

ESTTA Tracking number: **ESTTA716313**

Filing date: **12/22/2015**

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	Nature's Way Products, LLC
Granted to Date of previous extension	12/23/2015
Address	825 Challenger Drive Green Bay, WI 54311 UNITED STATES

Attorney information	MATTHEW J. GIPSON Price Heneveld LLP 695 Kenmoor Avenue, S.E., PO Box 2567 Grand Rapids, MI 49501 UNITED STATES ptomail@priceheneveld.com Phone:6169499610
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Applicant Information

Application No	86591274	Publication date	08/25/2015
Opposition Filing Date	12/22/2015	Opposition Period Ends	12/23/2015
Applicant	EDDIE LABS, INC. 11107 Roselle Street Suite 210 San Diego, CA 92121 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Dietary and nutritional supplements; Dietary food supplements; Dietary supplemental drinks in the nature of vitamin and mineral beverages; Dietary supplements for human consumption; Nutritional supplement energy bars; Nutritional supplement meal replacement bars for boosting energy; Nutritional supplements
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3924473	Application Date	03/17/2009
Registration Date	03/01/2011	Foreign Priority Date	NONE

Word Mark	ALIVE!
Design Mark	<h1>ALIVE!</h1>
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2001/08/16 First Use In Commerce: 2001/08/16 Vitamins, mineral supplements and dietary supplements

U.S. Application No.	85895097	Application Date	04/04/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	ALIVE!
Design Mark	<h1>ALIVE!</h1>
Description of Mark	NONE
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Vitamin and mineral supplements for use as ingredients in the food industry; Nutritional supplements in the nature of nutritionally fortified nutritional supplement shakes used for meal replacement; Nutritional supplements in the nature of nutritionally fortified meal replacement bars for boosting energy; Nutritional food additives in the nature of dietary food supplements; Food supplements; Nutritionally fortified snack foods in the nature of nutritional supplement energy bars; Nutritional supplements in the nature of nutritionally fortified dairy-based, fruit-based, and vegetable-based foodbeverages used for meal replacement, and nutritionally fortified fruit-based and vegetable-based meal replacement bars; Nutritionally fortified snack foods in the nature of nut and seed-based snack bars, dried fruit-based snacks, nut-based snack foods, and vegetable-based snack foods; Nutritional supplements in the nature of nutritionally fortified chocolate-based meal replacement bars; Nutritionally fortified snack foods in the nature of granola-based snack bars, granola snacks, cereal-based snack foods, corn-based snack foods, chocolate-based snack foods, and wheat-based snack foods, and nutritionally fortified cereal bars, processed cereals, and ready-to-eat cereals; Nutritional supplements in the nature of nutritionally fortified water-based meal replacement beverages</p> <p>Class 029. First use: First Use: 0 First Use In Commerce: 0</p>

	<p>Fruit-based food beverages containing fortified nutrients for use as a healthy snack; Processed fruit- and nut-based food bars and vegetable-based raw ready to eat food bars; fruit-based and vegetable-based food beverages containing fortified nutrients for use as a healthy snack</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0</p> <p>Chocolate-based and cereal-derived ready to eat food bars; grain-based and herbal food beverages containing fortified nutrients for use as a healthy snack</p>		
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U.S. Registration No.	4316212	Application Date	07/11/2012
Registration Date	04/09/2013	Foreign Priority Date	NONE
Word Mark	ALIVE!		
Design Mark			
Description of Mark	The mark consists of stylized letters "A L I V E" with a stylized "!".		
Goods/Services	Class 005. First use: First Use: 2001/08/16 First Use In Commerce: 2001/08/16 DIETARY AND NUTRITIONAL SUPPLEMENTS		

U.S. Registration No.	4295769	Application Date	07/27/2012
Registration Date	02/26/2013	Foreign Priority Date	NONE
Word Mark	ALIVE! ULTRA-SHAKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2004/07/21 First Use In Commerce: 2004/07/21 Dietary and nutritional supplements		

