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

Proceeding	91212477
Party	Plaintiff Balance Bar Company
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deposition transcript pages and exhibits have been designated as “Confidential” and are being filed with the Board under seal, under separate cover: Pages 26-39, and Exhibit Nos. 54-55, 58-63 and 65-73.

Respectfully submitted,

Dated: 29 January 2015

By: /s/ R. Glenn Schroeder
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OPPOSER'S NOTICE OF FILING OF JULY 30, 2014 CORRECTED CERTIFIED TESTIMONY DEPOSITION TRANSCRIPT AND EXHIBITS OF ERIN LIFESO** has been served via US mail and email this 29th day of January 2105 upon the following:

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/s/ R. Glenn Schroeder _____
R. Glenn Schroeder

ORIGINAL

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In the Matter of Application

Serial No. 85/751, 520

Published for Opposition on March 19, 2013

Trademark: EARTH BALANCE

-----x

BALANCE BAR COMPANY,

Opposer,

- against -

GFA BRANDS, INC.,

Applicant.

Opposition No. 91212477

-----x

2100 Smithtown Avenue
Ronkonkoma, New York

July 30, 2014
10:40 a.m.

Examination Before Trial of ERIN
LIFESO, pursuant to Notice, before Cathy
Leone, a Notary Public of the State of New
York.

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A P P E A R A N C E S:

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BY: JOHANNA WILBERT, ESQ.

ALSO PRESENT:

LEE GROSSKREUZ HECHTEL, ESQ.

1
2 E R I N L I F E S O , called as a witness,
3 having been duly sworn by a Notary
4 Public, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. SCHROEDER:

8 Q. Please state your full name for
9 the record.

10 A. Erin Lifeso.

11 Q. Where are you currently employed?

12 A. NBTY.

13 Q. Since you last testified on April
14 30, 2014 in the related Smart Balance
15 proceeding, has your position and
16 responsibilities with the Balance Bar Company
17 changed?

18 A. No.

19 Q. The parties have agreed that we
20 can admit your earlier testimony from the
21 related Smart Balance proceeding in this
22 proceeding. That means we will not repeat
23 your earlier testimony. Today we will focus
24 on the additional documents that were produced
25 and any additional facts not discussed in

1 Direct - Lifeso

2 earlier testimony, okay?

3 A. Okay.

4 MR. SCHROEDER: Let's go ahead
5 and mark the first four documents.

6 (Opposer's Exhibit 52, Print ad
7 for Balance Bar, marked for
8 identification.)

9 (Opposer's Exhibit 53, Document
10 bearing production number BB0003455,
11 marked for identification.)

12 (Opposer's Exhibit 54, Document
13 bearing production number BB0003454,
14 marked for identification.)

15 (Opposer's Exhibit 55, Document
16 bearing production number BB0003456,
17 marked for identification.)

18 Q. I am handing you what has been
19 marked as Opposer's Exhibit 52 (handing). Can
20 you identify this document for me? Do you
21 recognize this?

22 A. Yes, I recognize it. This is a
23 print ad creative layout for a half-page
24 spread.

25 Q. Where did this ad appear, if you

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1
2 can tell?

3 A. This is one of three print ad
4 creatives that we developed. It was run
5 across multiple books. We have a media plan
6 that has been submitted, I believe, already or
7 will be discussed today that I can further
8 identify exactly which ad was run in which
9 ~~application~~ ^{Publication}. Off the top of my head, this was
10 probably run in 10, 20, 15 publications. 

11 Q. I am showing you Exhibit 53
12 (handing). Can you identify this document for
13 us?

14 A. Yes, I can. This is a story
15 board creative for our same Working Like a Dog
16 campaign, as we called it, and this was a
17 15-second TV spot, again, run over the last
18 year and a half. It would be on the media
19 plan -- media schedule.

20 Q. We will get to that. Let me show
21 you Opposer's 54 (handing). Can you identify
22 that?

23 A. This is a half page FSI creative.
24 That would have been part of our January ~~14th~~ ²⁰¹⁴
25 FSI drop. 

1 Direct - Lifeso

2 Q. Take a look at Opposer's Exhibit
3 55 (handing). Can you identify that?

4 A. Yes, I can. This is a full page
5 FSI that was created and ^{it} specifically called
6 out "available at Target," so it was ~~slightly~~ ^{therefore}
7 developed just for that -- you know, for that
8 customer, but it was still what I would call
9 across the nation in terms of distribution.

10 Q. This document is a multipage
11 document?

12 A. Yes, multipage, yup, so the first
13 page is a different layout where the coupons
14 are at the bottom of the page. The second
15 page, depending on the insertion of where they
16 place it in the booklets -- they put the
17 coupons at the top, so it depends on where it
18 is placed, which insert and where they place
19 it. It is the same coupon, just a different
20 placement of that. This we ran multiple --
21 depending on the market, the coupon value
22 changes. The first two has a single offer,
23 save 55 cents. Then multipack \$1.25 and the
24 second two pages we changed the offer and the
25 market and how they were targeting this in the

1 Direct - Lifeso

2 market. This has a stronger single offer.
3 Save \$1 on three verses save 50 cents on any,
4 so this was a stronger market. They had to
5 purchase more bars, just a different layout if
6 the coupons were at the bottoms or the top.

7 Q. Thank you. Let's look at what
8 will be marked as the next two documents.

9 MR. SCHROEDER: Let's mark this
10 as the next two document.

11 (Opposer's Exhibit 56, Document
12 bearing production numbers BB0003765 to
13 BB0003797, marked for identification.)

14 (Opposer's Exhibit 57, Document
15 bearing production numbers BB0003798 to
16 BB0003819, marked for identification.)

17 Q. I will hand you what has been
18 marked as Opposer's 56 (handing). To start,
19 can you confirm that this document is marked
20 with production numbers BB0003765 to
21 BB0003797?

22 A. Yes. Those are the start and end
23 pages of this document -- yup, I got it.

24 Q. You confirmed those?

25 A. Yes, I confirmed.

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2 Q. Can I ask you to look through
3 this document and identify the document for
4 us, particularly identify what this document
5 consists of?

6 A. This document consists of 3-D
7 images of our packaging. These are the 15
8 count Bare bars. We have 6 pack value packs
9 for our original line. We have the 15 count
10 also on the original line. We have just
11 packaging images of products that we sold or
12 have been selling.

13 Q. As you look through this, can I
14 ask you to confirm that the photographs
15 appearing in this exhibit accurately depict
16 the product packaging in the marketplace?

17 A. Yes. These images do accurately
18 depict what we have been selling in market. I
19 don't know if it is a complete exclusive list
20 of all of our items, but it has a big majority
21 of them.

22 Q. As you go through this exhibit,
23 are there any packaging photographs which are
24 no longer being used in the marketplace?

25 A. For example, on 0003782, for

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1
2 example, chocolate raspberry has been
3 discontinued, so there are products in market,
4 but we are no longer producing, but once we
5 flush it through the market, you won't see it
6 anymore. It currently might be on the shelf
7 even though we have discontinued it. Do you
8 need me to identify those items, a couple of
9 items?

10 Q. No. That's fine.

11 A. And 6 count perforated original
12 items, as well, that sold in the drug channel.
13 We have more of the gold items and then we
14 have the dark 15 and value pack offerings for
15 those flavors, as well -- yes, great.

16 Q. Is there any product packaging
17 which does not appear in this exhibit that you
18 are aware of that's in the marketplace today?

19 A. I would have to go through each
20 one a little more closely, but this is, again,
21 over 90 percent of what we have.

22 Q. That's fine. Thank you.

23 I am now handing you what has
24 been marked as Opposer's 57 (handing). To
25 start, can you confirm that this document is

1 Direct - Lifeso

2 marked production numbers BB0003798 to
3 BB00003819?

4 A. Yes.

5 Q. Can you identify what this
6 document is for?

7 A. Also imaging packaging shots of
8 actual wrapped bars, so showing our wrapper,
9 imaging packages for Balance Bar products.

10 Q. Would this document reflect the
11 vast majority of the actual wrappers that are
12 being used in the marketplace today?

13 A. Again, the same thing might
14 apply, something discontinued. BB0003801 was
15 not launched. We did not launch the dark
16 chocolate cranberry almond product. We
17 produced it and were ready to go, but we never
18 put it in the market. Everything else was in
19 market at some point, as far as I believe.
20 Let me do one last check through it.

21 Q. To confirm, the photographs
22 appearing in Exhibit 57 do accurately depict
23 the product packaging in the marketplace?

24 A. At the time it was produced, yes,
25 it accurately reflected that. Some small

1 Direct - Lifeso

2 changes have been made. New flags come off.
3 Minor tweaks are made.

4 MR. SCHROEDER: Mark this,
5 please, as Exhibit 58.

6 (Opposer's Exhibit 58, Balance
7 Bar Media and Blogger Kit Summary
8 between 2010 and 2012, marked for
9 identification.)

10 Q. I am handing you what has been
11 marked as Opposer's Exhibit 58 (handing).
12 Please identify this document for us.

