

ESTTA Tracking number: **ESTTA560631**

Filing date: **09/20/2013**

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	New Health Nut Inc. AKA Health Nut
Granted to Date of previous extension	09/22/2013
Address	23373 Mulholland Dr. Woodland Hills, CA 91364 UNITED STATES
Party who filed Extension of time to oppose	Health Nut
Relationship to party who filed Extension of time to oppose	The opposer's trade name is Health Nut; the opposer's corporate name is New Health Nut Inc. The Extensions of Time mistakenly misidentified opposer by its trade name, rather than its corporate name. However, the opposer's name for the Extensions of Time and the Notice of Opposition refer to the same existing legal entity. In accordance with 37 C.F.R. Â§ 2.102, #An opposition may be accepted if the person in whose name the extension was requested was misidentified through mistake.# As such, opposer respectfully requests for the Trademark Trial and Appeal Board to initiate this opposition, on behalf of opposer New Health Nut Inc. AKA Health Nut. See, e.g., TBMP Â§ 206.03, and In re Atlanta Blue Print Co., 19 USPQ2d 1078, 1079 (Comm'r 1990) (permitted to amend name of registrant in Trademark Act Â§Â§ 8 and 15, 15 U.S.C. Â§Â§ 1058 and 1065 declaration where trade name was inadvertently substituted for corporate name).

Attorney information	Lindsay E. Cohen and Nick Williamson Bryan Cave LLP One Metropolitan Square, Suite 3600 St. Louis, MO 63102 UNITED STATES sluspto@bryancave.com, stevechoi922@gmail.com, lindsay.cohen@bryancave.com, nick.williamson@bryancave.com Phone:(314) 259-2000
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**Applicant Information**

Application No	85683949	Publication date	03/26/2013
Opposition Filing Date	09/20/2013	Opposition Period Ends	09/22/2013
Applicant	Health Nut Cafe LLC 502 Meadow Lake Drive Oklahoma City, OK 73003 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 043. First Use: 2007/12/01 First Use In Commerce: 2007/12/01  
 All goods and services in the class are opposed, namely: Restaurant and cafe services

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85925810	Application Date	05/07/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEALTH NUT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1988/03/01 First Use In Commerce: 1988/03/01 Restaurant and cafe services; Take-out restaurant services		

U.S. Application No.	85925834	Application Date	05/07/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEALTH NUT		
Design Mark			
Description of Mark	The mark consists of the words "health" and "nut" and are both orange-brown color and separated in the middle by an object that has two green leaves sprouting upwards, which is attached to a single green stem that curves below the word "nut" in a crescent like shape.		
Goods/Services	Class 043. First use: First Use: 2009/07/15 First Use In Commerce: 2009/07/15 Restaurant and cafe services; Take-out restaurant services		

U.S. Application No.	85935889	Application Date	05/17/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEALTH NUT		
Design Mark			
Description of Mark	The mark consists of a circle that is surrounded by a brown border (two toned) with a peach colored background. Inside the circle are the words "health" and "nut" in orange on top of each other. In between these words is a platter with three fruit/vegetable looking items on it - colors are green, tan and dark red. There are also peach colored stems with little leaves faintly seen on the left side in the background behind the words "health" and "nut".		
Goods/Services	Class 043. First use: First Use: 2009/07/15 First Use In Commerce: 2009/07/15 Restaurant and cafe services; Take-out restaurant services		

Attachments	HEALTH_NUT_--_Notice_of_Opposition signed 09-20-13.pdf(86422 bytes ) Exhibits A, B, & C.pdf(891677 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	/lec/
Name	Lindsay E. Cohen and Nick Williamson
Date	09/20/2013



at least as early as 1971 in connection with restaurant, café, and retail store services in Woodland Hills CALIFORNIA.

2. Opposer NHN has an absolute right to continue to use, employ, and enjoy its long-established and extremely valuable HEALTH NUT™ service marks, and the goodwill associated therewith.

3. On May 7,2013, Opposer NHN filed with the U.S. Patent and Trademark Office pending U.S. Trademark Application Serial No. 85/925,810 for its HEALTH NUT™ service mark, based on NHN's prior and continued used of its HEALTH NUT™ service mark on and in connection with Restaurant and cafe services; Take-out restaurant services, since at least as early as March 1, 1988. See Exhibit A hereto.

