

ESTTA Tracking number: **ESTTA504822**

Filing date: **11/09/2012**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Neurobrands LLC
Granted to Date of previous extension	11/10/2012
Address	501 Santa Monica Blvd, Second Floor Santa Monica, CA 90401 UNITED STATES

Attorney information	Steve P. Hassid Silicon Edge Law Group 1115 1/2 Yale Street Santa Monica, CA 90403 UNITED STATES steve@siliconedgelaw.com Phone:3109222206
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Applicant Information

Application No	85600401	Publication date	09/11/2012
Opposition Filing Date	11/09/2012	Opposition Period Ends	11/10/2012
Applicant	Tangut (USA) Corporation 9711 Irvine Center Drive Irvine, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Nutraceuticals for use as a dietary supplement

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3609755	Application Date	12/19/2007
Registration Date	04/21/2009	Foreign Priority Date	NONE

Word Mark	NEUROGASM
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2008/05/01 First Use In Commerce: 2008/10/01 Dietary drink mix for use as a meal replacement; Dietary supplements; Dietary supplemental drinks

U.S. Registration No.	3664829	Application Date	07/15/2008
Registration Date	08/04/2009	Foreign Priority Date	NONE

Word Mark	NEUROGASM
Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1993/05/01 First Use In Commerce: 2008/10/01 Non-alcoholic fruit-flavored beverages

U.S. Registration No.	3664947	Application Date	09/22/2008
Registration Date	08/04/2009	Foreign Priority Date	NONE

Word Mark	NEUROBLISS
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Design Mark	<h1>NEUROBLISS</h1>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2008/05/01 First Use In Commerce: 2008/10/01 Non alcoholic fruit flavored beverages		

U.S. Registration No.	3677431	Application Date	04/28/2008
Registration Date	09/01/2009	Foreign Priority Date	NONE
Word Mark	NEUROSLEEP		
Design Mark	<h1>NEUROSLEEP</h1>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2008/05/01 First Use In Commerce: 2008/10/01 Non-alcoholic fruit-flavored beverages		

U.S. Registration No.	3728338	Application Date	06/03/2009
Registration Date	12/22/2009	Foreign Priority Date	NONE
Word Mark	NEUROBLISS		

Design Mark	<h1>NEUROBLISS</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/05/01 First Use In Commerce: 2008/10/01 Dietary and nutritional supplements; dietary supplemental drinks		

U.S. Registration No.	3728339	Application Date	06/03/2009
Registration Date	12/22/2009	Foreign Priority Date	NONE
Word Mark	NEUROSLEEP		
Design Mark	<h1>NEUROSLEEP</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/05/01 First Use In Commerce: 2008/10/01 Dietary and nutritional supplements; dietary supplemental drinks		

U.S. Registration No.	3728340	Application Date	06/03/2009
Registration Date	12/22/2009	Foreign Priority Date	NONE
Word Mark	NEUROSONIC		

Design Mark	<h1>NEUROSONIC</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/05/01 First Use In Commerce: 2008/10/01 Dietary and nutritional supplements; dietary supplemental drinks		

U.S. Registration No.	3814258	Application Date	11/19/2009
Registration Date	07/06/2010	Foreign Priority Date	NONE

Word Mark	DRINK NEURO		
Design Mark	<h1>DRINK NEURO</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/04/30 First Use In Commerce: 2009/04/30 Dietary supplemental drinks		

U.S. Registration No.	3875430	Application Date	05/20/2009
Registration Date	11/16/2010	Foreign Priority Date	NONE

Word Mark	NEURO		
Design Mark			
Description of Mark	The mark consists of the stylized word "NEURO" incorporating a head with an electrical pulse running through its center as the "O" in "NEURO".		

