: May 23, 2008
Publication Date: Feb. 24, 1998

Application Filing Date: May 16, 1997
Registration Date: May 19, 1998

Mark Information

Mark Literal Elements: PLANTI-OXIDANTS
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: nutritional supplements

International Class(es): 005 - Primary Class
U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 08, 1996
Use in Commerce: Jul. 08, 1996

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Thorne Research, Inc.
Owner Address: 25820 HIGHWAY 2 WEST
DOVER, IDAHO 83825
UNITED STATES

Legal Entity Type: CORPORATION
State or Country Where Organized: WASHINGTON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: KIM R PEARSON
Attorney Primary Email kpearson@thorne.com
Attorney Email Yes

Address: _____

Authorized:

Correspondent

Correspondent Name/Address: KIM R PEARSON
THORNE RESEARCH, INC.
25820 HIGHWAY 2 WEST
DOVER, IDAHO 83825
UNITED STATES

Phone: 208-263-1337

Fax: 208-265-2488

Correspondent e-mail: kpearson@thorne.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 23, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	60132
May 23, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 22, 2008	ASSIGNED TO PARALEGAL	60132
May 16, 2008	TEAS SECTION 8 & 9 RECEIVED	
Aug. 20, 2007	CASE FILE IN TICRS	
Jul. 01, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
May 21, 2004	REGISTERED - SEC. 8 (6-YR) FILED	
May 18, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 19, 1998	REGISTERED-PRINCIPAL REGISTER	
Feb. 24, 1998	PUBLISHED FOR OPPOSITION	
Jan. 23, 1998	NOTICE OF PUBLICATION	
Dec. 15, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 15, 1997	ASSIGNED TO EXAMINER	68792

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Renewal Date: May 19, 2008

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: POST REGISTRATION

Date in Location: May 23, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Thorne Research, Inc.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [4230/0886](#)

Pages: 24

Date Recorded: Jun. 24, 2010

Supporting Documents: [assignment-tm-4230-0886.pdf](#)

Assignor

Name: [THORNE RESEARCH, INC.](#)

Execution Date: Jun. 23, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: WASHINGTON

Name: [SOUND NUTRITION, INC.](#)

Execution Date: Jun. 23, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: IDAHO

Assignee

Name: [HIGHPOINT CAPITAL FUNDING, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 24 FEDERAL STREET, 9TH FLOOR
BOSTON, MASSACHUSETTS 02110

Correspondent

Correspondent Name: CHRISTINE SLATTERY

Correspondent Address: PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found