

ESTTA Tracking number: **ESTTA363514**

Filing date: **08/16/2010**

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

Proceeding	92052684
Party	Defendant NutriScience Corporation
Correspondence Address	NUTRISCIENCE CORPORATION 100 8TH STREET HERMOSA BEACH, CA 90254 UNITED STATES
Submission	Answer and Counterclaim
Filer's Name	Kurt Koenig
Filer's e-mail	Kurt@incip.com
Signature	/Kurt Koenig/
Date	08/16/2010
Attachments	AnswerandCounterclaim.pdf (64 pages)(3573345 bytes)

Registration Subject to the filing

Registration No	2440741	Registration date	04/03/2001
Registrant	Natural Supplements and Remedies, Inc. 4051 Northwest 26th Street Miami, FL 33142 UNITED STATES		
Grounds for filing	The registered mark has been abandoned.		
	The registration was obtained fraudulently.		

Goods/Services Subject to the filing

Class 035. First Use: 1990/02/00 First Use In Commerce: 1991/04/00
All goods and services in the class are requested, namely: DISTRIBUTORSHIPS IN THE FIELD OF PILLS, TABLETS, CAPSULES, [POWDER MIXES, SYRUPS, HAIR TONICS, SPRAYS AND BEVERAGES] CONTAINING NATURAL INGREDIENTS FOR PROVIDING NUTRITION AND PROMOTING HEALTH

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

NATURAL SUPPLEMENTS AND REMEDIES, INC.,)	
)	Cancellation No. 92052684
Petitioner,)	
v.)	Reg. No.: 3237960
)	
NUTRISCIENCE CORPORATION,)	Mark: VITAENERGY
)	
Registrant.)	
)	

**REGISTRANT’S ANSWER TO PETITION FOR CANCELLATION
AND
COUNTERCLAIMS FOR CANCELLATION OF U.S. REG. NO. 2440741**

Registrant, Nutriscience Corporation (“Registrant”), through its undersigned attorneys, hereby submits its Answer and Counterclaims to the Petition to Cancel filed by Natural Supplements and Remedies, Inc. (“Petitioner”) against the registration of the mark VITAENERGY, Reg. No. 3237960, registered May 1, 2007, as follows:

Unless otherwise expressly admitted herein, each allegation contained in the Petition to Cancel is denied.

1. As to paragraph 1 of the Petition for Cancellation, Registrant admits that Petitioner is seeking to cancel Registration No. 3237960 for the mark VITAENERGY for the goods identified in such registration. Registrant denies any other allegations in said paragraph.

2. As to paragraph 2 of the Petition for Cancellation, Registrant lacks knowledge and information sufficient to admit or deny the allegations asserted in Paragraph 2 and therefore denies the same.

3. As to paragraph 3 of the Petition for Cancellation, Registrant lacks knowledge and information sufficient to admit or deny the allegations asserted in Paragraph 3 and therefore denies the same.

4. As to paragraph 4 of the Petition for Cancellation, Registrant admits that Exhibit A purports to be a printout from the USPTO TARR database for Registration No. 2440741. As

to any remaining allegations of paragraph 4, Registrant lacks knowledge and information sufficient to admit or deny the allegations asserted in Paragraph 4 and therefore denies the same.

5. As to paragraph 5 of the Petition for Cancellation, said paragraph contains conclusions of law to which no response is required. As to all other allegations of Paragraph 5, Registrant denies each and every other allegation therein.

6. As to paragraph 6 of the Petition for Cancellation, Registrant admits that Exhibit B purports to be a printout from the USPTO TARR database for Registration No. 3237960. As to any remaining allegations of Paragraph 6, Registrant lacks knowledge and information sufficient to admit or deny the allegations asserted in Paragraph 6 or such allegations contain conclusions of law to which no response is required and Registrant denies the same in their entirety.

7. As to paragraph 7 of the Petition for Cancellation, Registrant lacks knowledge and information sufficient to admit or deny the allegations asserted therein and therefore denies the same.