13 A. Yes. This is our Balance Bar
14 Media and Blogger Kit Summary between 2010 and
15 2012.

16 Q. Can you confirm that this
17 document bears production numbers BB0003509 to
18 BB0003521?

19 A. Yes, it does.

20 Q. Briefly walk us through this
21 document and explain it to us.

22 A. Sure thing. With Balance Bar,
23 prior to the NBTY acquisition, we worked
24 initially with a PR representative, someone
25 who helped us with our PR programs. As part

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1 of that, she did a lot of outreach to media and
2 bloggers on our behalf. We created, as we
3 call them, kits that we would send out to the
4 editors and to the bloggers and we would have
5 the full list of the people we wanted to
6 target and she would get the address and make
7 sure everything got executed correctly, but we
8 worked with the kits. For example, 0003510,
9 for example, we launched three new flavors in
10 2010. We ~~dated~~ ^{created} this box of 6 pack of flavors
11 with some information and it was shipped in
12 this tyveck shipper. The next page, in 2011,
13 we launched ~~three~~ ^{two} new cafe flavors and it
14 included a mug, so we had some materials and
15 some promotional elements in there and, again,
16 going to editors in the media, as well as
17 bloggers to write about, so these were
18 outreach kits, not paid for. If it was
19 something that the editor and or blogger
20 wanted to write about, if it fit with what
21 they were doing or talking about or doing a
22 roundup, they can include it in ~~there,~~ ^{their}
23 information. There are cites in their papers
24 or the magazine. In 2011, we also launched
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Direct - Lifeso

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2 the Bare Bars and created this kit, front
3 page, 3512. In 2011, we had ^a Nimble kit with 
4 our two flavors in it. This shows the
5 rendered version and the final work on the
6 right where we put the two flavors in there.
7 We also created a Valentine's Day heart tin
8 that also actually went to the media and
9 bloggers, but was also available for sale on
10 our ecommerce platform ^{SHOPBALANCE.COM} ~~.com~~. The next page, 
11 3515, was when we launched the three -- in
12 2012, we launched Bare blueberry acai and so
13 we went with a custom kit with six of those
14 bars in it. We did a promotional Mother's Day
15 gift. Again, this was sent to the media and
16 bloggers, but we also sold this item on our
17 ecommerce platform, as well. Then the Bare 
18 Father's Day gift, same idea. We did some
19 giveaways as well. So, it was sent to
20 bloggers and winners only. So, there is a
21 comment on that. So, sometimes we did
22 giveaways online. We did a partnership on
23 page 3518 with Laurel House. We included her
24 book here as part of a giveaway and prize
25 package as part of our Nimble promotion and 

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2 then there is a S'mores Day, so different days
3 of the year are considered like national days.
4 So like a peanut butter day, lemon meringue,
5 so we targeted some of these dates with
6 promotional materials and/or kits or ~~bags~~ ^{bars} that y
7 we sent out to winners -- giveaways. This
8 shows an example of one of those gifts that we
9 gave out from our promotional standpoint. We
10 did a back to school campaign. We did a
11 partnership with Itzy Ritzy snack bags, so
12 they provided those bags and we combined it
13 with our mini snacks and did a press release
14 around it, I believe, as well as these kits.
15 The last page here shows our 20th Anniversary
16 Holiday kit. This was, again, commemorating
17 20 years with Balance Bar being out there in
18 the market place, so we had 20 different bars
19 along with this tote box that went out and
20 also going out to editors and bloggers. This
21 was a summary, as I mentioned. There may be
22 smaller promotions or activities that went on,
23 but after November 2012, we changed PR
24 agencies, so we did different promotions and
25 giveaways, so I don't have it captured in the

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1
2 same way.

3 MR. SCHROEDER: Mark these as
4 exhibits.

5 (Opposer's Exhibit 59, Document
6 marked BB0003522 through BB0003525,
7 marked for identification.)

8 (Opposer's Exhibit 60, Document
9 marked BB0003526 through BB0003528,
10 marked for identification.)

11 (Opposer's Exhibit 61, Document
12 marked BB0003529 through BB0003537,
13 marked for identification.)

14 (Opposer's Exhibit 62, Document
15 marked BB0003538 through BB0003543,
16 marked for identification.)

17 (Opposer's Exhibit 63, Document
18 marked BB0003544 through BB0003546,
19 marked for identification.)

20 Q. I am handing you what has been
21 marked as Opposer's 59 (handing). Can you
22 confirm that this document is marked BB0003522
23 through BB0003525?

24 A. Yes.

25 Q. Can you identify this document

Direct - Lifeso

1
2 for us?

3 A. Yes. This is a PR tracker for
4 Balance Bar and by that I mean it shows
5 coverage from the beginning of 2014 through
6 when this document was provided, so it looks
7 like the middle or end of March through March
8 25th and it was categorized into a couple of
9 different buckets, types of outreach and/or
10 outlets that we work with, so broadcast,
11 online, blogs. I think there would be a press
12 release. The press release is on a second
13 page, but yes, last bucket, and they all sum
14 up to a total of circulation, as well as
15 impressions that we had garnered for the 2014
16 calendar year to date.

17 Q. Can you give us a brief overview
18 of how the layout of this documents was
19 prepared, the different columns, what they
20 mean?

21 A. Sure. I mentioned there are
22 categories. The blue line that goes across
23 separates the category, so broadcast, online
24 blogs, and then each have the same column
25 outlets, the same column, just who the blog or

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2 online outlet was. For example, Dr. Oz TV
3 broadcast show was one example. If I was
4 looking at the blog, you would see the Sweet
5 Life. That is a blogger outlet. The date is
6 another column, second one in, is when we got
7 the coverage at that outlet. This is garnered
8 impressions or circulation actually achieved.
9 These are not leads. They are actual
10 impressions that hit the market. The third
11 column is headline segment, so for example,
12 the Dr. Oz Show, he had a segment on his show
13 called Protein Bar Buying Guide. That's the
14 segment we were part of. One says Spring
15 Clean Your Bod. That would be the topic or
16 headline for that particular blogger's print
17 that they did related to Balance Bar. The
18 fourth column is source, so this is more
19 related to the topic that they were covering.
20 So, one example in the blog section is you got
21 Outbound/360pr/Caramel Day. They did an
22 outreach, Outbound. Who was it? Our agency,
23 360 PR, our agency, and it was related to
24 Caramel Day. There are days of the year that
25 we look at. National caramel day it was, so

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2 we probably sent them some of our caramel
3 products and they wrote about it. Variety, so
4 again, this campaign, Caramel Nut Blast and
5 that's the product they talked about. The
6 sixth column over is the online link. That is
7 pretty self-explanatory. If you want to read
8 the article, they are captured online and read
9 the link. See the posting that we got. The
10 next two columns, depending on broadcast or
11 online, they are called Circulation and
12 Impressions. They capture impressions and
13 circulations. Underneath that, they have a
14 couple of extra columns UVM, Facebook, Twitter
15 and Comment/Entries. So, it just depends on
16 their unique visitors per month, UVM, and if
17 they have Facebook or Twitter following --
18 capture how many followings if we were able to
19 catch that. Sometimes N/A if it is more
20 blogger format and they are not on Facebook,
21 Twitter. Then entry, we would do a contest --
22 caramel to try and they wanted to write about
23 it, so we would then offer to our winner the
24 same package we gave the bloggers or comments
25 and entries. Sometimes they do comments and

1 Direct - Lifeso

2 sometimes they do entries into a giveaway.

3 Q. Thank you. I will show you what
4 has been marked as Opposer's Exhibit 60
5 (handing). Again, let's confirm that this
6 consists of BB0003526 to BB0003528?

7 A. Yes, it does.

8 Q. Can you identify this document
9 for us?

10 A. Yes, I can. So, this is, again,
11 part of our PR tracker that I do with my
12 agency, 360PR. This one actually goes back as
13 far as some dates in here are even 2012, but I
14 am guessing it is because I have captured some
15 of the declines, so when they began working
16 with us, so from November 2012 through March
17 25th, I think is the latest date of 2014. It
18 was capturing leads and outreach that were
19 still either works in progress or had been
20 declined. You will see the blue buckets
21 across the top categorized as Outreach and
22 Leads. Online/Blogs is another one and the
23 last one is Declined, so if we were doing
24 specific outreach around our dark launch, for
25 example, and they declined to pick that story

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1
2 up and whether I talk about it on the air, we
3 put it in the decline category. If they were
4 an active lead still either through a blogger,
5 blog portion or -- the upper portion is
6 really -- if you look at the buckets, it is
7 Print. So, the bucket between Print and
8 Online/Blogs, these would be considered active
9 leads following up on. Anything in yellow
10 means that's the new information from the
11 prior weekly tracker that I get. They were
12 just adding new content highlighting in
13 yellow, so I can identify it quickly and not
14 need to look at what I had seen in already
15 prior trackers.

16 Q. I am handing you what has been
17 marked as Exhibit 61 (handing). Can you
18 confirm that this consists of BB0003529
19 through BB0003537?

20 A. Yes, it does.

21 Q. Can you identify this document
22 for us?

23 A. Yes. This is a tracker from our
24 360PR agency. This was specifically related
25 to a press release that we did right around, I

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1 think, on March 20, 2014 and so when we put a
2 press release out there, we get a bunch of
3 pickups. Most of these are online because
4 they don't turn around that quickly into
5 print, so you will see all of the links in one
6 of the columns with a live link in there. So,
7 click on that from the live Excel document,
8 but it shows any outlet that picked up our
9 press release and in the far two columns,
10 impressions -- circulation is the left one and
11 right one impressions. The header got cut off
12 or would actually be on the summary tab from
13 the prior document, 59. It should be summing
14 up press releases and that total should
15 match -- it does. So, if you look at that row
16 back on Exhibit 59 that says press releases,
17 circulation and impressions, 113 million and
18 that matches the page 3537 from document 61,
19 so this is probably just an Excel tab that had
20 press release on it from the same document,
21 just a different tab.