Goods/Services	Class 005. First use: First Use: 2008/05/01 First Use In Commerce: 2008/10/01 Dietary and nutritional drinks and dietary and nutritional powdered drink mixes; dietary supplemental drinks Class 032. First use: First Use: 2008/05/01 First Use In Commerce: 2008/10/01 Non-alcoholic fruit flavored beverage		
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U.S. Registration No.	3906397	Application Date	11/19/2009
Registration Date	01/18/2011	Foreign Priority Date	NONE

Word Mark	NEURO
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: First Use: 2008/05/01 First Use In Commerce: 2008/05/01 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2008/05/01 First Use In Commerce: 2008/05/01 Non-alcoholic beverages, namely, mineral and aerated waters; fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks		
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U.S. Registration No.	3923701	Application Date	04/17/2009
Registration Date	02/22/2011	Foreign Priority Date	NONE

Word Mark	NEUROTRIM
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: First Use: 2009/07/02 First Use In Commerce: 2009/07/02 Dietary and nutritional supplements; Dietary beverage supplements for human		
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	consumption in liquid and dry mix form for therapeutic purposes; Dietary drink mix for use as a meal replacement; Dietary supplemental drinks; Dietary supplements for human consumption Class 032. First use: First Use: 2009/07/02 First Use In Commerce: 2009/07/02 Energy drinks; Fruit-flavoured beverages; Non-alcoholic beverages, namely, carbonated beverages; Sports drinks; Sports drinks, namely, energy drinks
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U.S. Registration No.	3971387	Application Date	12/04/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	NEUROSUN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2010/10/23 First Use In Commerce: 2010/10/23 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2010/10/23 First Use In Commerce: 2010/10/23 Non-alcoholic beverages, namely, mineral and aerated waters; fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks		

U.S. Registration No.	3979927	Application Date	12/26/2008
Registration Date	06/21/2011	Foreign Priority Date	NONE
Word Mark	NEUROSONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1993/05/01 First Use In Commerce: 2008/10/01 Non-alcoholic fruit flavored beverages not for sale or consumption through soft		

	drink fountains or at quick service restaurants		
U.S. Registration No.	3981997	Application Date	05/05/2009
Registration Date	06/21/2011	Foreign Priority Date	NONE
Word Mark	NEUROSPORT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/06/01 First Use In Commerce: 2009/06/23 Dietary supplemental drinks Class 032. First use: First Use: 2009/06/01 First Use In Commerce: 2009/06/23 Sports drinks; Sports drinks, namely, energy drinks		
U.S. Registration No.	3986242	Application Date	04/17/2009
Registration Date	06/28/2011	Foreign Priority Date	NONE
Word Mark	NEUROAQUA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2009/09/02 First Use In Commerce: 2009/09/15 Aerated water; Bottled drinking water; Drinking water with vitamins; Drinking waters; Energy drinks; Flavored bottled water; Flavoured mineral water; Flavoured waters; Glacial water; Mineral and aerated waters; Mineral water; Non-alcoholic beverages, namely, carbonated beverages; Sparkling water		
U.S. Registration No.	4068151	Application Date	06/11/2010

Registration Date	12/06/2011	Foreign Priority Date	NONE
Word Mark	DRINK SMART, DRINK NEURO		
Design Mark	<p style="text-align: center; font-size: 2em;">drink smart, drink Neuro</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 2010/06/04 First Use In Commerce: 2010/10/10 Dietary supplemental drinks; nutritionally fortified beverages; vitamin fortified beverages</p> <p>Class 032. First use: First Use: 2010/06/04 First Use In Commerce: 2010/10/10 Non-alcoholic beverages, namely, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks</p>		

U.S. Registration No.	4084947	Application Date	11/23/2010
Registration Date	01/10/2012	Foreign Priority Date	NONE
Word Mark	NEURODREAMS		
Design Mark	<p style="text-align: center; font-size: 3em;">NeuroDreams</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 2010/10/01 First Use In Commerce: 2011/10/03 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages</p> <p>Class 032. First use: First Use: 2010/10/01 First Use In Commerce: 2011/10/03 Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks</p>		

U.S. Registration No.	4084948	Application Date	11/23/2010
Registration Date	01/10/2012	Foreign Priority Date	NONE