8. As to paragraph 8 of the Petition for Cancellation, said paragraph contains conclusions of law to which no response is required or Registrant lacks information sufficient to admit or deny the allegations asserted in Paragraph 8 and therefore Registrant denies the same in their entirety.

9. Denied.

FIRST AFFIRMATIVE DEFENSE

10. Petitioner's Petition for Cancellation fails to set forth facts sufficient to entitle the Petitioner to the relief sought and should be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

SECOND AFFIRMATIVE DEFENSE

11. Petitioner's claim's is barred since there is no likelihood of confusion, mistake, or deception as the parties marks and their use is not confusingly similar.

THIRD AFFIRMATIVE DEFENSE

12. Petitioner's Claim is barred by the doctrine of unclean hands due to inequitable acts or conduct by Petitioner that directly relate to the subject matter of this action.

FOURTH AFFIRMATIVE DEFENSE

13. Petitioner has waived any and all claims against Registrant over the use of the VITAENERGY Mark.

FIFTH AFFIRMATIVE DEFENSE

14. Petitioner is not entitled to relief because Petitioner's mark is generic or descriptive and incapable of serving as an indicator of source.

SIXTH AFFIRMATIVE DEFENSE

15. Petitioner lacks standing to bring this Cancellation.

SEVENTH AFFIRMATIVE DEFENSE

16. Petitioner's claim is barred by the doctrine of estoppel. Petitioner is estopped from canceling Registrant's Mark through acts of Petitioner upon which Registrant relied to its detriment.

EIGHTH AFFIRMATIVE DEFENSE

17. Petitioner's claim is barred by laches in that Petitioner's delay in asserting its rights has caused injury or prejudice to Registrant.

NINTH AFFIRMATIVE DEFENSE

18. Petitioner abandoned its rights in its asserted trademark through non-use or by acts that caused the mark to lose its significance as an indicator of origin.

TENTH AFFIRMATIVE DEFENSE

19. Petitioner's claim is barred since acts or omissions by Petitioner implied Petitioner's acquiescence in Registrant's activities. In addition Petitioner has acquiesced to the use of the Registered Mark by acquiescing to the long existence of Registrant's Mark.

ELEVENTH AFFIRMATIVE DEFENSE

20. Petitioner's claim is barred since Petitioner brought this action based on a fraudulently procured registration, due to fraudulent statements made during renewal.

TWELFTH AFFIRMATIVE DEFENSE

21. Petitioner's claim is barred since Petitioner's alleged mark is not inherently distinctive and purchasers do not associate the Petitioner's mark with Petitioner alone.

FIRST COUNTERCLAIM
FOR
ABANDONMENT OF REGISTRATION NO. 2440741

1. Registrant-Counterclaimant, Nutriscience Corporation is a California corporation located at 1140 Highland Avenue, Suite 100, Manhattan Beach, CA 90266 ("Nutriscience").

2. Petitioner-Counterdefendant, Natural Supplements and Remedies, Inc., has alleged it is a corporation under the laws of Florida, having an address at 8770 S.W. 72nd Street #363, Miami, FL 33173 ("Natural").

3. Nutriscience is the owner of federal trademark registration No. 3237960 for VITAENERGY in International Class 5 for "Nutritional supplements; Dietary supplements; Herbal supplements; Mineral supplements; Multi-vitamins; Vitamins and minerals; Dietary and herbal supplements; Herbal and plant derived products, namely herbal nutritional supplements; Food supplements, namely, anti-oxidants, homeopathic supplements; Nutraceuticals for use as a dietary supplement; Dietary supplements, namely supplements containing botanicals; Herbal supplements for sports nutrition; Anti-oxidants; Homeopathic supplements; Vitamin and mineral supplements" ("960 Registration") and Nutriscience has common law rights to the mark.

4. On information and belief, Natural claims to be the owner of a federal trademark registration for the mark VITANERGY ("VITANERGY Mark"), which is currently registered

for services listed as “Distributorships in the field of pills, tablets, capsules, containing natural ingredients for providing nutrition and promoting health” which was issued U.S. Reg. No. 2440741 by the USPTO. (“’741 Registration”).