4. On May 7,2013, Opposer NHN filed with the U.S. Patent and Trademark Office pending U.S. Trademark Application Serial No. 85/925,834 for its HEALTH NUT and Leaf Design service mark shown below, based on NHN's prior and continued used of its HEALTH NUT and Leaf Design service mark on and in connection with Restaurant and cafe services; Take-out restaurant services, since at least as early as July 15, 2009. See Exhibit B hereto.



5. On May 17,2013, Opposer NHN filed with the U.S. Patent and Trademark Office pending U.S. Trademark Application Serial No. 85/935,889 for its HEALTH NUT and Circular Design service mark shown below, based on NHN's prior and continued used of its HEALTH NUT and Circular Design service mark on and in connection with Restaurant and cafe services; Take-out restaurant services, since at least as early as July 15, 2009. See Exhibit C hereto.



6. As a direct result of Opposer NHN's prior and continuous use of its HEALTH NUT<sup>TM</sup> service marks in interstate commerce, those marks have become extremely well known, highly valuable, and are strongly associated with Opposer NHN's business, and have acquired substantial goodwill and secondary meaning among consumers and in the relevant marketplace.

7. Applicant HNC has filed U.S. Trademark Application Serial No. 85/683,949, with a listed first use and first use in commerce date of December 1, 2007, to register the HEALTH NUT CAFE and Design mark shown below in connection with restaurant and café services:



8. Opposer NHN and Applicant HNC, in view of the absence of any actual confusion and to prevent any future likelihood of confusion, entered into a Settlement and Concurrent Use Agreement on September 20, 2013 that permits each party to continue to use, advertise, and seek concurrent use registrations for their respective marks under certain geographic and other limitations.

9. Opposer NHN, unless and until U.S. Trademark Application Serial No. 85/683,949 is amended pursuant to the Settlement and Concurrent Use Agreement, will be damaged by registration of U.S. Trademark Application Serial No. 85/683,949 as the U.S. Patent and Trademark Office recently issued Office Actions indicating that it will likely refuse to register NHN's pending applications to register its HEALTH NUT<sup>TM</sup> service marks identified in U.S. Application Serial Nos. 85/925,810, 85/925,834, and 85/935,889 based upon the Examiner's likely belief that NHN's marks

are likely to be confused with the geographically unrestricted registration resulting from U.S. Trademark Application Serial No. 85/683,949.

10. Opposer NHN, unless and until U.S. Trademark Application Serial No. 85/683,949 is amended pursuant to the Settlement and Concurrent Use Agreement, will be damaged by registration of U.S. Trademark Application Serial No. 85/683,949 because NHN has priority over Applicant HNC in and to the use of its HEALTH NUT<sup>™</sup> service marks, including, but not limited to, on and in connection with restaurant and café services, take-out restaurant services, retail services and various products.

10. Applicant HNC's HEALTH NUT CAFE and Design mark so resembles Opposer NHN's previously used HEALTH NUT<sup>™</sup> service marks, which are the subjects of pending U.S. Trademark Application Serial Nos. 85/925,810, 85/925,834, and 85/935,889, as to be likely to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act unless and until U.S. Trademark Application Serial No. 85/683,949 is amended pursuant to the Settlement and Concurrent Use Agreement.

WHEREFORE, New Health Nut Inc., hereby respectfully requests that the Trademark Trial and Appeal Board sustain this Opposition and refuse registration of U.S. Trademark Application Serial No. 85/683,949 to Health Nut Café LLC unless and until U.S. Trademark Application Serial No. 85/683,949 is amended to a concurrent use registration seeking registration solely within the geographic area encompassed by Oklahoma, Colorado, Kansas, New Mexico, Texas, Arkansas, and Missouri, pursuant to the Settlement and Concurrent Use Agreement entered into by and between NHN and HNC.

Respectfully submitted,

**NEW HEALTH NUT INC.**

DATED: September 20, 2013

By: 

Lindsay E. Cohen

Nick E. Williamson

BRYAN CAVE LLP

One Metropolitan Square

211 North Broadway, Suite 3600

St. Louis, Missouri 63102-2750

Telephone: (314) 259-2000

Facsimile: (314) 259-2020

E-mail: [Lindsay.Cohen@bryancave.com](mailto:Lindsay.Cohen@bryancave.com)

E-mail: [nick.williamson@bryancave.com](mailto:nick.williamson@bryancave.com)

Docketing: [SLuspto@bryancave.com](mailto:SLuspto@bryancave.com)