Word Mark	NEUROPASSION
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2010/10/01 First Use In Commerce: 2011/10/03 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2010/10/01 First Use In Commerce: 2011/10/03 Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks

U.S. Registration No.	4084949	Application Date	11/23/2010
Registration Date	01/10/2012	Foreign Priority Date	NONE

Word Mark	NEUROSPLASH
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2010/10/11 First Use In Commerce: 2011/10/03 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2010/10/11 First Use In Commerce: 2011/10/03 Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks

U.S. Registration No.	4084950	Application Date	11/23/2010
Registration Date	01/10/2012	Foreign Priority Date	NONE
Word Mark	NEUROSNAACK		

Design Mark	<h1>NeuroSnack</h1>
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2010/10/11 First Use In Commerce: 2011/10/03 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2010/10/11 First Use In Commerce: 2011/10/03 Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks

U.S. Registration No.	4094076	Application Date	05/05/2009
Registration Date	01/31/2012	Foreign Priority Date	NONE

Word Mark	NEUROFUN
Design Mark	<h1>NEUROFUN</h1>
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2009/05/05 First Use In Commerce: 2011/09/09 Dietary and nutritional supplements; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary drink mix for use as a meal replacement; Dietary supplemental drinks Class 032. First use: First Use: 2009/05/05 First Use In Commerce: 2011/09/09 Energy drinks; Fruit flavored drinks; Sports drinks; Sports drinks, namely, energy drinks

U.S. Registration No.	4109264	Application Date	09/28/2009
Registration Date	03/06/2012	Foreign Priority Date	NONE
Word Mark	NEUROSHAPE		

Design Mark	<h1>NEUROSHAPE</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/07/31 First Use In Commerce: 2011/10/03 Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary supplemental drinks; Dietary supplements; Nutritionally fortified beverages; Vitamin fortified beverages		

U.S. Registration No.	4113103	Application Date	05/03/2011
Registration Date	03/13/2012	Foreign Priority Date	NONE

Word Mark	NEUROSUPREME
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Design Mark	<h1>NEUROSUPREME</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2011/05/04 First Use In Commerce: 2011/06/10 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2011/05/04 First Use In Commerce: 2011/06/10 Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks		

U.S. Registration No.	4154416	Application Date	04/17/2009
Registration Date	06/05/2012	Foreign Priority Date	NONE

Word Mark	NEUROBLAST
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Design Mark	<h1>NEUROBLAST</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/03/09 First Use In Commerce: 2011/10/03 Dietary and nutritional supplements; Dietary beverage supplements for human consumption Class 032. First use: First Use: 2009/03/09 First Use In Commerce: 2011/10/03 Non-alcoholic beverages, namely, carbonated beverages and energy drinks		

U.S. Registration No.	4172025	Application Date	08/11/2009
Registration Date	07/10/2012	Foreign Priority Date	NONE

Word Mark	NEUROTHIN		
Design Mark	<h1>NEUROTHIN</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/07/17 First Use In Commerce: 2011/10/03 Nutritionally fortified beverages; Vitamin fortified beverages		

U.S. Registration No.	4222174	Application Date	04/17/2009
Registration Date	10/09/2012	Foreign Priority Date	NONE

Word Mark	NEURO KIDS		
Design Mark	<h1>NEURO KIDS</h1>		
Description of Mark	NONE		

Goods/Services	Class 005. First use: First Use: 2009/04/17 First Use In Commerce: 2012/08/30 Dietary and nutritional supplements; Dietary supplemental drinks Class 032. First use: First Use: 2009/04/17 First Use In Commerce: 2012/08/30 Drinking water with vitamins; Energy drinks; Sports drinks; Sports drinks, namely, energy drinks		
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U.S. Registration No.	4222175	Application Date	04/17/2009
Registration Date	10/09/2012	Foreign Priority Date	NONE
Word Mark	NEURO JUNIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/04/17 First Use In Commerce: 2012/08/30 Dietary and nutritional supplements; Dietary supplemental drinks; Dietary supplements for human consumption Class 032. First use: First Use: 2009/04/17 First Use In Commerce: 2012/08/30 Drinking water with vitamins; Energy drinks; Flavored waters; Flavoured waters; Sports drinks		