5. On information and belief, Natural and/or its predecessor-in-interest was not using the VITANERGY Mark for all of the services identified in the application, that eventually matured into the ’741 Registration, at the time of filing and had never used or had discontinued, without an intent to resume, any and all use of the VITANERGY Mark for the services listed in the application at the time of filing.

6. On information and belief, Natural was not using the VITANERGY Mark for all of the services identified in the application at the time of filing and had never used or had discontinued, without an intent to resume, any and all use of the VITANERGY Mark for the services listed in the application at the time of filing.

7. On information and belief, Natural has never used the VITANERGY Mark for all of the services listed in Application No. 75929208 that eventually matured into the ’741 Registration.

8. On information and belief, Natural has abandoned any use of the VITANERGY mark and therefore is no longer entitled to maintain its registration.

9. Natural’s non-use of the VITANERGY mark for more than three (3) consecutive years is prima facie evidence of abandonment pursuant to Lanham Act 15 U.S.C. § 1127.

SECOND COUNTERCLAIM
FOR
CANCELLATION OF U.S. REG. NO. 2440741 FOR FRAUDULENT RENEWAL

10. Nutriscience hereby incorporates and realleges the allegations of paragraphs 1-9 as if they were set forth herein.

11. On or about June 7, 2006, Natural, through its attorney, James F. Gossett, filed a Combined Declaration of Use and Incontestability under Sections 8 & 15 of the Lanham Act, to support the continued registration of the ’741 Registration (“First Section 8 Declaration”). A copy of the First Section 8 Declaration is attached as Exhibit A.

12. The specimen that was submitted with the First Section 8 Declaration was described in the declaration as a “label.” A copy of the specimen as submitted with the First Section 8 Declaration is attached as Exhibit B.

13. The specimen was not a label, but was instead digital artwork that was not proper under the Trademark Rules of Practice. *See* TMEP § 1301.04(b) and (c).

14. The specimen submitted on June 7, 2006 in conjunction with the First Section 8 Declaration clearly was also not being used by Natural for any of the services identified in the registration, much less for anything.

15. The specimen submitted with the First Section 8 Declaration, even if it was in fact printed on labels, was not a proper specimen to show use of the mark on the services listed in an registration because a label cannot be used to show use on “Distributorships in the field of pills, tablets, capsules, powder mixes, syrups, hair tonics, sprays, and beverages containing natural ingredients for providing nutrition and promoting health in Class 35.”

16. The Trademark Office issued a Post Registration Office Action on September 1, 2006 rejecting the specimen submitted with the First Section 8 Declaration because *inter alia*, 1) the specimen did not show the mark identified in the registration, 2) the mark was materially altered, and 3) it appears the registered mark is no longer in use. A copy of the office action is attached as Exhibit C.

17. On or about June 8, 2007, Natural electronically submitted, during the “grace period,” a second “Combined Declaration of Use and Incontestability under Sections 8 & 15,” signed by James F. Gossett as “Attorney of Record.” (“Second Section 8 Declaration”). A copy of the Second Section 8 Declaration is attached as Exhibit D.

18. The Second Section 8 Declaration indicates that the specimens submitted were “advertising.” A copy of the specimens submitted with the Second Section 8 Declaration are attached as Exhibit E.

19. The Second Section 8 Declaration stated that the mark was in use “on or in connection with all services listed in the existing registration ...” (emphasis added). The specimens were submitted together with a statement under oath under 37 C.F.R. § 2.20 that was signed on June 6, 2007 by Martin Pico, as Vice President of Natural. A copy of the declaration by Martin Pico submitted with the Second Section 8 Declaration is attached as Exhibit F.

20. In fact, the specimens submitted with the Second Section 8 Declaration do not show use of the VITANERGY Mark for any of the services set forth in the registration as of the filing date of the Second Section 8 Declaration or during the relevant filing period, including the grace period.

21. The Second Section 8 Declaration further alleges that the VITANERGY Mark was continuously used in commerce for 5 continuous years after the date of registration on all of the services listed in the registration.