U.S. Registration No.	4316214	Application Date	07/12/2012
Registration Date	04/09/2013	Foreign Priority	NONE

		Date	
Word Mark	ALIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2001/08/16 First Use In Commerce: 2001/08/16 DIETARY AND NUTRITIONAL SUPPLEMENTS		

U.S. Application No.	85703477	Application Date	08/14/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ALIVE! START FEELING IT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Dietary and nutritional supplements		

Attachments	77693231#TMSN.png(bytes) 85895097#TMSN.png(bytes) 85674537#TMSN.png(bytes) 85688346#TMSN.png(bytes) 85674927#TMSN.png(bytes) 85703477#TMSN.png(bytes) SCH054L343_Opposition.pdf(148114 bytes) SCH054_Ex1.pdf(2492463 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	/Matthew J. Gipson/
Name	MATTHEW J. GIPSON
Date	12/22/2015

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

NATURE'S WAY PRODUCTS, LLC, Opposer, v. CELLIS MARKETING LLP, Applicant.	Opposition No. _____ Serial No.: 86/435,946 Mark: Alive2Life Filing Date: October 27, 2014
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NOTICE OF OPPOSITION

Nature's Way Products, LLC, a Wisconsin limited liability corporation, located at 825 Challenger Drive, Green Bay, Wisconsin 54311 and its related entities, including Schwabe North America, Incorporated ("Opposer" or "Nature's Way"), believes that it will be damaged by the registration for the mark ALIVE2LIFE ("Applicant's Mark") shown in Application Serial No. 86/435,946 ("the '946 Application"), filed on October 27, 2014, by Cellis Marketing LLP, a limited partnership of the United Kingdom, having an address of P.O. Box 2425, Ilford, United Kingdom ("Applicant"), and hereby opposes same.

Pursuant to 15 U.S.C. §§ 1052 and 1125 of the Lanham Act, and 37 C.F.R. §§ 2.101, 2.102, 2.104, and 2.122, and predicated upon the following grounds, Opposer alleges the following:

FACTUAL BACKGROUND

1. Opposer is a world market leader in high-quality dietary supplements, including vitamins, mineral supplements, and dietary supplements. One of Opposer's brands is the ALIVE! brand sold in the United States. Nature's Way's ALIVE! brand is one of its best-known brands of dietary and nutritional supplements available to consumers. Since at least August 2001, Nature's Way has extensively promoted, marketed, advertised, distributed, and sold vitamins, mineral supplements, and dietary supplements in connection with the ALIVE! mark. Nature's

Way continues to offer and sell vitamins, mineral supplements, and dietary supplements under the ALIVE! trademark to distinguish its products from those of others.

2. On or about August 16, 2001, Nature’s Way began using the ALIVE! trademark on its dietary supplements.

3. On June 14, 2001, Nature’s Way filed an application for registration of the ALIVE! trademark for vitamins, minerals, and dietary supplements in International Class 5 on the Principal Register. On May 28, 2002, federal registration for the ALIVE! trademark was granted as Registration No. 2,574,627 (“the ‘627 Registration”). Through error, the ‘627 Registration was canceled on March 7, 2009, even though Nature’s Way was still using the ALIVE! trademark through extensive promotion, marketing, advertising, distribution, and sale of vitamins, mineral supplements, and dietary supplements.

4. On March 17, 2009, after realizing that the ‘627 Registration was canceled (ten days after cancellation of the ‘627 Registration), Nature’s Way filed an application for re-registration of the ALIVE! trademark for vitamins, mineral supplements, and dietary supplements in International Class 5 on the Principal Register. That application was assigned Serial No. 77/693,231 (“the ‘231 Application”). On March 1, 2011, federal registration for the ALIVE! trademark was granted as Registration No. 3,924,473 (“the ‘473 Registration”). Nature’s Way is the owner of Registration No. 3,924,473. The ALIVE! Registration is valid and subsisting.