U.S. Application No.	85183059	Application Date	11/23/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEUROSNOOZE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks		

U.S. Registration No.	4222718	Application Date	05/03/2011
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Registration Date	10/09/2012	Foreign Priority Date	NONE
Word Mark	THERE'S A NEURO FOR THAT		
Design Mark	<p style="text-align: center; font-size: 2em;">there's a neuro for that</p>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2011/03/10 First Use In Commerce: 2011/05/15 Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2011/03/10 First Use In Commerce: 2011/05/15 Non-alcoholic beverages		

U.S. Application No.	85395608	Application Date	08/11/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEURO PRIME		
Design Mark	<p style="text-align: center; font-size: 3em;">NEURO PRIME</p>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2011/08/11 First Use In Commerce: 2012/08/30 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2011/08/11 First Use In Commerce: 2012/08/30 Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks		

U.S. Application No.	85401216	Application Date	08/18/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEURO LIFE		

Design Mark	<h1>NEURO LIFE</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2011/08/02 First Use In Commerce: 2011/08/02 Nutritionally fortified beverages; Vitamin fortified beverages; Non-alcoholic beverages, namely, nutritionally fortified beverages		

U.S. Application No.	85401255	Application Date	08/18/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEURO LIVING		
Design Mark	<h1>NEURO LIVING</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2011/03/21 First Use In Commerce: 2011/08/02 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2011/03/21 First Use In Commerce: 2011/08/02 Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices, and isotonic drinks		

U.S. Application No.	85416596	Application Date	09/07/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEURO SPARK		
Design Mark	<h1>NEURO SPARK</h1>		
Description of	NONE		

Mark	
Goods/Services	Class 005. First use: First Use: 2011/09/07 First Use In Commerce: 2012/08/30 Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: First Use: 2011/09/07 First Use In Commerce: 2012/08/30 Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices, and isotonic drinks

U.S. Application No.	85416624	Application Date	09/07/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	NEUROLIMITLESS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Class 032. First use: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices, and isotonic drinks
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Attachments	77355823#TMSN.jpeg (1 page)(bytes) 77522457#TMSN.jpeg (1 page)(bytes) 77576154#TMSN.jpeg (1 page)(bytes) 77460123#TMSN.jpeg (1 page)(bytes) 77751429#TMSN.jpeg (1 page)(bytes) 77751446#TMSN.jpeg (1 page)(bytes) 77751464#TMSN.jpeg (1 page)(bytes) 77876937#TMSN.jpeg (1 page)(bytes) 77741644#TMSN.jpeg (1 page)(bytes) 77876932#TMSN.jpeg (1 page)(bytes) 77715907#TMSN.jpeg (1 page)(bytes) 77886621#TMSN.jpeg (1 page)(bytes) 77640170#TMSN.jpeg (1 page)(bytes) 77729705#TMSN.jpeg (1 page)(bytes) 77715909#TMSN.jpeg (1 page)(bytes) 85061283#TMSN.jpeg (1 page)(bytes) 85183063#TMSN.jpeg (1 page)(bytes) 85183070#TMSN.jpeg (1 page)(bytes) 85183071#TMSN.jpeg (1 page)(bytes) 85183395#TMSN.jpeg (1 page)(bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Steve P. Hassid/
Name	Steve P. Hassid
Date	11/09/2012

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

In re Application for: NEUROPROTECT
Applicant Name: Tangut (USA) Corporation
Serial No.: 85/600,401
Filing Date: April 17, 2012
Date of Publication: September 11, 2012

NEUROBRANDS, LLC,)
a California limited liability company)
)
Opposer,)
)
v.)
)
Tangut (USA) Corporation)
a California corporation)
)
Applicant.)