22 Q. Thank you.

23 I am handing you now what has
24 been marked as Exhibit 62 (handing). Please
25

1 Direct - Lifeso

2 confirm that this document consists of
3 BB00003538 to BB00003543?

4 A. Yes, it does.

5 Q. Can you identify this document
6 for us?

7 A. Yes. This is also a PR tracker
8 from my agency, 360PR. It has November 2012
9 through the end of 2013 coverage included
10 here. It is similar to the prior documents
11 that we looked at for 2014, but this is for
12 2012 to 2013.

13 Q. Similar to Exhibit 59, but
14 covering a different time period?

15 A. Correct. Exhibit 59 is 2014
16 coverage, whereas Exhibit 62 is November 2012
17 through the calendar year 2013 coverage, which
18 is when we started with this agency, in
19 November of 2013.

20 Q. Thank you.

21 I am handing you Exhibit 63
22 (handing). Can you confirm this document
23 consists of BB0003544 to BB0003546?

24 A. Yes, it does.

25 Q. Can you identify this document

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2 for us?

3 A. Another PR tracker from agency
4 360PR and the dates on this one -- again, this
5 is for outreach and leads. Go through 2013
6 and one back to November 2012, as well,
7 because it covers, I think, everything from
8 2012 to 2013 that they were tracking. One
9 second. Yes. So, basically it is a similar
10 document to Exhibit 60, yes.

11 MR. SCHROEDER: Mark this,
12 please, as Exhibits 64 and 65.

13 (Opposer's Exhibit 64, Document
14 bearing BB0003874, marked for
15 identification.)

16 (Opposer's Exhibit 65, Document
17 bearing BB0003460 and BB0003461, marked
18 for identification.)

19 Q. I am handing you what has been
20 marked as Exhibit 64 (handing). Please
21 identify this document for us.

22 A. Yes. This is an image of a 3-D
23 rendering of a 90 count dark display. It
24 would be used at point of sale and retail as a
25 secondary placement for product.

1 Direct - Lifeso

2 Q. Let me also show you what has
3 been marked as Exhibit 65 (handing). Is that
4 document related to Exhibit 64?

5 A. This is capturing basically all
6 displays that were shipped between -- and
7 actually may not cover all of the data back to
8 2011, but it looks like it is capturing
9 displays shipped between January 2011 to March
10 2014.

11 Q. Is the display shown in Exhibit
12 64 one of the displays listed in Exhibit 65?

13 A. Yes. It should be 16182, third
14 one down, BB 90 count dark floorstand.

15 Q. Who would these stands generally
16 be shipped to?

17 A. Any customer that placed an order
18 for displays.

19 MR. SCHROEDER: Mark this,
20 please, as Opposer's Exhibits 66 and 67.

21 (Opposer's Exhibit 66, Document
22 bearing BB0004010 through BB0004014,
23 marked for identification.)

24 (Opposer's Exhibit 67, Document
25 bearing BB0004017, marked for

1 Direct - Lifeso

2 identification.)

3 MR. SCHROEDER: At this point,
4 let's mark the transcript as Attorneys'
5 Eyes Only.

6 (The following portion has been
7 deemed confidential and bound under
8 separate cover.)

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Cross - Lifeso

CROSS-EXAMINATION

MS. WILBERT:

Q. Balance Bar has a number of different marks that they have put at issue in this case. Those trademarks are Balance, Balance Gold, Balance Bar Gold, Balance Bar and Balance Bare; is that correct?

A. I believe so, yes.

Q. All of those trademarks start with the term Balance, correct?

A. Yes.

Q. Going forward, I may refer to the collection of marks as the Balance Bar marks; is that fair?

A. That is fair.

Q. None of the Balance Bar trademarks at issue contain the term Earth, correct?

A. Correct.

Q. I would like to discuss the use of the Balance Bar trademarks. You have touched on some of that in your earlier testimony, but I have specific questions. Balance Bar discontinued the use of Balance

Cross - Lifeso

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Pure in 2010, correct?

A. Correct.

Q. Balance Bar is not currently using Balance Pure, correct?

A. Correct.

Q. At no time during 2010 when it discontinued the mark through 2014 has Balance Bar used the word Balance Pure, correct?

A. We discontinued the product line in 2010, correct, so we haven't been using Pure on product packaging as a trademark since then.

Q. I would like to summarize some of the marketing and advertising methods that you touched on. Specifically, Balance Bar uses websites to advertise its Balance Bar trademarks, correct?

A. As one tactic. When you say use websites, to clarify, can you give me an example of how we would use a website?

Q. Does Balance Bar have a website that is www.balance.com?

A. Our website, yes, we use our website for content information, yes.

Cross - Lifeso

1
2 Q. The Balance Bar trademarks are
3 used on the Balance Bar website?

4 A. Yes.

5 Q. Balance Bar used print
6 advertisement to advertise to the public,
7 correct?

8 A. Yes, print advertising.

9 Q. And Balance Bar uses social media
10 including blogs, Facebook and Twitter?

11 A. And ~~Pin Interest~~ ^{Pinterest} and other online
12 sites, e-commerce channels, as well as if you
13 did digital ad campaigns, et cetera.

14 Q. So, Balance Bar is using blogs to
15 advertise the Balance Bar trademarks, correct?

16 A. Yes.

17 Q. Balance Bar uses Facebook to
18 advertise the Balance Bar trademarks?

19 A. To clarify, when you say
20 advertise the Balance Bar trademark, you mean
21 use or produce imagery and talk about the
22 Balance products?

23 Q. Yes. Is there another term I
24 could use?

25 A. No. I just want to make sure we

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1
2 are on the same page.

3 Q. Balance Bar advertises its
4 trademarks on Facebook?

5 A. Yes.

6 Q. And Balance Bar advertises its
7 trademarks on Twitter?

8 A. Yes.

9 Q. And Balance Bar advertises its
10 trademarks on ~~Pin Interest~~^{Pinterest}? 

11 A. Yes. I am getting tripped on the
12 words advertise. That word sounds funny in
13 that context for some reason.

14 Q. I want to make sure we understand
15 each other. Is there another word that would
16 be more accurate?

17 A. What are you trying to get at? I
18 want to make sure when you say advertise,
19 sometimes that applies to payment. I am
20 paying for a placement on something and
21 sometimes we don't pay to advertise in some
22 places, so depending on when you say
23 advertise, we are communicating with our
24 advertiser through these different platforms,
25 yes.

Cross - Lifeso

1
2 Q. I would like to get a concise
3 list and understanding of how the Balance Bar
4 Company is using the Balance Bar trademarks
5 and I am trying to summarize some of the more
6 elaborate testimony that you have given so
7 far.

8 A. I just want to make sure when you
9 say advertising, we don't necessarily mean
10 pay.

11 Q. Whether they pay or not, the
12 Balance Bar Company uses the Balance Bar
13 trademarks on in-store displays?

14 A. Yes.

15 Q. Whether they pay or not, the
16 Balance Bar Company uses the Balance Bar
17 trademarks in store and customer marketing
18 programs?

19 A. Yes.

20 Q. And the Balance Bar Company uses
21 the Balance Bar trademarks on freestanding
22 inserts?

23 A. Yes.

24 Q. The Balance Bar Company uses the
25 Balance Bar trademarks in press releases and

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media kits?

A. Yes.

Q. The Balance Bar Company uses the Balance Bar trademarks in samples and coupons, correct?

A. Yes.

Q. In your June deposition, you testified about connotations of the various Balance trademarks and I would like to discuss that testimony. You testified that the Balance trademark is the core trademark for the company; is that correct?

A. Correct.

Q. And that the Balance products that Balance Bar sells in the U.S. all have the term Balance as the first part of that mark?

A. That is correct.

Q. That's because it is intended to communicate the core of the company?

A. Providing balance to the consumer *in* ~~in~~ their busy on-the-go lives. 

Q. You testified that the company uses the word Balance as the prominent term in

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1
2 all of its trademarks?

3 A. Balance is used.

4 Q. You testified the Balance Gold
5 trademark was launched in 2000, correct? 

6 A. Correct, to the best of my
7 knowledge.

8 Q. The Balance Gold trademark is
9 intended to communicate to consumers that
10 Balance Bar was using a more indulgent product
11 line?

12 A. That was the initial intent of
13 the Gold line, to provide a more indulgent
14 flavor profile.

15 Q. And the Balance Bare trademark
16 was intended to communicate to customers that
17 the bar product was not fully coated and some
18 of the ingredients were bare or visible to the
19 eye?

20 A. That was an assumption on my
21 part, given the fact it was launched in 2007,
22 I believe, so I was not part of the brand, so
23 if I was to place a bet -- again, I don't have
24 any of the research they went through. I
25 don't know what they initially intended when I

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1
2 look at it and what I had to communicate about
3 it as a marketer communicating in 2010. It is
4 bare on top. You can see the ingredients.

5 Q. In 2010 --

6 A. That was how I tried to leverage
7 the name that had been selected for that
8 product line, yes.

9 Q. Could you look at Exhibit 7 in
10 front of you, please.

11 A. I have exhibits starting at 52 --
12 here we go.

13 Q. Applicant's Exhibit 7 is a
14 picture of a box of a nut and seed base snack
15 bars sold in connection with a Simply Balanced
16 trademark?