5. Opposer is also the owner of numerous other United States Registrations on the Principal Register and of pending applications for a family of trademarks, consisting in whole or in part, of the words ALIVE (collectively, the “ALIVE Marks”). The ALIVE Marks include the ‘437 Registration, but are not limited to, the following:

MARK	REG./SERIAL No.	ISSUE/FILE DATE	GOODS/SERVICES
ALIVE!	3,924,473	03/01/2011	IC 5- Vitamins, mineral supplements, and dietary supplements
ALIVE!	85/895,097	04/04/2013	IC 5- Vitamin and mineral supplements for use as ingredients in the food industry; Nutritional supplements in the nature of nutritionally fortified nutritional supplement shakes used for meal replacement; Nutritional supplements in the nature of nutritionally

MARK	REG./SERIAL NO.	ISSUE/FILE DATE	GOODS/SERVICES
			<p>fortified meal replacement bars for boosting energy; Nutritional food additives in the nature of dietary food supplements; Food supplements; Nutritionally fortified snack foods in the nature of nutritional supplement energy bars</p> <p>IC 29- Fruit-based food beverages containing fortified nutrients for use as a healthy snack; Nutritional supplements in the nature of nutritionally fortified dairy-based, fruit-based, and vegetable-based food beverages used for meal replacement, and nutritionally fortified fruit-based and vegetable-based meal replacement bars; Nutritionally fortified snack foods in the nature of nut and seedbased snack bars, dried-fruit-based snacks, nut-based snack foods, and vegetable-based snack foods; Processed fruit- and nut-based food bars and vegetable-based raw ready to eat food bars; fruit-based and vegetable-based food beverages containing fortified nutrients for use as a healthy snack</p> <p>IC 30- Chocolate-based and cereal-derived ready to eat food bars; Nutritional supplements in the nature of nutritionally fortified chocolate-based meal replacement bars; Nutritionally fortified snack foods in the nature of granola-based snack bars, granola snacks, cereal-based snack foods, corn-based snack foods, chocolate-based snack foods, and wheat-based snack foods, and nutritionally fortified cereal bars, processed cereals, and ready-to-eat cereals; grain-based and herbal food beverages containing fortified nutrients for use as a healthy snack</p> <p>IC 32- Water-based food beverages containing fortified nutrients for use as a healthy snack; Nutritional supplements in the nature of nutritionally fortified water-based meal replacement beverages; Nutritional supplements in the nature of nutritionally fortified water-based meal replacement beverages</p>
<i>Alive!</i>	4,316,212	04/09/2013	IC 5 - Dietary and nutritional supplements
ALIVE! ULTRA-SHAKE	4,295,769	02/26/2013	IC 5- Dietary and nutritional supplements
ALIVE	4,316,214	04/09/2013	IC 5- Dietary and nutritional supplements

MARK	REG./SERIAL NO.	ISSUE/FILE DATE	GOODS/SERVICES
ALIVE! START FEELING IT	85/703,477	08/14/2012	IC 5- Dietary and nutritional supplements

The ALIVE Marks are valid and subsisting. In accordance with the Trademark Rule of Practice 2.122(d)(1), current printouts of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of each of the ALIVE Marks are attached hereto as Exhibit 1.

6. Applicant filed its '946 Application on October 27, 2014, and sought registration on the Principal Register of the trademark ALIVE2LIFE for:

Dietary and nutritional supplements; Dietary and nutritional supplements used for weight loss; Dietary supplements; Dietary supplements for human consumption; Nutraceuticals for use as a dietary supplement; Nutritional supplements; Weight management supplements; Alginate dietary supplements; Alkalinity buffer supplements for live coral for use in aquariums; Bee pollen for use as a dietary food supplement; Beverages containing chlorophyll for use as a nutritional supplement; Calcium montmorillonite clay for therapeutic purposes used to enhance the production of enzymes in living beings or as a mineral supplement; Calcium supplements; Calcium-based nutrient supplements for live coral for use in aquariums; Casein dietary supplements; Dietary and nutritional supplements for endurance sports; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary fiber for use as an ingredient in the manufacture of dietary supplements; Dietary food supplements; Dietary supplement for eliminating toxins from the intestinal tract; Dietary supplemental drinks; Dietary supplemental drinks in the nature of vitamin and mineral beverages; Dietary supplements for controlling cholesterol; Dietary supplements for treatment of claustrophobia; Dietary supplements for urinary health; Dietary supplements in the nature of weight loss powders; Enzyme dietary supplements; Enzyme food supplements; Flaxseed dietary supplements; Flaxseed oil dietary supplements; Food supplements; Food supplements for human consumption; Food supplements, namely, anti-oxidants; Fungal extracts sold as a component ingredient of nutritional supplements and vitamins; Glucose dietary supplements; Ground flaxseed fiber for use as a dietary supplement; Health food supplements; Herbal supplements; Herbal supplements for sleeping problems; Homeopathic supplements; Lecithin for use as a dietary supplement; Linseed dietary supplements; Linseed oil dietary supplements; Liquid herbal supplements; Liquid nutritional supplement; Liquid protein supplements; Liquid vitamin supplements; Medicated supplements for foodstuffs for

babies; Mineral food supplements; Mineral nutritional supplements; Mineral supplements; Natural dietary supplements for treatment of claustrophobia; Natural herbal supplements; Natural supplements for treating candida; Natural supplements for treating depression and anxiety; Natural supplements for treating erectile dysfunction; Nopal cactus juice for use as a nutritional supplement; Nutritional and dietary supplements formed and packaged as bars; Nutritional supplement energy bars; Nutritional supplement for eliminating toxins from the body; Nutritional supplement for eliminating toxins from the intestinal tract; Nutritional supplement meal replacement bars for boosting energy; Nutritional supplement shakes; Nutritional supplements, namely, probiotic compositions; Pollen dietary supplements; Powdered nutritional supplement concentrate; Powdered nutritional supplement drink mix; Powdered nutritional supplement drink mix and concentrate; Propolis dietary supplements; Protein dietary supplements; Protein supplement shakes; Protein supplement shakes for weight gain purposes; Protein supplements; Royal jelly dietary supplements; Vegan liquid protein supplements; Vegan protein for use as a nutritional supplement in ready-to-drink beverages; Vitamin and mineral supplements; Vitamin supplement in tablet form for use in making an effervescent beverage when added to water; Wheat for use as a dietary supplement; Wheat germ dietary supplements; Wheatgrass for use as a dietary supplement; Whey protein supplements; Yeast dietary supplements; Zinc supplement lozenges

all in International Class 5 (“Applicant’s goods”). Applicant’s goods in the ‘946 Application are substantially similar, if not identical, to the goods promoted and sold by Opposer in association with the ALIVE Marks.

7. Applicant’s Mark published for opposition on August 25, 2015. Opposer obtained an extension until December 23, 2015, to oppose. Thus, the Notice of Opposition is timely filed.

8. Opposer has priority over Applicant’s mark because (i) the filing dates of the applications for the ALIVE Marks are prior to the filing date of the ‘946 Application and Applicant’s alleged date of first use and (ii) the dates of first use associated with the ALIVE Marks are prior to the filing date of the ‘946 Application and Applicant’s alleged date of first use.

9. Since at least 2001, Opposer has sold and continues to sell substantial quantities of its ALIVE products throughout the United States and has spent substantial time, effort, and money promoting the sale of such products under the ALIVE Marks.

10. As a result of the extent of Opposer’s substantial marketing and sales for the ALIVE products, the ALIVE Marks have (i) become famous within the meaning of Section 43(c) of

the Lanham Act, 15 U.S.C. § 1125(c); (ii) acquired enormous goodwill; and (iii) come to be immediately identified with Opposer as the source of the goods.

11. The ALIVE Marks have become famous long before the October 27, 2014, filing date of the '946 Application.

12. The ALIVE Marks are inherently distinctive and have acquired substantial distinctiveness.

13. The ALIVE Marks are universally recognized and relied upon as identifying Opposer as the sole source of the associated products.