Opposition No. _____

Commissioner for Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF OPPOSITION

NEUROBRANDS, LLC, a California limited liability company (“Opposer”), with a principal place of business at 510 Santa Monica Blvd, 2nd Floor, Santa Monica, CA 90401, believes that it is being and will continue to be damaged by the registration of the mark NEUROPROTECT, Serial No. 85/600,401 (the “Opposed Application”), published in the Official Gazette on September 11, 2012, and hereby opposes the same.

As grounds in support of its opposition, Opposer alleges the following:

1. Upon information and belief, the Applicant is Tangut (USA) Corporation, a California Corporation with its principle place of business at 9711 Irvine Center Drive, Irvine, California 92618.

2. Upon information and belief, Applicant filed the Opposed Application to register the standard character mark NEUROPROTECT (“Applicant’s Mark”) on April 17, 2012 for use in connection with “Nutraceuticals for use as a dietary supplement” in International Class No. 005 on the Principal Register (“Applicant’s Goods”).

3. Opposer NEUROBRANDS, LLC offers premium functional beverages and dietary supplements designed to promote health and overall wellness for consumers’ active lifestyle with natural ingredients. Among other things, Opposer’s goods are low calorie beverages that contain proprietary blends of dietary and nutritional supplements to yield various health benefits, and contain no artificial colors or flavors.

4. Opposer is responsible for holding, monitoring, and enforcing compliance with its intellectual property. Opposer, NEUROBRANDS, LLC, and its respective predecessors in interests are collectively referred to herein as “NEUROBRANDS.”

5. Opposer is the owner of various federal, state, and common law marks that include the term “Neuro,” which include, but are not limited to the following pending applications and registrations which are valid and subsisting (collectively the “Neuro Marks”):

Word Mark	Reg./App No.	Reg. Date	Filing Date	Goods & Services
NEUROGASM	3609755	Apr. 21, 2009	Dec. 19, 2007	Int’l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary drink mix for use as a meal replacement; Dietary supplements; Dietary supplemental drinks.
NEUROGASM	3664829	Aug. 4, 2009	Jul. 15, 2008	Int’l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic fruit-flavored beverages.

Word Mark	Reg./App No.	Reg. Date	Filing Date	Goods & Services
NEUROBLISS	3664947	Aug. 4, 2009	Sept. 22, 2008	Int'l Class 032. U.S. Class 045 046 048. G & S: Non alcoholic fruit flavored beverages.
NEUROSLEEP	3677431	Sept. 1, 2009	Apr. 28, 2008	Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic fruit-flavored beverages.
NEUROBLISS	3728338	Dec. 22, 2009	Jun. 3, 2009	Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary and nutritional supplements; dietary supplemental drinks.
NEUROSLEEP	3728339	Dec. 22, 2009	Jun. 3, 2009	Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary and nutritional supplements; dietary supplemental drinks.
NEUROSONIC	3728340	Dec. 22, 2009	Jun. 3, 2009	Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary and nutritional supplements; dietary supplemental drinks.
DRINK NEURO	3814258	Jul. 6, 2010	Nov. 19, 2009	Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks.
	3875430	Nov. 16, 2010	May 20, 2009	Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary and nutritional drinks and dietary and nutritional powdered drink mixes; dietary supplemental drinks. Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic fruit flavored beverage.
NEURO	3906397	Jan. 18, 2011	Nov. 19, 2009	Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages. Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters; fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.