**ATTORNEYS FOR OPPOSER**

**NEW HEALTH NUT INC.**

**CERTIFICATE OF SERVICE**

Pursuant to Trademark Rule of Practice § 2.119, I hereby certify that on September 20, 2013, I served a true and correct copy of the foregoing document by First Class U.S. Mail, postage prepaid, on Health Nut Café LLC and its counsel of record as follows:

Mr. Seyed Amir Alavi  
Health Nut Café LLC  
502 Meadow Lake Drive  
Edmond, OK 73003-5118

Mr. Drew Palmer  
Crowe & Dunlevy, P.C.  
20 N. Broadway, Suite 1800  
Oklahoma City, OK 73102

**ATTORNEY FOR APPLICANT  
HEALTH NUT CAFÉ LLC**

By:   
Name: Lindsay E. Cohen, Esq.

In the matter of the Opposition to U.S. Trademark Application Serial No. 85/683,949

## **EXHIBIT A**

Generated on: This page was generated by TSDR on 2013-09-18 13:08:53 EDT

Mark: HEALTH NUT

# Health Nut

**US Serial Number:** 85925810      **Application Filing Date:** May 07, 2013  
**Filed as TEAS Plus:** Yes      **Currently TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Service Mark  
**Status:** An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.  
**Status Date:** Sep. 02, 2013

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## Mark Information

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

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## Goods and Services

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

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

**For:** Restaurant and cafe services; Take-out restaurant services  
**International Class(es):** 043 - Primary Class      **U.S Class(es):** 100, 101  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Mar. 01, 1988      **Use in Commerce:** Mar. 01, 1988

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## Basis Information (Case Level)

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<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

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**Owner Name:** New Health Nut Inc.  
**DBA, AKA, Formerly:** AKA Health Nut  
**Owner Address:** 23373 Mulholland Dr.  
23373 Mulholland Dr  
Woodland Hills, CALIFORNIA 91364  
UNITED STATES  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** CALIFORNIA

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## Attorney/Correspondence Information

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**Attorney of Record - None**  
**Correspondent**

**Correspondent Name/Address:** NEW HEALTH NUT INC.  
NEW HEALTH NUT INC.  
23373 MULHOLLAND DR  
WOODLAND HILLS, CALIFORNIA 91364-2734

UNITED STATES

Phone: 8182227391

Correspondent e-mail: [stevechoi922@gmail.com](mailto:stevechoi922@gmail.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 02, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 02, 2013	LETTER OF SUSPENSION E-MAILED	6332
Sep. 02, 2013	SUSPENSION LETTER WRITTEN	78439
Aug. 23, 2013	ASSIGNED TO EXAMINER	78439
May 16, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 10, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: BRADLEY, EVELYN W

Law Office Assigned: LAW OFFICE 105

### File Location

Current Location: TMEG LAW OFFICE 105 - EXAMINING  
ATTORNEY ASSIGNED

Date in Location: Sep. 02, 2013

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85925810

Filing Date: 05/07/2013

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

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">Health Nut</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Health Nut
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	New Health Nut Inc.
DBA/AKA/TA/FORMERLY	AKA Health Nut
INTERNAL ADDRESS	23373 Mulholland Dr.
*STREET	23373 Mulholland Dr
*CITY	Woodland Hills
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States

<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants only)	91364
<b>PHONE</b>	8182227391
<b>EMAIL ADDRESS</b>	stevechoi922@gmail.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>WEBSITE ADDRESS</b>	www.healthnutrestaurant.com
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	CORPORATION
<b>* STATE/COUNTRY OF INCORPORATION</b>	California
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	043
<b>*IDENTIFICATION</b>	Restaurant and cafe services
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 03/01/1988
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 03/01/1988
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-1731961962-191223774 . Health_Nut_Specimen_website_screenshot.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (1 page)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\859\258\85925810\xml1\FTK0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Website screenshot
<b>*INTERNATIONAL CLASS</b>	043
<b>*IDENTIFICATION</b>	Take-out restaurant services
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 03/01/1988
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 03/01/1988
<b>SPECIMEN FILE NAME(S)</b>	

<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-1-1731961962-191223774 . Health Nut Specimen website screenshot.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (1 page)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\859\258\85925810\xml1\FTK0004.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Website screenshot
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT</b> (NAME/LIKENESS) (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>DISCLAIMER</b>	No claim is made to the exclusive right to use health apart from the mark as shown.
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	New Health Nut Inc.
<b>FIRM NAME</b>	New Health Nut Inc.
<b>INTERNAL ADDRESS</b>	23373 Mulholland Dr.
<b>*STREET</b>	23373 Mulholland Dr
<b>*CITY</b>	Woodland Hills
<b>*STATE</b> (Required for U.S. applicants)	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	91364
<b>PHONE</b>	8182227391
<b>*EMAIL ADDRESS</b>	stevechoi922@gmail.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes

**FEE INFORMATION**

<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275

**SIGNATURE INFORMATION**

<b>* SIGNATURE</b>	/Moo Hong Choi/
<b>* SIGNATORY'S NAME</b>	Moo Hong Choi
<b>* SIGNATORY'S POSITION</b>	President
<b>SIGNATORY'S PHONE NUMBER</b>	8182227391
<b>* DATE SIGNED</b>	05/07/2013

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85925810**

**Filing Date: 05/07/2013**

#### To the Commissioner for Trademarks:

**MARK:** Health Nut (Standard Characters, see [mark](#))

The literal element of the mark consists of Health Nut.

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

The applicant, New Health Nut Inc., AKA Health Nut, a corporation of California, having an address of  
23373 Mulholland Dr.,  
23373 Mulholland Dr  
Woodland Hills, California 91364  
United States

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

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

International Class 043: Restaurant and cafe services; Take-out restaurant services

In International Class 043, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 03/01/1988, and first used in commerce at least as early as 03/01/1988, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Website screenshot.

**Original PDF file:**

[SPE0-1731961962-191223774 . Health\\_Nut\\_Specimen\\_website\\_screenshot.pdf](#)

**Converted PDF file(s)** (1 page)

[Specimen File 1](#)

**Original PDF file:**

[SPE0-1-1731961962-191223774 . Health\\_Nut\\_Specimen\\_website\\_screenshot.pdf](#)

**Converted PDF file(s)** (1 page)

[Specimen File 1](#)

No claim is made to the exclusive right to use health apart from the mark as shown.

For informational purposes only, applicant's website address is: [www.healthnutrestaurant.com](http://www.healthnutrestaurant.com)

The applicant's current Correspondence Information:

New Health Nut Inc.

New Health Nut Inc.

23373 Mulholland Dr.

23373 Mulholland Dr

Woodland Hills, California 91364

8182227391(phone)

stevechoi922@gmail.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

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

Signature: /Moo Hong Choi/ Date Signed: 05/07/2013

Signatory's Name: Moo Hong Choi

Signatory's Position: President

RAM Sale Number: 85925810

RAM Accounting Date: 05/08/2013

Serial Number: 85925810

Internet Transmission Date: Tue May 07 20:06:28 EDT 2013

TEAS Stamp: USPTO/FTK-173.196.196.2-2013050720062873

2481-85925810-50037c2659ea85a892331a52dd

d16bf30227be829d016d5f3978851cdae3f09cf8

-CC-6221-20130507191223774641

# Health Nut

http://healthnutrestaurant.com/

File Edit View Favorites Tools Help

Gmail 1 Yr Bible AAA Amer Bofa Cap One Chase Credit report Discover ESPN Etrade Facebook Fidelity ING Jo loan Marketwatch MSN Prop Tax Sallie Mae Verizon Verizon US Ops US Flash Wells



**health nut**

*We warmly invite you to experience Health Nut, the west valley's hidden gem!*

HOME    OUR MENU    OUR HOMEMADE DRESSINGS    CONTACT US / LOCATION

**WELCOME.**



Health Nut is a family owned neighborhood health store that has been serving the Woodland Hills/Calabasas community since 1971. We have a variety of products, including vitamins, herbs, cosmetics, teas and various other health related items. Our owner, Mike, is a trusted vitamin expert with over 30 yrs of experience.

We also provide our customers with a wonderful dining experience, filled with a variety of healthy food items from sandwiches, salads and smoothies, to open faced meals, various soups and of course our homemade dressings. Our head chef, Shirley, has been creating a wonderful variety of flavorful and healthy dishes for over 20 yrs. Come enjoy our recently remodeled restaurant that offers customers a warm, friendly environment to meet with friends and coworkers.

We are conveniently located right off the 101 freeway at the Mulholland Drive/Valley Circle exit in the El Camino Shopping Center. We are in between Vons and CVS - you can't miss us! We warmly invite you to experience Health Nut, the west valley's hidden gem!