22. The Second Section 8 Declaration does not include any specimens of use to support use of the Petitioner's mark in connection with "powder mixes, syrups, hair tonics, sprays, and beverages."

23. On April 21, 2010, Natural filed a Combined Declaration of Use and Application for Renewal of Registration of a Mark under Section 8 & 9 of the Lanham Act ("Renewal Declaration"). In the Renewal Declaration, Petitioner deleted the words "powder mixes, syrups, hair tonics, sprays, and beverages" from the registration presumably because those services were no longer being offered or had never been offered. This is an admission that at some point prior to the filing of the Renewal Declaration in 2010, Natural had not offered or was not offering any services related to "powder mixes, syrups, hair tonics, sprays, and beverages." A copy of the Renewal Declaration is attached as Exhibit G.

24. If Natural was not using the VITANERGY Mark for "powder mixes, syrups, hair tonics, sprays, and beverages" when it submitted the First and Second Section 8 Declarations, then Natural knowingly made false statements with the subjective intent to deceive the Trademark Office and/or with reckless disregard for the statements' truth or falsity which may be reasonably inferred from the facts above. Such information regarding the intent and/or reckless disregard is without the sole possession of Natural and/or its authorized attorney James F. Gossett and cannot be obtained by Nutriscience absent discovery.

25. On July 12, 2007, the USPTO issued a "Notice of Acceptance of the Section 8 Declaration and Notice of Acknowledgment of Section 15 Declaration." The Notice of Acceptance of the Section 8 Declaration and Notice of Acknowledgment of Section 15 Declaration would not have been issued by the USPTO, but for what appear to be false statements of Natural or its authorized agent that the VITANERGY Mark was then in use for the services listed in the registration.

26. Natural fraudulently filed Section 8 Declarations of continued use in commerce. At the time Natural filed these declarations swearing current use of the mark for the named services, it knew or should have known that the mark had not been used for some or all of the services in commerce. Registration No. 2,440,741 should be cancelled in its entirety for fraudulent filing by Natural of the First and Second Section 8 Declarations under Lanham Act Section 14.

27. Natural fraudulently filed a Section 15 Declaration claiming incontestable rights for Natural's VITANERGY Mark. At the time Natural filed these declarations swearing continuous use of the mark for the named services for the five years prior, it knew or should have known that the mark had not been used for some or all of the services in commerce continuously over the prior five years. Registration No. 2,440,741 should be cancelled in its entirety for fraudulent filing by Natural of a Section 15 Declaration.

THIRD COUNTERCLAIM
FOR CANCELLATION OF REGISTRATION NO. 2440741
FOR FRAUDULENT RENEWAL UNDER SECTION 14

28. Nutriscience hereby incorporates and realleges the allegations of paragraphs 1-27 as if they were set forth herein.

29. On April 21, 2010, Natural submitted a Combined Declaration of Use and Application for Renewal of Registration of a Mark Under Section 8 & 9 of the Lanham Act which was signed by Oliver A. Ruiz as "Attorney of Record." This Renewal Declaration attempted to also change the attorney of record to Oliver A. Ruiz.

30. Immediately, prior to the filing of the Renewal Declaration, the attorney of record was James F. Gossett.

31. On April 21, 2010, upon the filing of the Renewal Declaration, Oliver A. Ruiz was not properly authorized to sign the Renewal Declaration on behalf of Natural because a Power of Attorney cannot be signed by a qualified practitioner on behalf of his own client. TMEP § 605.01.

32. The Renewal Declaration was an attempt by Oliver A. Ruiz to appoint himself as the attorney of record without proper authorization of Natural.

33. A signatory is presumed to be unauthorized to represent a registrant if the person signing as a new attorney is from a different firm, when the registrant previously appointed a qualified practitioner and no new power of attorney has been made of record.

See TMEP § 611.04. As a result, the Renewal Declaration is void.

34. In conjunction with the filing of the renewal application and executed Renewal Declaration on April 21, 2010, Natural, through its attorney, Oliver A. Ruiz, submitted specimens that allegedly show current use of the VITANERGY Mark.