Word Mark	Reg./App No.	Reg. Date	Filing Date	Goods & Services
NEUROTRIM	3923701	Feb. 22, 2011	Apr. 17, 2009	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary and nutritional supplements; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary drink mix for use as a meal replacement; Dietary supplemental drinks; Dietary supplements for human consumption.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Energy drinks; Fruit-flavoured beverages; Non-alcoholic beverages, namely, carbonated beverages; Sports drinks; Sports drinks, namely, energy drinks.</p>
NEUROSUN	3971387	May 31, 2011	Dec. 4, 2009	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters; fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.</p>
NEUROSONIC	3979927	Jun. 21, 2011	Dec. 26, 2008	<p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic fruit flavored beverages not for sale or consumption through soft drink fountains or at quick service restaurants.</p>
NEUROSPORT	3981997	Jun. 21, 2011	May 5, 2009	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Sports drinks; Sports drinks, namely, energy drinks.</p>
NEUROAQUA	3986242	Jun. 28, 2011	Apr. 17, 2009	<p>Int'l Class 032. U.S. Class 045 046 048. G & S: Aerated water; Bottled drinking water; Drinking water with vitamins; Drinking waters; Energy drinks; Flavored bottled water; Flavoured mineral water; Flavoured waters; Glacial water; Mineral and aerated waters; Mineral water; Non-alcoholic beverages, namely, carbonated beverages; Sparkling water.</p>

Word Mark	Reg./App No.	Reg. Date	Filing Date	Goods & Services
DRINK SMART, DRINK NEURO	4068151	Dec. 6, 2011	Jun. 11, 2010	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; nutritionally fortified beverages; vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.</p>
NEURODREAMS	4084947	Jan. 10, 2012	Nov. 23, 2010	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.</p>
NEUROPASSION	4084948	Jan. 10, 2012	Nov. 23, 2010	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.</p>
NEUROSPLASH	4084949	Jan. 10, 2012	Nov. 23, 2010	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.</p>

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NEUROSNAACK	4084950	Jan. 10, 2012	Nov. 23, 2010	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.</p>
NEUROFUN	4094076	Jan. 31, 2012	May 5, 2009	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary and nutritional supplements; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary drink mix for use as a meal replacement; Dietary supplemental drinks.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Energy drinks; Fruit flavored drinks; Sports drinks; Sports drinks, namely, energy drinks.</p>
NEUROSHAPE	4109264	Mar. 6, 2012	Sept. 28, 2009	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary supplemental drinks; Dietary supplements; Nutritionally fortified beverages; Vitamin fortified beverages.</p>
NEUROSUPREME	4113103	Mar. 13, 2012	May 3, 2011	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.</p>

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NEUROBLAST	4154416	June 5, 2012	Apr. 17, 2009	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary and nutritional supplements; Dietary beverage supplements for human consumption.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, carbonated beverages and energy drinks.</p>
NEUROTHIN	4172025	Jul. 10, 2012	Aug. 11, 2009	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Nutritionally fortified beverages; Vitamin fortified beverages.</p>
NEUROKIDS	4222174	Oct 9, 2012	Apr. 17, 2009	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary and nutritional supplements; Dietary supplemental drinks.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Drinking water with vitamins; Energy drinks; Sports drinks; Sports drinks, namely, energy drinks.</p>
NEUROJUNIOR	4222175	Oct 9, 2012	Apr. 17, 2009	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary and nutritional supplements; Dietary supplemental drinks; Dietary supplements for human consumption.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Drinking water with vitamins; Energy drinks; Flavoured waters; Flavoured waters; Sports drinks.</p>
NEUROSNOOZE	85183059		Nov. 23, 2010	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.</p>

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THERE'S A NEURO FOR THAT	4222718	Oct 9, 2012	May 3, 2011	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks.</p>
NEUROPRIME	85395608		Aug. 11, 2011	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices and isotonic drinks</p>
NEURO LIFE	85401216		Aug. 18, 2011	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Nutritionally fortified beverages; Vitamin fortified beverages; Non-alcoholic beverages, namely, nutritionally fortified beverages.</p>
NEUROLIVING	85401255		Aug. 18, 2011	<p>Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages.</p> <p>Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices, and isotonic drinks.</p>

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NEUROSPARK	85416596		Sept. 7, 2011	Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices, and isotonic drinks
NEUROLIMITLESS	85416624		Sept. 7, 2011	Int'l Class 005. U.S. Class 006 018 044 046 051 052. G & S: Dietary supplemental drinks; Nutritionally fortified beverages; Vitamin fortified beverages Int'l Class 032. U.S. Class 045 046 048. G & S: Non-alcoholic beverages, namely, mineral and aerated waters, fruit drinks, energy drinks, fruit flavored drinks, herbal juices, and isotonic drinks

Opposer NEUROBRANDS expressly reserves the right to include and incorporate its other pending and registered U.S. marks in the present opposition. Registration certificates for each of the registered Neuro Marks are part of the U.S. Patent and Trademark official record. Opposer has also attached copies of registration certificates for many of the registered Neuro Marks as Exhibit A.