COUNT ONE

LIKELIHOOD OF CONFUSION

14. Opposer repeats and realleges the allegations contained in Paragraphs 1 through 13 above.

15. Applicant's Mark so resembles the ALIVE Marks as to be likely, when applied to the goods set forth in the '946 Application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

16. Applicant's Mark so resembles the ALIVE Marks as to be likely, when applied to the goods set forth in the '946 Application, to falsely suggest a connection with Opposer within the meaning of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

17. Due to the close similarity in appearance, pronunciation, and commercial impression of Applicant's Mark and the ALIVE Marks, Applicant's Mark is likely to cause confusion, mistake, or to deceive consumers as to the origin, source, sponsorship, or affiliation of Applicant's goods.

18. Opposer believes it will be damaged by Applicant's use of the mark ALIVE2LIFE and that registration of Applicant's Mark will likely cause further damage to Opposer since such registration will give color of exclusive statutory rights to the mark ALIVE to Applicant in derogation and violation of the prior and superior rights of Opposer.

19. Registration should be refused pursuant to Sections 2(a) and (d) of the Lanham Act, 15 U.S.C. § 1052(a) and (d), on the grounds that Applicant's Mark will cause a likelihood of confusion with the ALIVE Marks.

Exhibit 1

United States of America

United States Patent and Trademark Office

ALIVE!

Reg. No. 3,924,473

Registered Mar. 1, 2011

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

NATURE'S WAY PRODUCTS, INC. (UTAH CORPORATION)
825 CHALLENGER DRIVE
GREEN BAY, WI 54311

FOR: VITAMINS, MINERAL SUPPLEMENTS AND DIETARY SUPPLEMENTS, IN CLASS
5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 8-16-2001; IN COMMERCE 8-16-2001.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-693,231, FILED 3-17-2009.

MEGHAN REINHART, EXAMINING ATTORNEY



David J. Kyjars

Director of the United States Patent and Trademark Office

Trademark Status and Document Retrieval (TSDR) APIs are currently experiencing technical difficulties and users may be unable to access the database. The problem is being addressed by staff at the USPTO. We sincerely apologize for any inconvenience this may have caused.

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Mark: ALIVE!

ALIVE!

US Serial Number: 77693231

Application Filing Date: Mar. 17, 2009

US Registration Number: 3924473

Registration Date: Mar. 01, 2011

Register: Principal

Mark Type: Trademark

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

Status Date: Mar. 01, 2011

Publication Date: Sep. 07, 2010

Mark Information

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 incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Vitamins, mineral supplements and dietary supplements

International Class(es): 005 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 16, 2001

Use in Commerce: Aug. 16, 2001

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: NATURE'S WAY PRODUCTS, LLC

Owner Address: 825 CHALLENGER DRIVE
GREEN BAY, WISCONSIN UNITED STATES 54311

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: WISCONSIN

Organized: _____

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load

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Mark: ALIVE!

ALIVE!

US Serial Number: 85895097

Application Filing Date: Apr. 04, 2013

Register: Principal

Mark Type: Trademark

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

Status Date: Sep. 04, 2015

Publication Date: Mar. 18, 2014

Notice of Allowance Date: May 13, 2014

Mark Information

Mark Literal Elements: ALIVE!

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Schwabe North America, Incorporated

Owner Address: 825 Challenger Drive
Green Bay, WISCONSIN UNITED STATES 54311

Legal Entity Type: CORPORATION

State or Country Where Organized: WISCONSIN

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

United States of America
United States Patent and Trademark Office

Alive!

Reg. No. 4,316,212

SCHWABE NORTH AMERICA, INCORPORATED (WISCONSIN CORPORATION)
825 CHALLENGER DRIVE
GREEN BAY, WI 54311

Registered Apr. 9, 2013

Int. Cl.: 5

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 8-16-2001; IN COMMERCE 8-16-2001.

PRINCIPAL REGISTER

OWNER OF U.S. REG. NOS. 3,416,264, 3,804,967, AND 3,924,473.