17 A. Correct.

18 Q. We discussed Simply Balanced
19 trademark and I think you spoke a little bit
20 about it earlier today. You had previously
21 testified that there was a signature
22 difference between the granola bar set and the
23 nutrition bar set, correct?

24 A. In different places of the store,
25 yes.

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Q. Of the two sets, the Balance Bar products would be considered in the nutrition set, right?

A. Our current bars are placed in the nutrition set, not to mean that our future bars will be always there.

Q. But today the Balance Bar products are placed in the nutrition bar set?

A. Currently, they are placed in the nutrition and protein, yes, so --

Q. The nut and seed based snack bars shown in Exhibit 7, you would consider those to be in granola set, right?

A. I believe that's where Target places them. This is the Target brand.

Q. You testified one of the significant difference between the nutrition bar set and products like the nut and seed based snack bars are that they are sold in difference places in the store, correct?

A. I think there is also a formulation difference that you mentioned, that there are more nut and seed products, so if we look at Bare offerings that might end up

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~~portion~~
location

1
2 in a different ~~portion~~ of the store, so we
3 will see how that goes. Right now we are
4 starting, so --

5 Q. Consumers would typically go to
6 different aisles in the store when we are
7 talking about different locations, different
8 aisles in the store, correct?

9 A. Depending on the product need
10 base that we are going after, I think they are
11 educated enough to find different products as
12 they need in different stores.

13 Q. You do not believe that there
14 would be a likelihood of consumer confusion
15 with Simply Balanced products as compared to
16 the Balance Bar products in the store because
17 they would not be sold in the same location,
18 correct?

19 A. I couldn't place a bet on that.
20 I wouldn't be able to answer that question.

21 Q. Do you believe that there is a
22 likelihood of confusion with the Balance Bar
23 products and Simply Balanced products shown in
24 Exhibit 7?

25 A. I think there could be.

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Q. What action has Balance Bar taken to act on your belief that there is a likelihood of confusion between the two products?

A. We have identified, talked about it with counsel. We haven't taken any concrete steps as far as I can recall.

Q. So, you were with Balance Bar in 2012, correct?

A. Correct.

Q. Balance Bar Company was aware of the Simply Balanced trademark in 2012, correct?

A. Balance Bar Company was aware of it or I personally?

Q. Balance Bar Company.

A. I am not positive, to tell you the truth.

Q. Do you have any reason to believe that that is inaccurate if Balance Bar has represented in interrogatory and discovery that it was aware of the Simply Balanced trademark in 2012?

A. If they have represented, I have

Cross - Lifeso

no reason to believe otherwise.

Q. Are you aware of any steps that Balance Bar took in 2012 to take action in response to the Simply Balanced trademark?

A. I personally am not aware.

Q. Are you aware of any steps taken in 2013 by Balance Bar in connection with the Simply Balanced trademark?

A. I have no concrete memory of a specific step that was taken.

Q. So, you have no memory of a step that was taken in 2014 either?

A. Beyond conversations -- similar in the sense of like how I was following along with these cases and proceedings, so until we get to a step like this -- there are definitely conversations back and forth. There may have been. I am not aware personally.

Q. Who were those conversations with?

A. Which conversation?

Q. You mentioned a conversation.

A. I have talked with Patrick

Cross - Lifeso

1
2 Cornacchiulo or legal counsel.

3 Q. Were there any conversations with
4 Target or anyone external about the Simply
5 Balanced trademark?

6 A. I am not aware. I don't believe
7 so.

8 Q. But the conversations that you
9 were referring to, were they involving a third
10 party?

11 A. They were internal conversations.

12 Q. So, as far as you know, Balance
13 Bar has taken no external action regarding the
14 Simply Balanced trademark?

15 A. As far as I'm aware. I am
16 unaware of any outside steps that have been
17 taken.

18 Q. Are you aware of any instances of
19 actual confusion between any of the Balance
20 Bar trademarks and any of the Simply Balanced
21 trademarks?

22 A. I have not received consumer
23 complaints that would state that.

24 Q. That's a slightly different
25 question.

Cross - Lifeso

1
2 A. That would be how I would
3 understand because they would reach out to us
4 and let us know. If I haven't received a
5 consumer e-mail or posting in our ~~posting~~ *social*
6 channels, that's how I would become aware of
7 it. If there is confusion, I would only be
8 aware if they were telling me about it. I
9 haven't heard anything yet.

10 Q. To summarize, you are not aware
11 of any consumer confusion in connection with
12 the Simply Balanced trademark and Balance Bar
13 products, correct?

14 A. I am currently unaware of any
15 confusion from our consumers.

16 Q. You previously testified that you
17 are not aware of any competitors that use the
18 word Balance in their trademark, correct?

19 A. That use the word Balance,
20 correct.

21 Q. So, do you not consider the
22 Simply Balanced product to be a competitive
23 product?

24 A. This is a slightly different
25 mark. You have to assess Simply Balanced is

Cross - Lifeso

1
2 not exactly using Balance as we treat it, so
3 we think there could be something to look at
4 here. How close is it? We have to assess.

5 Q. Do you consider the nut and seed
6 base bars to be a competitive product to the
7 Balance Bar products?

8 A. Yes, I would say bars like Kind
9 bar, we are definitely looking at saying they
10 followed in our set occasionally -- sometimes
11 in different places, so they are still
12 considered a competitor though.

13 Q. So, you are aware of competitors
14 that use the word Balance, but you simply were
15 distinguishing Balance verses Balanced?

16 A. Yes. I thought you asked me
17 about Balance, which is why I was clarifying
18 that, yes.

19 Q. Balance Bar sells products on
20 Amazon.com, correct?

21 A. Correct.

22 MS. WILBERT: Mark this, please,
23 as Exhibit 11.

24 (Applicant's Exhibit 11, Document
25 bearing GFA EB001819 through GFA

Cross - Lifeso

EB001823, marked for identification.)

Q. I have just handed you what has been marked as Applicant's Exhibit 11 (handing). Please confirm that Applicant's Exhibit 11 is a printout from Amazon.com for a product titled Kay's Naturals - Better Balance Protein Cereal Honey Almond?

A. Yes, it is.

Q. Are you aware of any instances of confusion between the Better Balance Protein Cereal and any products offered by Balance Bar?

A. I am unaware of confusion with this product and Balance Bar.

Q. In fact, there have been no instances of actual confusion between any of the Balance Bar products and any products sold on Amazon that bear the Balance trademark, correct?

A. I am sorry. To clarify, any product ever sold on Amazon verses our trademark, you are asking about?

Q. Yes. Are you aware of any instances of confusion between any of the

Cross - Lifeso

1
2 Balance Bar products and any product sold on
3 Amazon that bears the term Balance in its
4 trademark?

5 A. That's a very big question. I
6 don't have any data to support that one way or
7 another.

8 Q. Sitting here, can you think of an
9 answer?

10 A. I cannot think of an answer, not
11 to say that there hasn't been. I don't go and
12 review all pages to see confusion. I am not
13 aware. I am unaware, not to say there isn't
14 or hadn't been confusion.

15 Q. I understand that distinction.
16 Sitting here today, are you personally aware
17 of any?

18 A. As I may have mentioned or
19 clearly stated, I feel like, I am unaware.

20 MS. WILBERT: Mark this, please,
21 as Exhibit 12.

22 (Applicant's Exhibit 12, Document
23 bearing GFA EB002367, marked for
24 identification.)

25 Q. I have just handed you what has

Cross - Lifeso

1
2 been marked as Applicant's Exhibit 12
3 (handing). This is an image of Earth Balance
4 kettle chips. Are you aware of any instances
5 of confusion between Earth Balance kettle
6 chips and any product offered under the
7 Balance trademarks?

8 A. No.

9 Q. Are you aware of any instances of
10 confusion between the Earth Balance peanut
11 butter and any of the products offered under
12 the Balance Bar trademarks?

13 A. No.

14 Q. Are you aware of any instances of
15 confusion between any of the Earth Balance
16 products and any of the products sold in
17 connection with the Balance Bar trademarks?

18 A. No.

19 Q. Are you aware of any instances of
20 confusion between products offered under the
21 Smart Balance trademark and any of the
22 products offered in connection with the
23 Balance Bar trademarks?

24 A. No.

25 Q. On one of the budget documents,

Cross - Lifeso

1
2 it showed Balance Bar as a division of a
3 company. I think it was called Alphabet
4 Holding Company.

5 A. Okay.

6 Q. What's the connection between
7 Balance Bar and Alphabet Holding Company?

8 A. I believe that was, again, on the
9 document from when it was owned by Brynwood
10 Partners, prior to NBTY owning the business,
11 and to be perfectly frank, I am not sure if it
12 is Alphabet Holding Company as a generic
13 company on that spreadsheet. I am not aware.
14 That was the title he put on that document.

15 Q. You are not aware of an entity
16 with that title relevant to this proceeding?

17 A. Not that I'm aware of, if somehow
18 throughout the Brynwood Private Equity Group
19 that's how their system is set up. I am
20 personally not aware of why that would be
21 classified as that.

22 MS. WILBERT: Okay. I need a
23 five-minute break.

24 (Recess taken.)

25 Off the record.

1 Cross - Lifeso

2 (Discussion off the record.)