35. The Renewal Declaration stated that the specimens consist of “scanned advertisements and photographs of the product and packaging label.”

36. In support of the Renewal Declaration, Ruiz submitted a sworn statement pursuant to 18 U.S.C. § 1001 that the VITANERGY Mark was being used on the services identified in the Registration, except “powder mixes, syrups, hair tonics, sprays, and beverages.”

37. In fact, the specimens of use were not in fact valid specimens showing use of the VITANERGY Mark as of the filing date or during the relevant filing period prior to such filing.

38. One of the specimens submitted by Natural in support of the renewal is an advertisement clearly dated June 18, 2000. Natural acquired the rights to the ‘741 registration in 2003 pursuant to an assignment from “Vitaenergy, Inc.” The Assignment appears to have been executed on 02/11/2003 and recorded in the USPTO on 03/25/2003 at Reel/Frame 2701/0779. The assignment was again recorded on 10/31/2003 at Reel/Frame 2855/0450. Obviously, on its face, this advertisement specimen could not have been in use by Natural at any time prior to 2003 and clearly was not used as an advertisement in 2010. As such, it is not a proper specimen showing current use of the VITANERGY Mark. Even if Natural stepped into the shoes of its predecessors-in-interest, the use of an advertisement that is almost ten years old is improper. A copy of the June 18, 2000 advertisement which was submitted as part of the renewal application is attached as Exhibit H.

39. The second specimen submitted with the renewal application is a brochure which displays on the specimen the words “Vitanergy, Inc.” The specimen also appears to be an old brochure used by Natural’s predecessor-in-interest. A copy of the brochure which was submitted is attached as Exhibit I.

40. The specimen, on its face, confirms it could not have been in use as of April 21, 2010 or at anytime during the allowable renewal period because it refers to “Vitanergy, Inc.” and not Natural.

41. Vitanergy, Inc. was formed as a Florida Corporation on or about June 9, 1997. A copy of the Articles as filed in the office of the Florida Secretary of State are attached as Exhibit J.

42. On or about February 18, 2003, Vitanergy, Inc. changed its name to True Ingredients, Inc. A copy of the name change with the Florida Secretary of State is attached as Exhibit K.

43. On or about September 15, 2006, True Ingredients, Inc. was administratively dissolved. A copy of a printout from the Florida Secretary of State confirming the same is attached as Exhibit L. Therefore, Vitanergy, Inc. no longer existed prior to the dates the Second Section 8 Declaration and Renewal Applications were filed.

44. The use of old specimens, not in use at the time of filing, which were previously used by a company that is now defunct, to support the Renewal Declaration for Registration No. 2440741 constitutes fraud.

45. The third specimen submitted with the Renewal Declaration consists of two pictures of a bottle which appears to contain capsules of a product sold under the brand URINOZINC. The pictures of the specimens are taken in such a way such that the URINOZINC brand is hidden. The term Vitanergy appears on the bottle as “Distributed by: Vitanergy.” This use is not trademark use, is use on “goods” not “services,” and does not support a renewal of the Registration. At most, such use is tradename use and not registrable as a trademark. Moreover, the word “Vitanergy” is not part of the corporate name of Natural. A copy of the specimens which are pictures of the bottle which was submitted are attached as Exhibit M.

46. The filing on its face confirms that the Renewal Declaration contains false statements that allege Natural was using the VITANERGY Mark on the services listed in the Renewal Declaration of Use as of April 21, 2010. Natural was not using the VITANERGY Mark for any of the services listed in the registration.

47. Natural knew that it was not offering any services under the VITANERGY Mark when it filed the renewal application on April 21, 2010. Yet Natural, through its authorized representative Oliver A. Ruiz, declared that it was doing so, despite the form’s warning that:

“The undersigned being hereby warned that willful false statements and the like 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 this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.”

48. Natural and Oliver A. Ruiz both knew or should have known that the statements made in the Renewal Declaration were false. Natural and Ruiz knowingly made such provably false material statements with the subjective intent to deceive the Trademark Office, and/or with reckless disregard for the statements’ truth or falsity, which may be reasonably inferred from the facts set forth above.