*We make our own...*

**HOMEMADE DRESSINGS!**



4:35 PM 5/7/2013

http://healthnutrestaurant.com/

File Edit View Favorites Tools Help

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**health nut**

*We warmly invite you to experience Health Nut, the west valley's hidden gem!*

HOME    OUR MENU    OUR HOMEMADE DRESSINGS    CONTACT US / LOCATION

**WELCOME.**

Health Nut is a family owned neighborhood health store that has been serving the Woodland Hills/Calabasas community since 1971. We have a variety of products, including vitamins, herbs, cosmetics, teas and various other health related items. Our owner, Mike, is a trusted vitamin expert with over 30 yrs of experience.

We also provide our customers with a wonderful dining experience, filled with a variety of healthy food items from sandwiches, salads and smoothies, to open faced meals, various soups and of course our homemade dressings. Our head chef, Shirley, has been creating a wonderful variety of flavorful and healthy dishes for over 20 yrs. Come enjoy our recently remodeled restaurant that offers customers a warm, friendly environment to meet with friends and coworkers.

We are conveniently located right off the 101 freeway at the Mulholland Drive/Valley Circle exit in the El Camino Shopping Center. We are in between Vons and CVS - you can't miss us! We warmly invite you to experience Health Nut, the west valley's hidden gem!

*We make our own...*

**HOMEMADE DRESSINGS!**

4:35 PM 5/7/2013

In the matter of the Opposition to U.S. Trademark Application Serial No. 85/683,949

## **EXHIBIT B**

Generated on: This page was generated by TSDR on 2013-09-18 13:13:00 EDT

Mark: HEALTH NUT



US Serial Number: 85925834

Application Filing Date: May 07, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 02, 2013

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## Mark Information

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Mark Literal Elements: HEALTH NUT

Standard Character Claim: No

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

Description of Mark: The mark consists of the words "health" and "nut" and are both orange-brown color and separated in the middle by an object that has two green leaves sprouting upwards, which is attached to a single green stem that curves below the word "nut" in a crescent like shape.

Color Drawing: Yes

Color(s) Claimed: The color(s) orange-brown, green is/are claimed as a feature of the mark.

Design Search Code(s): 05.03.08 - More than one leaf, including scattered leaves, bunches of leaves not attached to branches  
05.03.25 - Other leaves; Leaf, single  
26.17.09 - Curved line(s), band(s) or bar(s); Bars, curved; Lines, curved; Bands, curved

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## Goods and Services

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

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

For: Restaurant and cafe services; Take-out restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 15, 2009

Use in Commerce: Jul. 15, 2009

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

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Owner Name: New Health Nut Inc.

DBA, AKA, Formerly: AKA Health Nut

Owner Address: 23373 Mulholland Dr  
Woodland Hills, CALIFORNIA 91364  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

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## Attorney/Correspondence Information

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Attorney of Record - None

Correspondent

**Correspondent Name/Address:** NEW HEALTH NUT INC.  
NEW HEALTH NUT INC.  
23373 MULHOLLAND DR  
WOODLAND HILLS, CALIFORNIA 91364-2734  
UNITED STATES

**Phone:** 8182227391

**Correspondent e-mail:** [stevechoi922@gmail.com](mailto:stevechoi922@gmail.com)

**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 02, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 02, 2013	NON-FINAL ACTION E-MAILED	6325
Sep. 02, 2013	NON-FINAL ACTION WRITTEN	78439
Aug. 23, 2013	ASSIGNED TO EXAMINER	78439
May 17, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
May 16, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 10, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information

**TM Attorney:** BRADLEY, EVELYN W

**Law Office Assigned:** LAW OFFICE 105

File Location

**Current Location:** TMEG LAW OFFICE 105 - EXAMINING  
ATTORNEY ASSIGNED

**Date in Location:** Sep. 02, 2013

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85925834

Filing Date: 05/07/2013

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

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="\\TICRS\EXPORT16\IMAGEOUT 16\859\258\85925834\xml1\FTK0002.JPG">\\TICRS\EXPORT16\IMAGEOUT 16\859\258\85925834\xml1\FTK0002.JPG</a>
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	health nut
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	The color(s) orange-brown, green is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the words "health" and "nut" and are both orange-brown color and separated in the middle by an object that has two green leaves sprouting upwards, which is attached to a single green stem that curves below the word "nut" in a crescent like shape.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	944 x 250
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	New Health Nut Inc.
DBA/AKA/TA/FORMERLY	AKA Health Nut