3 Q. Could you please look at Exhibit
4 72?

5 A. Yes.

6 Q. Who is the Alphabet Holding
7 Company, Inc. referenced in Exhibit 72?

8 A. I actually don't know.

9 Q. Is this the Brynwood Partners
10 reference that you were referring to?

11 A. I don't know if it was from
12 Brynwood or an actual company. I believe the
13 way these documents were pulled and the time
14 frame, having that on top of it, it would have
15 been pulled from the prior NBTY Systems --
16 actually, December 2012. That was the
17 acquisition time. This would probably be NBTY
18 pulling this -- I am actually -- sorry for my
19 confusion. I have never asked the question
20 who that group is, if that's a real entity or
21 not.

22 Q. Your understanding is that the
23 trademarks Balance, Balance Bar, the ones that
24 are at issue, are owned by Balance Bar
25 Company?

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A. Yes, that's my understanding.

MS. WILBERT: No further
questions.

MR. SCHROEDER: Nothing from me.

(Time noted: 12:07 p.m.)

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-----I N D E X-----

WITNESS:	DIRECT	CROSS
ERIN LIFESO	3	40

-----EXHIBITS-----

OPPOSER'S		FOR I.D.
52	Print ad for Balance Bar	4
53	Document bearing production number BB0003455	4
54	Document bearing production number BB0003454	4
55	Document bearing production number BB0003456	4
56	Document bearing production numbers BB0003765 to BB0003797	7
57	Document bearing production numbers BB0003798 to BB0003819	7
58	Balance Bar Media and Blogger Kit Summary between 2010 and 2012	11
59	Document marked BB0003522 through BB0003525	15

-----EXHIBITS (Continued)-----

OPPOSER'S FOR I.D.

60	Document marked BB0003526 through BB0003528	15
61	Document marked BB0003529 through BB0003537	15
62	Document marked BB0003538 through BB0003543	15
63	Document marked BB0003544 through BB0003546	15
64	Document bearing BB0003874	23
65	Document bearing BB0003460 and BB0003461	23
66	Document bearing BB0004010 through BB0004014	24
67	Document bearing BB0004017	24

APPLICANT'S FOR I.D.

11	Document bearing GFA EB001819 through GFA EB001823	54
12	Document bearing GFA EB002367	56

(Reporter retained exhibits.)

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C E R T I F I C A T E

STATE OF NEW YORK)

) ss.:

COUNTY OF NASSAU)

I, CATHY LEONE, a Notary Public
within and for the State of New York, do
hereby certify:

That ERIN LIFESO, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that
such deposition is a true record of the
testimony given by such witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage; and that I
am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 2nd day of
August, 2014.

Cathy Leone

CATHY LEONE

45	23	From “on” to “in”	Transcription Error
46	4	From “Balance” to “Balance Gold”	Transcription Error
49	2	From “portion” to “locations”	Transcription Error
53	5	From “posting” to “social”	Transcription Error

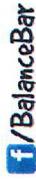
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or giving the dog a workout...



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Find your Balance.™



Every delicious Balance Bar® has



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your Balance?™



New!

Sweeteners include Organic Agave & Brown Rice Syrup

15 BARS



Nutrition Bar for Lasting Energy

Balance bar BARE

blueberry acai

15g Protein

7g Whole Grains

4g Fiber



BARE blueberry acai

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

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Sweeteners include
Organic Agave
& Brown Rice Syrup

15
BARS



Nutrition Bar for Lasting Energy

Balance ^{bar} BARE

SWEET & SALTY
chocolate almond

15g Protein

6g Whole Grains

5g Fiber



BARE
SWEET & SALTY
chocolate almond

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

15 BARS - 1.76 OZ (50g) NET WT 26.4 OZ (1 LB 10.4 OZ) (750g) © 2010

SWEET & SALTY
chocolate almond

Nutrition Bar for Lasting Energy
**Balance ^{bar}
BARE**





Sweeteners include
Organic Agave
& Brown Rice Syrup

15
BARS



Nutrition Bar for Lasting Energy

Balance ^{bar} BARE

SWEET & SALTY
peanut butter

15g Protein

6g Whole Grains

5g Fiber



BARE
SWEET & SALTY
peanut butter

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)



Balance ^{bar} BARE
SWEET & SALTY
peanut butter
15 BARS - 1.76 OZ (50g) / NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)





BB0003768



Balance bar
peanut butter

Nutrition Bar for Lasting Energy

Balance bar

peanut butter



- 15g Protein**
- 23 Vitamins & Minerals**
- Low Glycemic Index (28)**
- Excellent Source of Antioxidants (Vit A, C & E)**



6 PACK

6 BARS - 1.76 OZ (50g)
TOTAL NET WT 10.56 OZ (300g)



Balance bar
peanut butter

Nutrition Bar for Lasting Energy

BEST WHEN LOSE IT BY

6 BARS - 1.76 OZ (50g) TOTAL NET WT 10.56 OZ (300g)



BB0003769



15g Protein
23 Vitamins & Minerals
Low Glycemic Index (25)
Excellent Source of Antioxidants (Vit A, C & E)

Nutrition Bar for Lasting Energy

Balance^{bar}

honey peanut



15 BARS [Ⓢ]

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

honey peanut



14g Protein

23 Vitamins & Minerals
Low Glycemic Index (20)

Excellent Source of Antioxidants (Vit A, C & E)

Nutrition Bar for Lasting Energy

Balance bar[®]

chocolate craze



15
BARS [Ⓢ]

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

chocolate craze



15g Protein

23 Vitamins & Minerals

Low Glycemic Index (20)

Excellent Source of Antioxidants (Vit A, C & E)



Nutrition Bar for Lasting Energy

Balancebar®

mocha chip



15
BARS

Ⓢ

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

mocha chip



Balancebar®
mocha chip

Nutrition Bar for Lasting Energy

15 BARS - 1.76 OZ (50g) / NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)



15g Protein
23 Vitamins & Minerals
Low Glycemic Index (28)
Excellent Source of Antioxidants (Vit A, C & E)

Nutrition Bar for Lasting Energy

Balance^{bar}

peanut butter



15
BARS [Ⓢ]

15 BARS - 1.76 OZ (50g)
 NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

peanut butter

15 BARS - 1.76 OZ (50g) NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

% of total calories

Balance bar
peanut butter

Nutrition Bar for Lasting Energy



14g Protein

23 Vitamins & Minerals

Low Glycemic Index (33)

Excellent Source of Antioxidants (Vit A, C&E)

Nutrition Energy Bar with Three Indulgent Layers

Balance^{bar}

GOLD

chocolate mint cookie crunch



chocolate mint cookie crunch

15 BARS

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

Balance^{bar}
chocolate mint cookie crunch
15 BARS - 1.76 OZ (50g) NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)



14g Protein
23 Vitamins & Minerals
Low Glycemic Index (23)
Excellent Source of Antioxidants (Vit A, C & E)

Nutrition Bar for Lasting Energy

Balance®

almond brownie



15
BARS [Ⓢ]

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

almond brownie



15g Protein
23 Vitamins & Minerals
Low Glycemic Index (28)
Excellent Source of Antioxidants (Vit A, C & E)

Nutrition Bar for Lasting Energy

Balance^{bar}

yogurt honey peanut



15 BARS [Ⓢ]

15 BARS - 1.76 OZ (50g)
 NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

yogurt honey peanut

15 BARS - 1.76 OZ (50g) NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

Balance^{bar}
 yogurt honey peanut

Nutrition Bar for Lasting Energy





15g Protein

24 Vitamins & Minerals

Low Glycemic Index (19)

Excellent Source of Antioxidants (Vit A, C & E)

Nutrition Energy Bar with Three Indulgent Layers

Balance bar®

GOLD

caramel nut blast



caramel nut blast

15 BARS

Ⓢ

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

15 BARS - 1.76 OZ (50g) NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

Balance bar®
GOLD

caramel nut blast

Nutrition Energy Bar with Three Indulgent Layers

% of total calories

All 40g trans fat

carbohydrates

40%

protein (15g)

30%

fat/0g trans fat

% of total calories



14g Protein
23 Vitamins & Minerals
Low Glycemic Index (19)
Excellent Source of Antioxidants (Vit A, C & E)

Nutrition Energy Bar with Three Indulgent Layers

Balance bar®

GOLD

chocolate peanut butter



15
BARS

15 BARS - 1.76 OZ (50g)
 NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

chocolate peanut butter

Balance bar
 chocolate peanut butter
 15 BARS - 1.76 OZ (50g) NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)



14g Protein

23 Vitamins & Minerals

Low Glycemic Index (23)

Excellent Source of Antioxidants (Vit A, C&E)

% of total calories

Nutrition Bar for Lasting Energy

Balance bar[®]

double chocolate brownie



15
BARS [Ⓢ]

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

double chocolate brownie

double chocolate brownie
15 BARS - 1.76 OZ (50g) NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

Nutrition Bar for Lasting Energy



BB0003781



Gluten Free



% of total calories

13g Protein

Gluten Free

4g Fiber

23 Vitamins & Minerals

Excellent Source of Antioxidants (Vit A, C&E)

Nutrition Bar for Lasting Energy

Balance^{bar}

chocolate raspberry



Gluten Free

15
BARS



15 BARS - 1.58 OZ (45g)
NET WT 23.7 OZ (1 LB 7.7 OZ) (675g)

chocolate
raspberry



Nutrition Bar for Lasting Energy

Balance[®] bar

cookie dough

15g Protein

23 Vitamins & Minerals

Low Glycemic Index (24)