49. Based on the false statements made by Natural and its attorney, the USPTO approved the Renewal Application for the ‘741 Registration.

50. Natural’s and Ruiz’s acts constitute fraud on the United States Patent and Trademark Office and Natural’s renewal of the ‘741 Registration, for any or all of its original services, was fraudulent.

51. Natural has filed the instant cancellation action against the 960 Registration, using the VITANERGY Mark and the ‘741 Registration as the basis for its Petition. On this basis, Nutriscience is or will be damaged by the ‘741 Registration.

52. United States Trademark Registration No. 2,440,741 should be cancelled in its entirety for fraudulent registration/renewal under Lanham Act Section 14.

53. Petitioner is likely to be damage by the continued registration the VITANERGY Mark as it would impair Nutriscience’s ability to use the term VITAENERGY to describe its own products.

53. Allowing the continued registration of VITANERGY by Natural would interfere with Nutriscience’s rights to the VITAENERGY Mark and its ‘960 Registration.

54. If Natural is permitted to retain the ‘741 Registration sought to be cancelled by Nutriscience and, thereby, the prima facie exclusive right to use in commerce the mark VITANERGY on the services allegedly offered under the VITANERGY Mark, Nutriscience is likely to be damaged.

WHEREFORE, Nutriscience will be damaged if Natural is able to assert its registration for the '741 Registration against the '960 Registration and Nutriscience requests that Natural's '741 Registration be immediately cancelled and the Petition filed by Natural be dismissed in its entirety. Nutriscience submits the requisite filing fee in the amount of \$300 for the Counterclaims.

Respectfully submitted,

NUTRISCIENCE CORPORATION

Dated: August 16, 2010

By: _____

Kurt Koenig

KOENIG & ASSOCIATES
920 Garden Street, Suite A
Santa Barbara, CA 93101
Tel: 805-965-4400
Email: Kurt@incip.com

Attorneys for Registrant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing “REGISTRANT’S ANSWER TO PETITION FOR CANCELLATION AND COUNTERCLAIM FOR CANCELLATION OF U.S. REG. NO. 2440741” was served on August 16, 2010 by first-class mail, postage prepaid, to Petitioner’s counsel addressed as follows:

Oliver Alan Ruiz, Esq.
Malloy & Malloy, P.A.
2800 S.W. Third Avenue
Miami, FL 33129


Kurt Koening

Dated: August 16, 2010

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted by electronic mail to the United States Patent and Trademark Office via ESTTA on the date identified below.

Dated: August 16, 2010


Kurt Koening

EXHIBIT A

Combined Declaration of Use and Incontestability Under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2440741
REGISTRATION DATE	04/03/2001
SERIAL NUMBER	75929208
MARK SECTION	
MARK	VITANERGY
OWNER SECTION (current)	
NAME	Vitanergy Inc.
STREET	717 Ponce de Leon Blvd. Suite 211
CITY	Coral Gables
STATE	FL
ZIP/POSTAL CODE	33134
COUNTRY	US
OWNER SECTION (proposed)	
NAME	Natural Supplements and Remedies, Inc. d/b/a Vitanergy
STREET	4051 Northwest 26th Street
CITY	Miami
STATE	Florida
ZIP/POSTAL CODE	33142
COUNTRY	United States
ATTORNEY SECTION	
NAME	JAMES F. GOSSETT

FIRM NAME	ARNSTEIN & LEHR LLP
STREET	120 SOUTH RIVERSIDE PLAZA, SUITE 1200
CITY	CHICAGO
STATE	Illinois
ZIP/POSTAL CODE	60606
COUNTRY	United States
PHONE	312-876-7833
FAX	312-876-0288
EMAIL	jfgossett@arnstein.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET NUMBERS	18584-0017

GOODS AND/OR SERVICES SECTION

INTERNATIONAL CLASS	035
KEEP EXISTING GOODS AND/OR SERVICES	YES
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT5\IMAGEOUT5 759\292\75929208\xml1\81 50002.JPG
SPECIMEN DESCRIPTION	LABEL