6. For years and since prior to the Opposed Application's filing date, NEUROBRANDS adopted and continuously used the Neuro Marks for the goods indicated in the application/registration, including but not limited to supplements and beverages. The Neuro Marks identified in Registration No. 3,609,755; 3,728,338; 3,906,397; and 3,875,430 have been used since at least as early as 2008 for supplements and drinks, which are similar or identical to nutraceuticals for use as a dietary supplement ("Opposer's Goods"). Made with natural ingredients and packaged with recycled materials, NEUROBRANDS products are formulated by

experts in the field to promote health and well-being. NEUROBRANDS products collectively contain essential vitamins, minerals, amino acids and botanicals that are backed by scientific research. By reason of these activities over an extended period of time, the Neuro Marks have become well known to the relevant public as identifying and distinguishing NEUROBRANDS' business and its goods from those of others. NEUROBRANDS, through great expense and quality control, has created, and is the owner of, substantial goodwill, consumer recognition, and reputation in the Neuro Marks for supplements, beverages and their related goods and services.

7. For years and since prior to the Opposed Application's filing date, NEUROBRANDS has invested substantial time, money, and effort in extensively and continuously marketing, advertising, and promoting the Neuro Marks and the goods and services identified by the Neuro Marks. NEUROBRANDS' drinks are sold internationally in numerous countries and have appeared on nationally broadcast morning shows and are well liked by international celebrities, athletes and the public. As a result, the Neuro Marks distinguish NEUROBRANDS' goods and services from those of other retailers and the consuming public has come to associate the Neuro Marks with NEUROBRANDS as the source and sponsor of NEUROBRANDS' goods and services.

8. Upon information and belief, the Applicant sells nutraceuticals for use as a dietary supplement in the same international class (005) as Opposer. Opposer already uses the Neuro Marks in connection with drinks and nutritional supplements, which are similar or identical to Opposer's Goods of nutraceuticals for use as dietary supplements. For example, Opposer's Registration No. 3,728,340 for NEUROSONIC recites dietary and nutritional supplements, and dietary supplemental drinks as the goods. Opposer's Registration No. 3,728,338 for NEUROBLISS recites dietary and nutritional supplements, and dietary supplemental drinks as

the goods. Opposer's Registration No. 4,154,416 for NEUROBLAST recites dietary and nutritional supplements and dietary beverage supplements as the goods.

9. Due to the similarities between the parties' competing marks and goods, consumers are likely to consider Applicant's Goods sold under Applicant's Mark as emanating from or related to NEUROBRANDS and purchase such services as those of NEUROBRANDS, resulting in loss of sales to NEUROBRANDS. Moreover, concurrent use of the Neuro Marks and Applicant's Mark may result in irreparable damage to NEUROBRANDS' reputation and goodwill because consumers are likely to attribute the source of Applicant's Goods to NEUROBRANDS.

10. Opposer believes it will be damaged by registration of Applicant's Mark in the Opposed Application because such registration would give Applicant at least a prima facie exclusive right to use Applicant's confusingly similar mark in commerce in the United States, in derogation of Opposer's rights in the Neuro Marks. Because Opposer has priority of use of the Neuro Marks, Applicant will obtain a federal registration to which it is not entitled, and which is inconsistent with Opposer's prior rights.

First Basis for Opposition – Priority of Use and Likelihood of Confusion

11. Opposer incorporates by reference paragraphs 1 through 10 as if fully set forth herein.

12. For years and since prior to the Opposed Application's filing date, Opposer has been and is now using the Neuro Marks in connection with Opposer's Goods.