<b>*STREET</b>	23373 Mulholland Dr
<b>*CITY</b>	Woodland Hills
<b>*STATE</b> (Required for U.S. applicants)	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants only)	91364
<b>PHONE</b>	8182227391
<b>EMAIL ADDRESS</b>	stevechoi922@gmail.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>WEBSITE ADDRESS</b>	www.healthnutrestaurant.com
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	CORPORATION
<b>* STATE/COUNTRY OF INCORPORATION</b>	California
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	043
<b>*IDENTIFICATION</b>	Restaurant and cafe services; Take-out restaurant services
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 07/15/2009
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 07/15/2009
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-1731961962-201118096_Health_Nut_Specimen_website_screenshot.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (1 page)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\859\258\85925834\xml1\FTK0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Website screenshot
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	

<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	New Health Nut Inc.
<b>FIRM NAME</b>	New Health Nut Inc.
<b>*STREET</b>	23373 Mulholland Dr
<b>*CITY</b>	Woodland Hills
<b>*STATE (Required for U.S. applicants)</b>	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	91364
<b>PHONE</b>	8182227391
<b>*EMAIL ADDRESS</b>	stevechoi922@gmail.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Moo Hong Choi/
<b>* SIGNATORY'S NAME</b>	Moo Hong Choi
<b>* SIGNATORY'S POSITION</b>	Owner
<b>SIGNATORY'S PHONE NUMBER</b>	8182227391

**\* DATE SIGNED**

05/07/2013

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85925834**

**Filing Date: 05/07/2013**

#### To the Commissioner for Trademarks:

**MARK:** health nut (stylized and/or with design, see [mark](#))

The literal element of the mark consists of health nut.

The color(s) orange-brown, green is/are claimed as a feature of the mark. The mark consists of the words "health" and "nut" and are both orange-brown color and separated in the middle by an object that has two green leaves sprouting upwards, which is attached to a single green stem that curves below the word "nut" in a crescent like shape.

The applicant, New Health Nut Inc., AKA Health Nut, a corporation of California, having an address of  
23373 Mulholland Dr  
Woodland Hills, California 91364  
United States

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

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

International Class 043: Restaurant and cafe services; Take-out restaurant services

In International Class 043, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 07/15/2009, and first used in commerce at least as early as 07/15/2009, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Website screenshot.

**Original PDF file:**

[SPE0-1731961962-201118096 . Health Nut Specimen website screenshot.pdf](#)

**Converted PDF file(s)** (1 page)

[Specimen File1](#)

For informational purposes only, applicant's website address is: [www.healthnutrestaurant.com](http://www.healthnutrestaurant.com)

The applicant's current Correspondence Information:

New Health Nut Inc.  
New Health Nut Inc.  
23373 Mulholland Dr  
Woodland Hills, California 91364  
8182227391(phone)  
stevechoi922@gmail.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

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

Signature: /Moo Hong Choi/ Date Signed: 05/07/2013

Signatory's Name: Moo Hong Choi

Signatory's Position: Owner

RAM Sale Number: 85925834

RAM Accounting Date: 05/08/2013

Serial Number: 85925834

Internet Transmission Date: Tue May 07 20:33:34 EDT 2013

TEAS Stamp: USPTO/FTK-173.196.196.2-2013050720333460

6592-85925834-5006d54361fcb492b96cb4ac14

831e7b9b9bb7b0ec461d3a97ae3e453dd8-CC-63

78-20130507201118096162

health  nut

http://healthnutrestaurant.com/

File Edit View Favorites Tools Help

Gmail 1 Yr Bible AAA Amer Bofa Cap One Chase Credit report Discover ESPN Etrade Facebook Fidelity ING Jo loan Marketwatch MSN Prop Tax Sallie Mae Verizon Verizon US Ops US Flash Wells

**health nut**

*We warmly invite you to experience Health Nut, the west valley's hidden gem!*

HOME    OUR MENU    OUR HOMEMADE DRESSINGS    CONTACT US / LOCATION

**WELCOME.**

Health Nut is a family owned neighborhood health store that has been serving the Woodland Hills/Calabasas community since 1971. We have a variety of products, including vitamins, herbs, cosmetics, teas and various other health related items. Our owner, Mike, is a trusted vitamin expert with over 30 yrs of experience.

We also provide our customers with a wonderful dining experience, filled with a variety of healthy food items from sandwiches, salads and smoothies, to open faced meals, various soups and of course our homemade dressings. Our head chef, Shirley, has been creating a wonderful variety of flavorful and healthy dishes for over 20 yrs. Come enjoy our recently remodeled restaurant that offers customers a warm, friendly environment to meet with friends and coworkers.