Excellent Source of

Antioxidants

(VIT. A, C & E)



6 PACK

6 BARS - 1.76 OZ (50g)
TOTAL NET WT 10.56 OZ (300g) © D

Nutrition Bar for Lasting Energy

Balance[®] bar

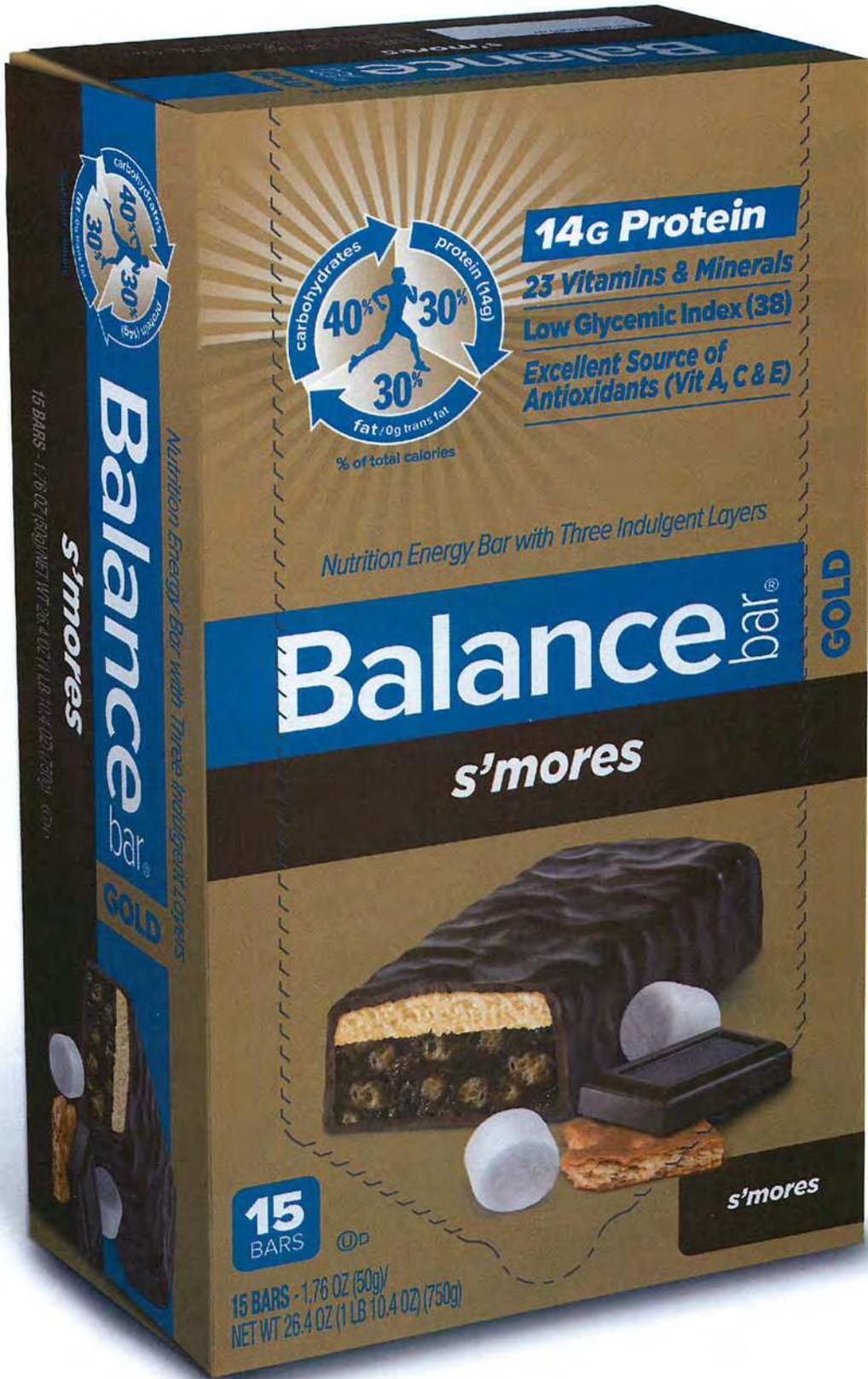
cookie dough

6 BARS - 1.76 OZ (50g) TOTAL NET WT 10.56 OZ (300g) © D

BB0003783



BB0003784



14g Protein
23 Vitamins & Minerals
Low Glycemic Index (38)
Excellent Source of Antioxidants (Vit A, C & E)

Nutrition Energy Bar with Three Indulgent Layers

Balance^{bar}

s'mores

GOLD



15 BARS [®]_D

15 BARS - 1.76 OZ (50g)
NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

s'mores

15 BARS - 1.76 OZ (50g) NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

Balance^{bar}
s'mores

Nutrition Energy Bar with Three Indulgent Layers

GOLD



BB0003786



14g Protein
23 Vitamins & Minerals
Low Glycemic Index (25)
Excellent Source of Antioxidants (Vit A, C&E)

Nutrition Energy Bar with Three Indulgent Layers

Balance

lemon meringue crunch

GOLD



15 BARS [Ⓢ]

15 BARS - 1.76 OZ (50g)
 NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

lemon meringue crunch

15 BARS - 1.76 OZ (50g) NET WT 26.4 OZ (1 LB 10.4 OZ) (750g)

Balance bar **GOLD**

lemon meringue crunch

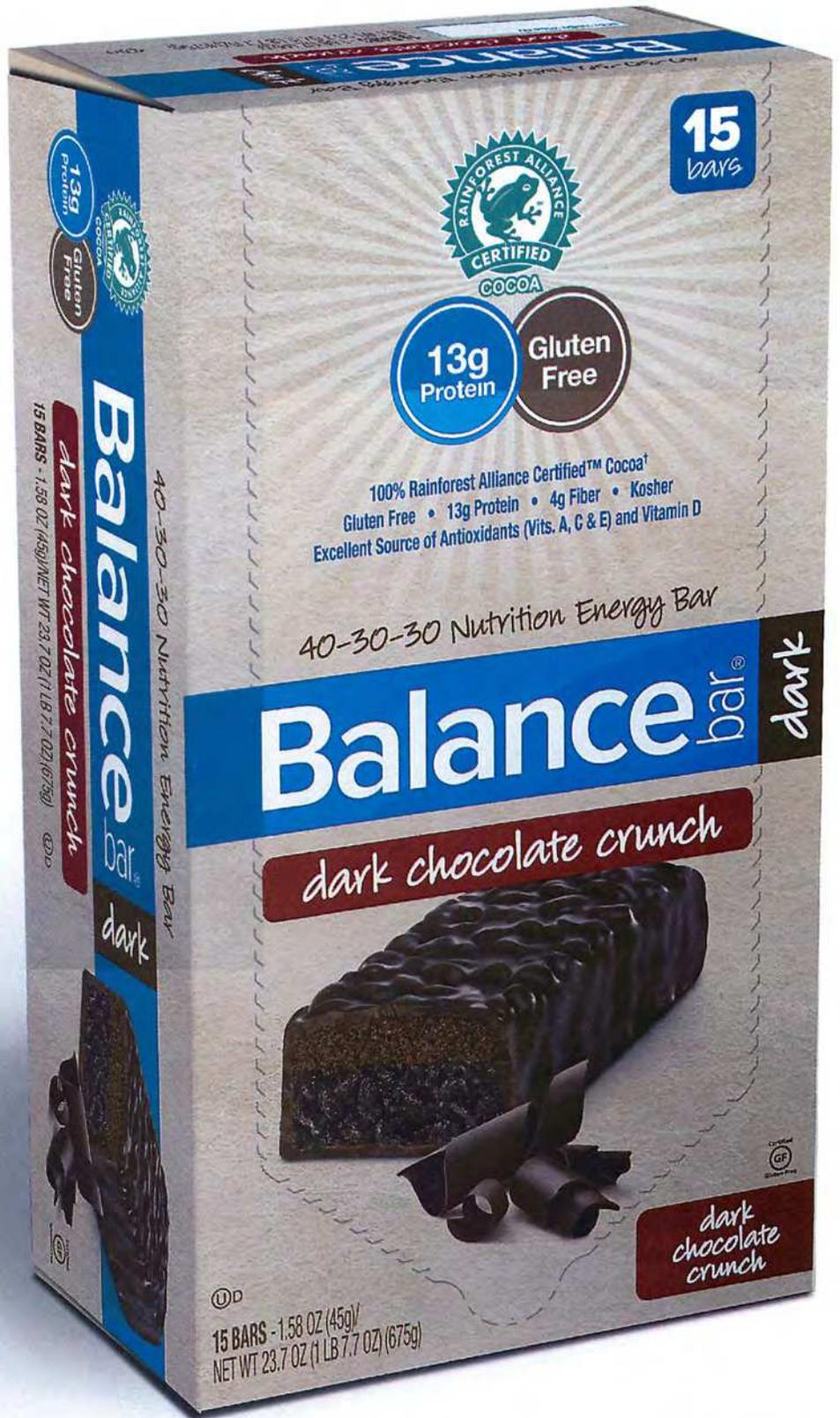
Nutrition Energy Bar with Three Indulgent Layers