PAYMENT SECTION

NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL AMOUNT	300

SIGNATURE SECTION

SIGNATURE	/james f. gossett/
SIGNATORY NAME	JAMES F. GOSSETT
SIGNATORY DATE	06/07/2006
SIGNATORY POSITION	ATTORNEY
PAYMENT METHOD	CC

FILING INFORMATION

SUBMIT DATE

Wed Jun 07 13:00:40 EDT 2006

TEAS STAMP

USPTO/S08N15-38981461-200
60607130040924285-2440741
-200e3af45efc087d8e13faaf
85f9580b7ed-CC-2130-20060
607125811277206

**Combined Declaration of Use and Incontestability Under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2440741

REGISTRATION DATE: 04/03/2001

MARK: VITANERGY

The owner, Natural Supplements and Remedies, Inc. d/b/a Vitanergy, residing at 4051 Northwest 26th Street, Miami, Florida United States 33142, is using the mark in commerce on or in connection with the goods and /or services as follows:

For International Class 035, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting one specimen for each class 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) LABEL.
Specimen-1

The registrant hereby appoints JAMES F. GOSSETT of ARNSTEIN & LEHR LLP, 120 SOUTH RIVERSIDE PLAZA, SUITE 1200, CHICAGO, Illinois United States 60606 to submit this Combined Declaration of Use and Incontestability Under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 18584-0017.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The owner is using or is using through a related company or licensee the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods and/or services as identified above. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like 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 this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and 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: /james f. gossett/ Date: 06/07/2006
Signatory's Name: JAMES F. GOSSETT
Signatory's Position: ATTORNEY

Mailing Address:
ARNSTEIN & LEHR LLP
120 SOUTH RIVERSIDE PLAZA, SUITE 1200
CHICAGO, Illinois 60606

RAM Sale Number: 2130
RAM Accounting Date: 06/07/2006

Serial Number: 75929208
Internet Transmission Date: Wed Jun 07 13:00:40 EDT 2006
TEAS Stamp: USPTO/S08N15-38981461-200606071300409242
85-2440741-200e3af45efc087d8e13faaf85f95
80b7ed-CC-2130-20060607125811277206

EXHIBIT B

VITANERGY®

EXHIBIT C

To: Natural Supplements and Remedies, Inc. (jfgossett@arnstein.com)
Subject: TRADEMARK REGISTRATION NO. 2440741 - VITANERGY - 18584-0017
Sent: 9/1/06 10:20:51 AM
Sent As: EComPRU
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO: 2,440,741

September 1, 2006

REGISTRANT: Natural Supplements and Remedies, Inc.

2440741

CORRESPONDENT ADDRESS:

JAMES F. GOSSETT
ARNSTEIN & LEHR LLP
120 SOUTH RIVERSIDE PLAZA, SUITE 1200
CHICAGO IL 60606

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: VITANERGY

CORRESPONDENT'S REFERENCE/DOCKET NO: 18584-0017

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

jfgossett@arnstein.com

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

POST REGISTRATION OFFICE ACTION

Registration Number 2,440,741

The Sections 8 & 15 Combined Affidavit submitted on **June 07, 2006**, cannot be accepted or acknowledged for the reasons set forth below.

Specimen Issue

The owner must submit (1) a substitute specimen showing current use in commerce of the registered mark on or in connection with the goods and/or services in the registration, and (2) a statement that the

substitute specimen was in use in commerce during the relevant period for filing the 6-year Section 8. This statement must be verified with an affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.161(g); TMEP §1604.12(c).

The specimen accompanying the Section 8 Affidavit does not show the mark identified in the registration.

The specimen cannot be accepted because the character of the registered mark appears materially altered on the submitted specimen, and it appears that the registered mark is no longer in use. *In re International Nickel Co., Inc.*, 282 F.2d 952, 127 USPQ 331 (C.C.P.A. 1960); *In re Continental Distilling Corp.*, 254 F.2d 139, 117 USPQ 300 (C.C.P.A. 1958); *Ex parte Richards*, 153 USPQ 853 (Comm'r Pats. 1967); TMEP §§807.14 *et seq.*, 1604.13 and 1609.02(a).