We are conveniently located right off the 101 freeway at the Mulholland Drive/Valley Circle exit in the El Camino Shopping Center. We are in between Vons and CVS - you can't miss us! We warmly invite you to experience Health Nut, the west valley's hidden gem!

*We make our own...*

**HOMEMADE DRESSINGS!**

4:35 PM 5/7/2013

In the matter of the Opposition to U.S. Trademark Application Serial No. 85/683,949

## **EXHIBIT C**

Generated on: This page was generated by TSDR on 2013-09-18 13:10:37 EDT

Mark: HEALTH NUT



US Serial Number: 85935889

Application Filing Date: May 17, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 02, 2013

## Mark Information

Mark Literal Elements: HEALTH NUT

Standard Character Claim: No

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

Description of Mark: The mark consists of a circle that is surrounded by a brown border (two toned) with a peach colored background. Inside the circle are the words "health" and "nut" in orange on top of each other. In between these words is a platter with three fruit/vegetable looking items on it - colors are green, tan and dark red. There are also peach colored stems with little leaves faintly seen on the left side in the background behind the words "health" and "nut".

Color Drawing: Yes

Color(s) Claimed: The color(s) brown, peach, tan, green, orange, dark red is/are claimed as a feature of the mark.

Disclaimer: "HEALTH"

Design Search Code(s): 05.11.25 - Other vegetables; Celery; Broccoli; Avocados; Asparagus; Artichokes; Turnips  
11.03.25 - Woks (non-electric); Trays, serving; Popcorn poppers, non-electric; Kettles, cooking; Corn poppers, non-electric; Coasters, beverage; Cookie sheets  
26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles  
26.01.21 - Circles that are totally or partially shaded.

## Goods and Services

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

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

For: Restaurant and cafe services; Take-out restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 15, 2009

Use in Commerce: Jul. 15, 2009

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** New Health Nut Inc.  
**DBA, AKA, Formerly:** AKA Health Nut  
**Owner Address:** 23373 Mulholland Dr  
Woodland Hills, CALIFORNIA 91364  
UNITED STATES  
**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

## Attorney/Correspondence Information

**Attorney of Record - None**  
**Correspondent**

**Correspondent Name/Address:** NEW HEALTH NUT INC.  
NEW HEALTH NUT INC.  
23373 MULHOLLAND DR  
WOODLAND HILLS, CALIFORNIA 91364-2734  
UNITED STATES

**Phone:** 8182227391

**Correspondent e-mail:** [stevechoi922@gmail.com](mailto:stevechoi922@gmail.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Sep. 02, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 02, 2013	NON-FINAL ACTION E-MAILED	6325
Sep. 02, 2013	NON-FINAL ACTION WRITTEN	78439
Aug. 23, 2013	ASSIGNED TO EXAMINER	78439
May 31, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
May 30, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 21, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** BRADLEY, EVELYN W

**Law Office Assigned:** LAW OFFICE 105

### File Location

**Current Location:** TMEG LAW OFFICE 105 - EXAMINING  
ATTORNEY ASSIGNED

**Date in Location:** Sep. 02, 2013

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85935889

Filing Date: 05/17/2013

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

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="\\TICRS\EXPORT16\IMAGEOUT 16\859\358\85935889\xml1\FTK0002.JPG">\\TICRS\EXPORT16\IMAGEOUT 16\859\358\85935889\xml1\FTK0002.JPG</a>
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	health nut
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	The color(s) brown, peach, tan, green, orange, dark red is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a circle that is surrounded by a brown border (two toned) with a peach colored background. Inside the circle are the words "health" and "nut" in orange on top of each other. In between these words is a platter with three fruit/vegetable looking items on it - colors are green, tan and dark red. There are also peach colored stems with little leaves faintly seen on the left side in the background behind the words "health" and "nut".
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	272 x 250
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	

<b>*OWNER OF MARK</b>	New Health Nut Inc.
<b>DBA/AKA/TA/FORMERLY</b>	AKA Health Nut
<b>*STREET</b>	23373 Mulholland Dr
<b>*CITY</b>	Woodland Hills
<b>*STATE (Required for U.S. applicants)</b>	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE (Required for U.S. applicants only)</b>	91364
<b>PHONE</b>	8182227391
<b>EMAIL ADDRESS</b>	stevechoi922@gmail.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>WEBSITE ADDRESS</b>	www.healthnutrestaurant.com
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	CORPORATION
<b>* STATE/COUNTRY OF INCORPORATION</b>	California
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	043
<b>*IDENTIFICATION</b>	Restaurant and cafe services; Take-out restaurant services
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 07/15/2009
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 07/15/2009
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-1731961962-185354455 . Health Nut Specimen website screenshot round logo.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\859\358\85935889\xml1\FTK0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Company website showing round logo

**ADDITIONAL STATEMENTS SECTION**

<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>DISCLAIMER</b>	No claim is made to the exclusive right to use health apart from the mark as shown.