13. Opposer's use of the Neuro Marks has been valid and continuous since the date of first use and has not been abandoned.

14. On information and belief, Applicant's Mark is substantially similar in appearance, sound, connotation and commercial impression to the Opposer's Neuro Marks. On information and belief, the common NEURO element of the parties' marks is identical.

15. On information and belief, the goods listed in the Opposed Application are identical or closely related to Opposer's Goods using Opposer's Neuro Marks.

16. In view of the similarity of Opposer's Neuro Marks and the Applicant's Mark and the related nature of the respective goods, Applicant's Mark so resembles the Neuro Marks as to be likely, when used in connection with the Applicant's Goods, to cause confusion, to cause mistake, or to deceive the consuming public.

17. By reason of the foregoing, the registration of Applicant's Mark in the Opposed Application is inconsistent and will impair Opposer's prior rights of its marks and Opposer's statutory rights of its registered marks, will cause injury to Opposer, and will damage Opposer's business, reputation and goodwill.

18. Based on the foregoing, the grant of the registration of Applicant's Mark in the Opposed Application should be denied, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

Second Basis for Opposition – Dilution By Blurring

19. Opposer incorporates by reference paragraphs 1 through 18 as if fully set forth herein.

20. Opposer enjoys substantial goodwill and consumer recognition built up by Opposer through substantial amounts of use, time and effort in advertising, promotion and sales of goods.

21. Opposer's Neuro Marks became famous before the filing date of the Opposed Application.

22. For years and since prior to the Opposed Application's filing date, Opposer has been and is now using the Neuro Marks in connection with the sale of Opposer's Goods.

23. Opposer's use of its marks has been valid and continuous since its date of first use and has not been abandoned.

24. In view of similarity of the respective marks, Applicant's Mark so resembles the commercial impression of the Opposer's Neuro Marks as to be likely to cause association, or to cause dilution by blurring.

25. By reason of the foregoing, the registration of Applicant's Mark in the Opposed Application is inconsistent and will impair Opposer's prior rights, will cause injury to Opposer by lessening the capacity of the Neuro Marks to identify and distinguish Opposer's Goods, and will damage Opposer's business, reputation and goodwill.

26. Based on the foregoing, the grant of the registration of Applicant's Mark in the Opposed Application should be denied based on a likelihood of dilution by blurring the distinctive quality of the Opposer's famous Neuro Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).

Third Basis for Opposition - Falsely Suggest a Connection

27. Opposer incorporates by reference paragraphs 1 through 26 as if fully set forth herein.

28. Opposer has been and is now operating using the identity of Neurobrands, Neuro and Neuro Drinks in the area of beverages and supplements.

29. Applicant's mark is similar to Opposer's identity.

30. Opposer's use of its identity has been valid and continuous since Opposer's date of first use and the relevant class of the public has come to associate Opposer with said identity.

31. Opposer is not connected with Applicant's Goods sold under Applicant's Mark.

32. The goods listed in the Opposed Application are closely related to Opposer's Goods.

33. Opposer's identity is of sufficient fame or reputation that a connection with Opposer is presumed from the use of Applicant's Mark on Applicant's Goods.

34. In view of the similarity of Applicant's Mark with Opposer's identity, and in view of the related nature of the respective uses, the Opposed Application consists of and comprises matter which may falsely suggest a connection with Opposer, under Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

35. The filing fee to oppose Applicant's mark is being submitted herewith.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's Mark and respectfully requests that the opposition be sustained and that registration be refused.

Date: November 9, 2012

Respectfully submitted,

/Steve P. Hassid/

Steve P. Hassid

U.S. Patent Reg. No. 46,762

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted via ESTTA to the United States Patent and Trademark Office on this 9th day of November, 2012.

/Steve P. Hassid/

Steve P. Hassid

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Notice of Opposition* was mailed first class mail, postage prepaid, this 9th day of November, 2012, to the following:

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IRVINE, CALIFORNIA 92618

/Steve P. Hassid/

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