30% of total calories

% of total calories



BB0003788



15 bars



13g Protein
Gluten Free

100% Rainforest Alliance Certified™ Cocoa
Gluten Free • 13g Protein • 4g Fiber • Kosher
Excellent Source of Antioxidants (Vits. A, C & E) and Vitamin D

40-30-30 Nutrition Energy Bar

Balance bar®

dark

dark chocolate crunch



dark chocolate crunch

15 BARS - 1.58 OZ (45g) /
NET WT 23.7 OZ (1 LB 7.7 OZ) (675g)



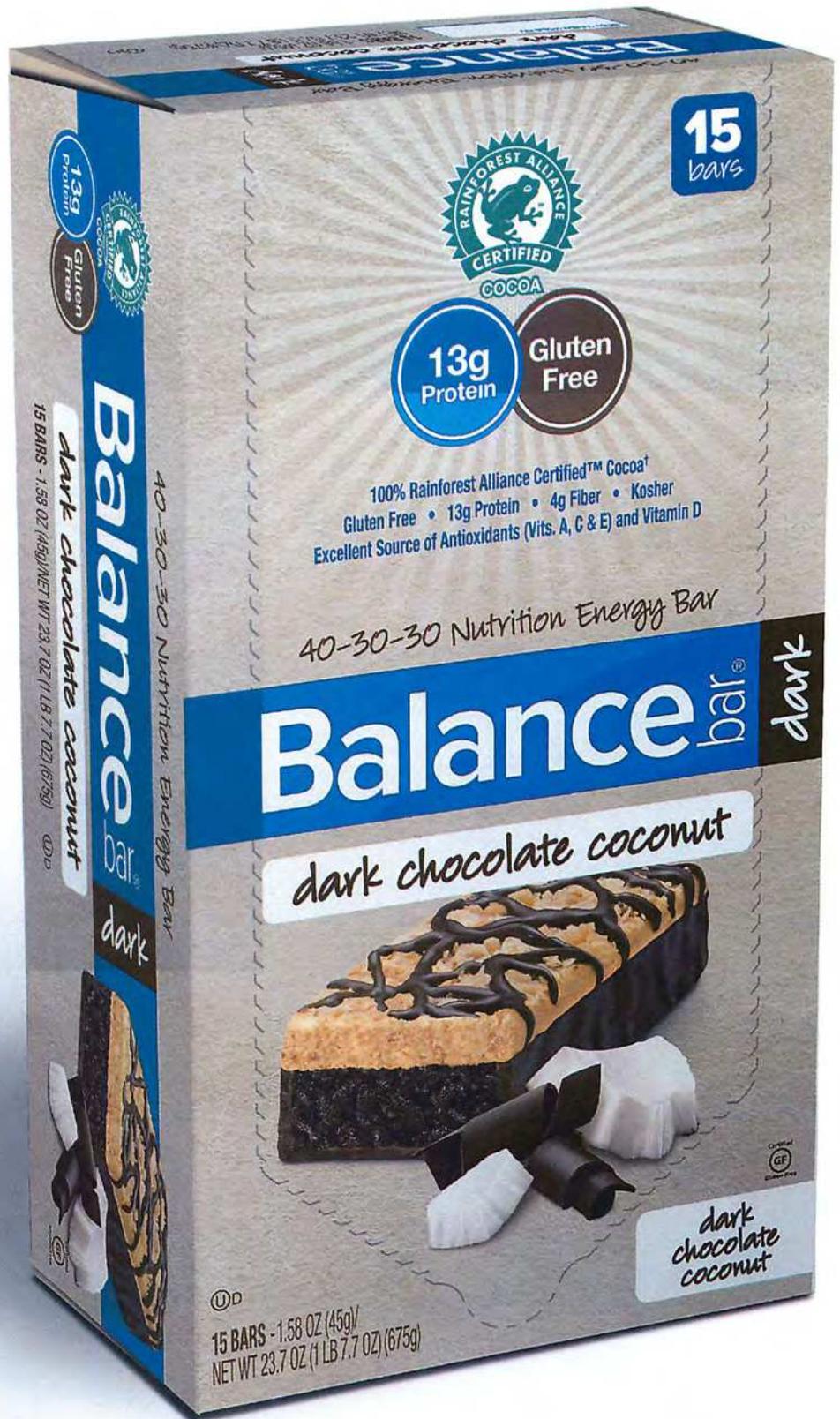
13g Protein
Gluten Free

Balance bar®
dark chocolate crunch
40-30-30 Nutrition Energy Bar
15 BARS - 1.58 OZ (45g) / NET WT 23.7 OZ (1 LB 7.7 OZ) (675g)

BB0003789



BB0003790



15 bars



13g Protein
Gluten Free

100% Rainforest Alliance Certified™ Cocoa
Gluten Free • 13g Protein • 4g Fiber • Kosher
Excellent Source of Antioxidants (Vits. A, C & E) and Vitamin D

40-30-30 Nutrition Energy Bar

Balance^{bar} dark

dark chocolate coconut



dark chocolate coconut

15 BARS - 1.58 OZ (45g)
NET WT 23.7 OZ (1 LB 7.7 OZ) (675g)

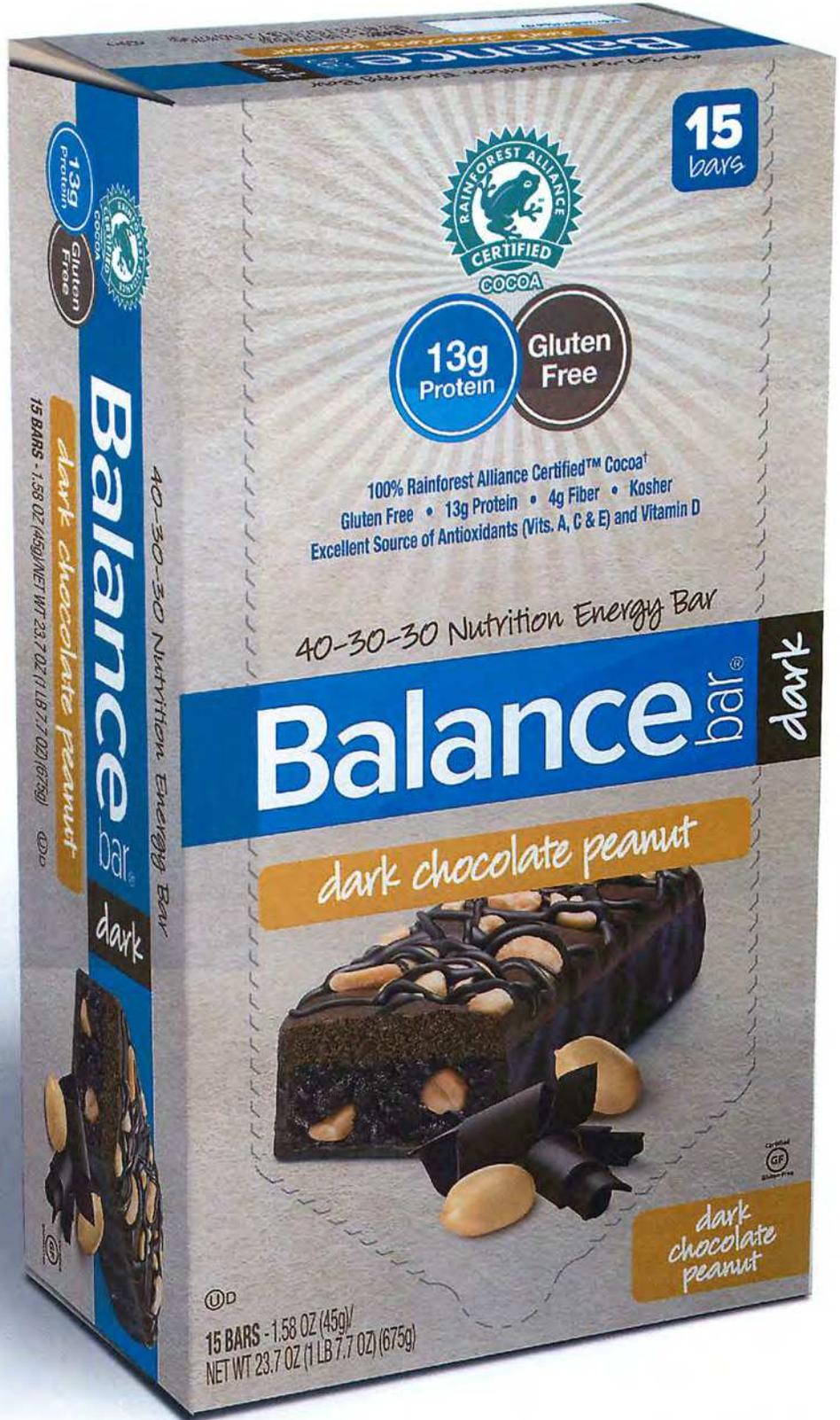
15 BARS - 1.58 OZ (45g) NET WT 23.7 OZ (1 LB 7.7 OZ) (675g)