**CORRESPONDENCE INFORMATION**

<b>*NAME</b>	New Health Nut Inc.
<b>FIRM NAME</b>	New Health Nut Inc.
<b>*STREET</b>	23373 Mulholland Dr
<b>*CITY</b>	Woodland Hills
<b>*STATE (Required for U.S. applicants)</b>	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	91364
<b>PHONE</b>	8182227391
<b>*EMAIL ADDRESS</b>	stevechoi922@gmail.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes

**FEE INFORMATION**

<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275

**SIGNATURE INFORMATION**

<b>* SIGNATURE</b>	/Moo Hong Choi/
<b>* SIGNATORY'S NAME</b>	

<b>* SIGNATORY'S NAME</b>	Moo Hong Choi
<b>* SIGNATORY'S POSITION</b>	Owner
<b>SIGNATORY'S PHONE NUMBER</b>	8182227391
<b>* DATE SIGNED</b>	05/17/2013

---

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85935889**

**Filing Date: 05/17/2013**

#### To the Commissioner for Trademarks:

**MARK:** health nut (stylized and/or with design, see [mark](#))

The literal element of the mark consists of health nut.

The color(s) brown, peach, tan, green, orange, dark red is/are claimed as a feature of the mark. The mark consists of a circle that is surrounded by a brown border (two toned) with a peach colored background. Inside the circle are the words "health" and "nut" in orange on top of each other. In between these words is a platter with three fruit/vegetable looking items on it - colors are green, tan and dark red. There are also peach colored stems with little leaves faintly seen on the left side in the background behind the words "health" and "nut".

The applicant, New Health Nut Inc., AKA Health Nut, a corporation of California, having an address of  
23373 Mulholland Dr  
Woodland Hills, California 91364  
United States

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

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

International Class 043: Restaurant and cafe services; Take-out restaurant services

In International Class 043, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 07/15/2009, and first used in commerce at least as early as 07/15/2009, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Company website showing round logo.

**Original PDF file:**

[SPE0-1731961962-185354455 . Health Nut Specimen website screenshot round logo.pdf](#)

**Converted PDF file(s)** (1 page)

[Specimen File1](#)

No claim is made to the exclusive right to use health apart from the mark as shown.

For informational purposes only, applicant's website address is: [www.healthnutrestaurant.com](http://www.healthnutrestaurant.com)

The applicant's current Correspondence Information:

New Health Nut Inc.  
New Health Nut Inc.  
23373 Mulholland Dr  
Woodland Hills, California 91364  
8182227391(phone)  
stevechoi922@gmail.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

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

Signature: /Moo Hong Choi/ Date Signed: 05/17/2013  
Signatory's Name: Moo Hong Choi  
Signatory's Position: Owner

RAM Sale Number: 85935889  
RAM Accounting Date: 05/20/2013

Serial Number: 85935889  
Internet Transmission Date: Fri May 17 19:24:41 EDT 2013  
TEAS Stamp: USPTO/FTK-173.196.196.2-2013051719244168  
7588-85935889-5006b933651b11d53777631f42  
5b588be5379126f0199eff3687f304793198086-  
CC-6097-20130517185354455121

health



nut



HOME OUR MENU OUR HOMEMADE DRESSINGS CONTACT US / LOCATION

CONTACT Us.



We are conveniently located in the El Camino Shopping Center in the Calabasas/Woodland Hills area, directly south of the 101 Freeway off of the Mulholland Drive/Valley Circle Exit. We are in the same plaza as Islands and McDonalds, nestled between Vons and CVS. Look for our sign out front!

23373 Mulholland Dr, Woodland Hills, CA 91364
click for Yahoo! map
Phone: 818-222-7391
Fax: 818-222-7392 (please call before submitting fax order)
healthnut@healthnutrestaurant.com



23373 Mulholland Dr, Woodland Hills, CA 91364 Ph: 818-222-7391 Fax: 818-222-7392 Hours: Mon-Fri 9-6:30 PM, Sat 10-6 PM, Sun closed

follow us on become a fan on