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Filing date: **08/06/2007**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Isagenix Worldwide LLC		
Entity	limited liability company	Citizenship	Delaware
Address	2225 S. Price Road Chandler, AZ 85248 UNITED STATES		

Attorney information	Lisa W. Rosaya Baker & McKenzie LLP 1114 Avenue of the Americas 44th floor New York, NY 10036 UNITED STATES lisa.w.rosaya@bakernet.com, diana.b.girardi@bakernet.com Phone:212-626-4557		
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Registration Subject to Cancellation

Registration No	2802081	Registration date	01/06/2004
Registrant	TeraForma Health, Inc. 14405 Walters Road, Suite 800 Houston, TX 77014 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2003/01/21 First Use In Commerce: 2003/01/21
All goods and services in the class are cancelled, namely: dietary supplements, namely non-prescription nutrition supplements

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation.PDF (4 pages)(104110 bytes)
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Signature	/lwr/
Name	Lisa W. Rosaya
Date	08/06/2007

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

Isagenix Worldwide LLC,)	
Petitioner,)	
v.)	Cancellation No.: _____
)	Mark: ISOCLEANSE
TeraForma Health, Inc.,)	Registration No. 2,802,081
Registrant.)	Registered: January 6, 2004
)	International Class: 5
)	

PETITION FOR CANCELLATION

Petitioner, Isagenix Worldwide LLC, a limited liability company formed under the laws of Delaware, whose business address is 2225 S. Price Road, Chandler, Arizona 85248 (hereinafter “Petitioner”), believes that it is and will be damaged by Registration No. 2,802,081 for the mark **ISOCLEANSE** in the name of TeraForma Health, Inc. (hereinafter “Registrant”), and hereby petitions to cancel said registration.

To the best of Petitioner’s knowledge, the name and address of the current owner of the registration are TeraForma Health, Inc., 14405 Walters Road, Suite 800, Houston, Texas 77014.

The grounds for cancellation are alleged as follows:

1. Petitioner is the applicant for U.S. Application Serial No. 78/863,621 for the mark **ISACLEANSE** for “[v]itamins, nutritional supplements and purifying dietary supplements that are comprised of antioxidants and fat burning extracts” in International Class 5. Petitioner also owns common law rights in its **ISACLEANSE** mark (“Petitioner’s Mark”).

2. Application Serial No. 78/863,621 has been refused registration by the U.S. Patent and Trademark Office (“USPTO”) under Section 2(d) of the Lanham Act and is now the subject of an *ex parte* appeal to the Trademark Trial and Appeal Board, which was instituted on April 30, 2007. Both the refusal and the appeal relate to the USPTO’s refusal of registration on the ground that Petitioner’s Mark, when applied to Petitioner’s goods, so resembles Registrant’s **ISOCLEANSE** (“Registrant’s Mark) and goods covered in U.S. Registration No. 2,768,366, said registration being the subject of this Petition for Cancellation, as to be likely to cause confusion, to cause mistake, or to deceive.

3. Registrant claims use of Registrant’s Mark in commerce in connection with “dietary supplements, namely non-prescription nutrition supplements” in International Class 5 since January 21, 2003.

4. Upon information and belief, in 2003, Registrant neither sold nor offered to sell nor transported “dietary supplements, namely non-prescription nutrition supplements” in International Class 5 under the mark **ISOCLEANSE** in U.S. interstate commerce or in commerce which may lawfully be regulated by the U.S. Congress.

5. Upon information and belief, in 2004, Registrant neither sold nor offered to sell nor transported “dietary supplements, namely non-prescription nutrition supplements” in International Class 5 under the mark **ISOCLEANSE** in U.S. interstate commerce or in commerce which may lawfully be regulated by the U.S. Congress.

6. Upon information and belief, in 2005, Registrant neither sold nor offered to sell nor transported “dietary supplements, namely non-prescription nutrition supplements” in International

Class 5 under the mark **ISOCLEANSE** in U.S. interstate commerce or in commerce which may lawfully be regulated by the U.S. Congress.

7. Upon information and belief, in 2006, Registrant neither sold nor offered to sell nor transported “dietary supplements, namely non-prescription nutrition supplements” in International Class 5 under the mark **ISOCLEANSE** in U.S. interstate commerce or in commerce which may lawfully be regulated by the U.S. Congress.

8. Upon information and belief, in 2007, Registrant neither sold nor offered to sell nor transported “dietary supplements, namely non-prescription nutrition supplements” in International Class 5 under the mark **ISOCLEANSE** in U.S. interstate commerce or in commerce which may lawfully be regulated by the U.S. Congress.

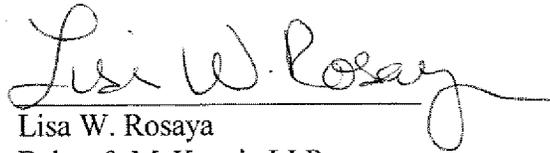
9. As a result of Registrant’s non-use of Registrant’s Mark, said mark has been abandoned and has lost all capacity as a source indicator for “dietary supplements, namely non-prescription nutrition supplements” in International Class 5.

10. The USPTO has refused registration of Petitioner’s Mark on the ground that Registrant’s mark “so resembles a mark registered in the Patent and Trademark Office, or a mark . . . previously used in the United States and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake, or to deceive.” 15 U.S.C. § 1052(d). Accordingly, the subject registration for Registrant’s Mark is damaging to Petitioner.

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted and that U.S. Registration No. 2,802,081 for the mark **ISOCLEANSE** be cancelled and removed from the Principal Register.

Respectfully submitted,

By:



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Date: August 6, 2007

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