THE MARK CONSISTS OF STYLIZED LETTERS "A L I V E" WITH A STYLIZED "!".

SER. NO. 85-674,537, FILED 7-11-2012.

TAMARA FRAZIER, EXAMINING ATTORNEY



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: ALIVE!



US Serial Number: 85674537

Application Filing Date: Jul. 11, 2012

US Registration Number: 4316212

Registration Date: Apr. 09, 2013

Register: Principal

Mark Type: Trademark

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

Status Date: Apr. 09, 2013

Publication Date: Jan. 22, 2013

Mark Information

Mark Literal Elements: ALIVE!

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of stylized letters "A L I V E" with a stylized "!".

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

Related Properties Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: NATURE'S WAY PRODUCTS, LLC

Owner Address: 825 CHALLENGER DRIVE
GREEN BAY, WISCONSIN UNITED STATES 54311

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: WISCONSIN

Attorney/Correspondence Information

[Prosecution History](#)

[TM Staff and Location Information](#)

[Assignment Abstract Of Title Information - Click to Load](#)

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United States of America

United States Patent and Trademark Office

ALIVE! ULTRA-SHAKE

Reg. No. 4,295,769

SCHWABE NORTH AMERICA, INCORPORATED (WISCONSIN CORPORATION)
825 CHALLENGER DRIVE
GREEN BAY, WI 54311

Registered Feb. 26, 2013

Int. Cl.: 5

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 7-21-2004; IN COMMERCE 7-21-2004.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,416,264, 3,804,967, AND 3,924,473.

SER. NO. 85-688,346, FILED 7-27-2012.

TAMARA FRAZIER, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

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**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: ALIVE! ULTRA-SHAKE

ALIVE! ULTRA-SHAKE

US Serial Number: 85688346

Application Filing Date: Jul. 27, 2012

US Registration Number: 4295769

Registration Date: Feb. 26, 2013

Register: Principal

Mark Type: Trademark

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

Status Date: Feb. 26, 2013

Publication Date: Dec. 11, 2012

Mark Information

Mark Literal Elements: ALIVE! ULTRA-SHAKE

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: NATURE'S WAY PRODUCTS, LLC

Owner Address: 825 CHALLENGER DRIVE
GREEN BAY, WISCONSIN UNITED STATES 54311

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: WISCONSIN

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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United States of America
United States Patent and Trademark Office

ALIVE

Reg. No. 4,316,214

SCHWABE NORTH AMERICA, INCORPORATED (WISCONSIN CORPORATION)
825 CHALLENGER DRIVE
GREEN BAY, WI 54311

Registered Apr. 9, 2013

Int. Cl.: 5

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 8-16-2001; IN COMMERCE 8-16-2001.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,416,264, 3,804,967, AND 3,924,473.

SER. NO. 85-674,927, FILED 7-12-2012.

TAMARA FRAZIER, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

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NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: ALIVE

ALIVE

US Serial Number: 85674927

Application Filing Date: Jul. 12, 2012

US Registration Number: 4316214

Registration Date: Apr. 09, 2013

Register: Principal

Mark Type: Trademark

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

Status Date: Apr. 09, 2013

Publication Date: Jan. 22, 2013

Mark Information

Mark Literal Elements: ALIVE

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: NATURE'S WAY PRODUCTS, LLC

Owner Address: 825 CHALLENGER DRIVE
GREEN BAY, WISCONSIN UNITED STATES 54311

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: WISCONSIN

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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Mark: ALIVE! START FEELING IT

ALIVE! START FEELING IT

US Serial Number: 85703477

Application Filing Date: Aug. 14, 2012

Register: Principal

Mark Type: Trademark

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

Status Date: Oct. 19, 2015

Publication Date: Aug. 19, 2014

Notice of Allowance Date: Oct. 14, 2014

Mark Information

Mark Literal Elements: ALIVE! START FEELING IT

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Nature's Way Products, LLC

Owner Address: 825 Challenger Drive
Green Bay, WISCONSIN UNITED STATES 54311

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: WISCONSIN

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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