Balance^{bar} dark

40-30-30 Nutrition Energy Bar

13g Protein
Gluten Free

BB0003791



15 bars



13g Protein
Gluten Free

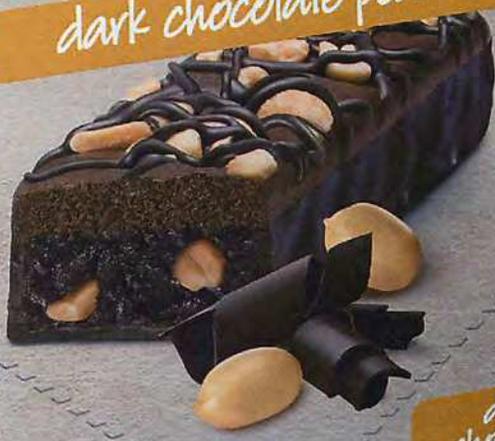
100% Rainforest Alliance Certified™ Cocoa†
Gluten Free • 13g Protein • 4g Fiber • Kosher
Excellent Source of Antioxidants (Vits. A, C & E) and Vitamin D

40-30-30 Nutrition Energy Bar

Balance bar®

dark

dark chocolate peanut



dark chocolate peanut

15 BARS - 1.58 OZ (45g) /
NET WT 23.7 OZ (1 LB 7.7 OZ) (675g)

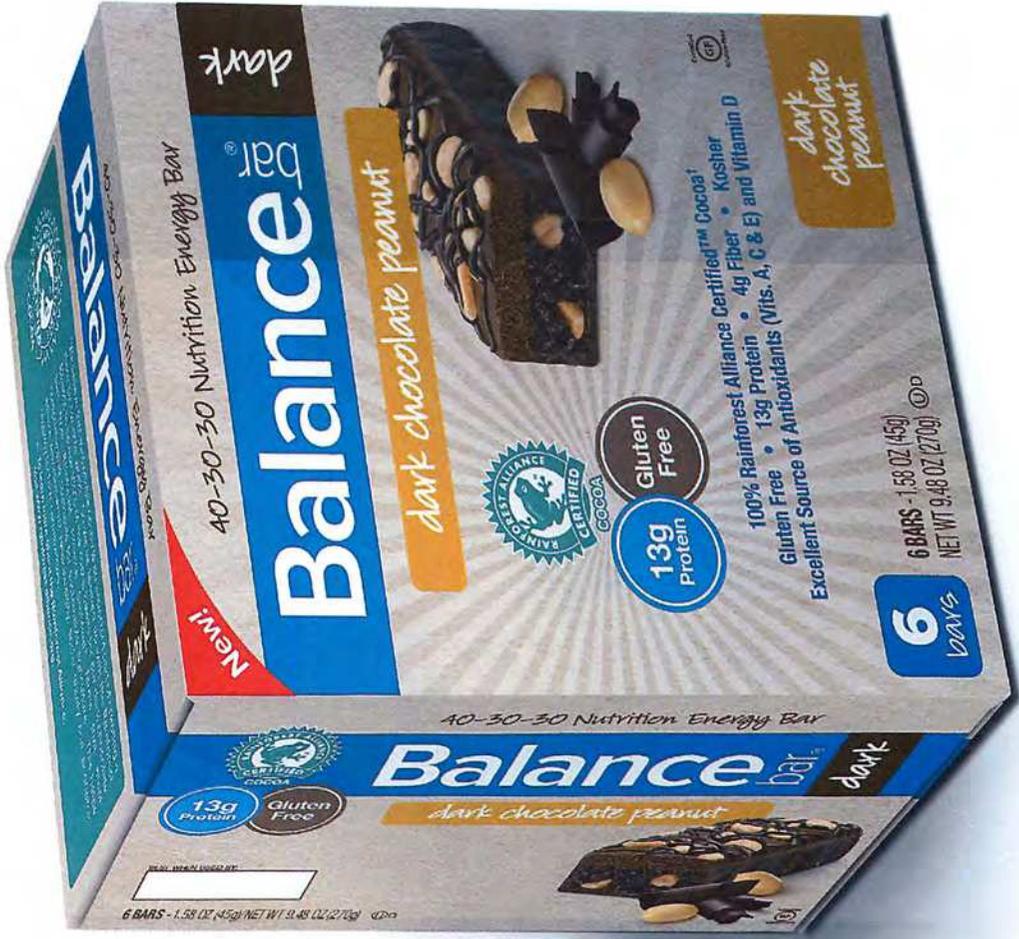
15 BARS - 1.58 OZ (45g) NET WT 23.7 OZ (1 LB 7.7 OZ) (675g)

Balance bar®

40-30-30 Nutrition Energy Bar

13g Protein
Gluten Free

BB0003792



40-30-30 Nutrition Energy Bar

Balance bar

dark chocolate peanut



13g Protein
Gluten Free

100% Rainforest Alliance Certified™ Cocoa
Gluten Free • 13g Protein • 4g Fiber • Kosher
Excellent Source of Antioxidants (Vits. A, C & E) and Vitamin D

6 BARS

6 BARS - 1.58 OZ (45g) [Ⓛ]
NET WT 9.48 OZ (270g)

13g Protein
Gluten Free

Balance bar

dark chocolate peanut



6 BARS - 1.58 OZ (45g) NET WT 9.48 OZ (270g) [Ⓛ]

BB0003793



BB0003794



BB0003795



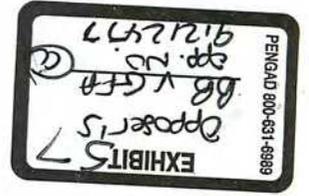
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BB0003800



BB0003801



BB0003802



BB0003803



BB0003804



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BB0003807



BB0003808



BB0003809



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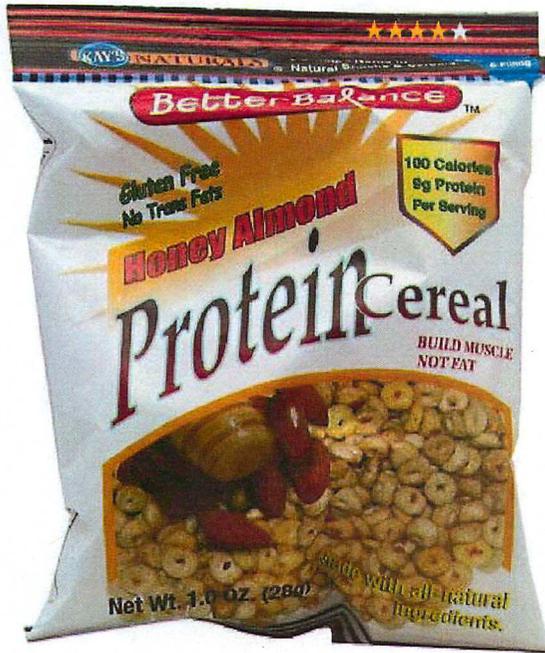
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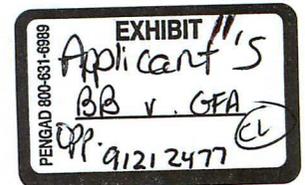


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Add all three to Cart Add all three to Wish List

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- Kay's Naturals Cookie Bites, Cinnamon, Almond Filled, 1-Ounce Bags (Pack of 12) \$24.16 (\$2.01 / oz)



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	<p>★★★★☆ (27)</p>	<p>★★★★☆ (15)</p>	<p>★★★★☆ (26)</p>
	<p>\$16.99</p>	<p>\$15.70</p>	<p>\$15.61</p>

Important Information

Ingredients

Kay's Naturals - Better Balance Protein Cereal Honey Almond - 1 oz. (28g) Supplement Facts Serving Size: 1.0 oz. (28g) Servings Per Container: 1.0 Amount Per Serving %DV* Calories 100 Calories from Fat 11 Total Fat 1.5 g 2% Saturated Fat 0 g 0% Trans Fat 0 g 0% Cholesterol 0mg 0% Sodium 140 mg 6% Total Carbohydrate 15 g 5% Dietary Fiber 3 g 12% Sugars 3 g Protein 9 g 15% Vitmain A 0% Calcium 4% Vitamin C 0% Iron 8% *Percent Daily Values are based on a 2,000 calorie diet. Your diet values may

Directions

Open and enjoy with your favorite kind of milk.

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Product Description

Flavor: **Honey Almond** | Size: **1.2 oz.**

Kay's Naturals Better Balance Honey Almond Gluten-free Cereal is made with all natural ingredients. It helps you maintain balance without giving up satisfying favorites.

Product Details

Flavor: **Honey Almond** | Size: **1.2 oz.**

Item Weight: 9.6 ounces

Shipping Weight: 0.8 ounces ([View shipping rates and policies](#))

ASIN: B002CTUZSE

UPC: 811178009616

Average Customer Review: ★★★★★ (2 customer reviews)

Amazon Best Sellers Rank: #158,406 in Grocery & Gourmet Food ([See Top 100 in Grocery & Gourmet Food](#))

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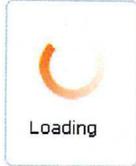
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Most Helpful Customer Reviews

★★★★★ A high protein cold cereal!!!-- and happens to be gluten free also

By [golondrina](#) on February 8, 2011

Flavor Name: Honey Almond | Size Name: 1.2 oz.

Wow! This should be the best selling cereal in America. Cold cereals are so fast and easy but normally so nutritionally bleak. I've been looking for a cereal with a higher protein content and here it is. Even gluten-free. Tastes fine, just like other cold cereals. Perfect when you don't have time for a more substantial breakfast.

Comment | Was this review helpful to you?

★★★★☆ Hi Protein sugar free cereal

By [Arlayne E. Russo](#) on September 22, 2010

Flavor Name: Honey Almond | Size Name: 1.2 oz. | **Verified Purchase**

It's diet food, but it's not bad. Add milk and some low carb berries and it satisfies.

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