The specimen of record is unacceptable to show service mark use because it does not reference the services. Where a mark is used in advertising the services, the specimen must show an association between the mark and the services in the registration. A specimen that shows only the mark, with no reference to the services either on the specimen or in descriptive wording in the mark, does not show service mark usage. *See In re Adair*, 45 USPQ2d 1211 (TTAB 1997); TMEP §§1301.04(b) and (c).

Examples of acceptable specimens for services include signs, brochures, or advertisements that show the mark used in the sale or advertising of the services. TMEP §1301.04 *et seq.*

RESPONSE TIME DEADLINE: A complete response must be received within 6 months from the mailing date of this Office action or prior to expiration of the April 03, 2007, 6th year anniversary date. The owner must respond to all inquiries set forth in this Office action to avoid cancellation of the registration. 37 C.F.R. §2.163(b); TMEP §§1604.16 and 1604.17(a).

Macy Ma
Trademark Specialist
Post Registration Division
Office of Trademark Services
Tel. 571-272-9538
Fax 571-273-9538

How to respond to this Office Action:

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the registration number, the words 'Post Registration' and the examiner's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE

EXHIBIT D

Combined Declaration of Use and Incontestability Under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2440741
REGISTRATION DATE	04/03/2001
SERIAL NUMBER	75929208
MARK SECTION	
MARK	VITANERGY
OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	JAMES F. GOSSETT
FIRM NAME	ARNSTEIN & LEHR LLP
STREET	120 SOUTH RIVERSIDE PLAZA, SUITE 1200
CITY	CHICAGO
STATE	Illinois
ZIP/POSTAL CODE	60606
COUNTRY	United States
PHONE	312-876-7833
FAX	312-876-0288
EMAIL	jfgossett@arnstein.com
DOCKET NUMBER	18584-0017
ATTORNEY SECTION(proposed)	
NAME	JAMES F. GOSSETT
FIRM NAME	ARNSTEIN & LEHR LLP
STREET	120 SOUTH RIVERSIDE PLAZA, SUITE 1200

CITY CHICAGO
STATE Illinois
ZIP/POSTAL CODE 60606
COUNTRY United States
PHONE 312-876-7833
FAX 312-876-0288
EMAIL jfgossett@arnstein.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL Yes
DOCKET NUMBER 18584-0017

GOODS AND/OR SERVICES SECTION

INTERNATIONAL CLASS 035
FILING COVERS ALL GOODS OR SERVICES IN THIS CLASS YES
SPECIMEN FILE NAME(S) \\TICRS2\EXPORT13\759\292\75929208\xml1\8150002.JP G
\\TICRS2\EXPORT13\759\292\75929208\xml1\8150003.JP G
\\TICRS2\EXPORT13\759\292\75929208\xml1\8150004.JP G
\\TICRS2\EXPORT13\759\292\75929208\xml1\8150005.JP G
SPECIMEN DESCRIPTION ADVERTISING

PAYMENT SECTION

NUMBER OF CLASSES 1
NUMBER OF CLASSES PAID 1
SUBTOTAL AMOUNT 300
GRACE PERIOD 100
TOTAL AMOUNT 400

SIGNATURE SECTION

SIGNATURE /james f. gossett/
SIGNATORY'S NAME JAMES F. GOSSETT

SIGNATORY'S POSITION

ATTORNEY OF RECORD

DATE SIGNED

06/08/2007

PAYMENT METHOD

CC

FILING INFORMATION

SUBMIT DATE

Fri Jun 08 10:44:46 EDT 2007

TEAS STAMP

USPTO/S08N15-38.98.146.1-
20070608104446965091-2440
741-3706c6155313117b5312e
31c84350ee445c-CC-4807-20
070608103616650895

**Combined Declaration of Use and Incontestability Under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2440741

REGISTRATION DATE: 04/03/2001

MARK: VITANERGY

The owner, Natural Supplements and Remedies, Inc., having an address of 4051 Northwest 26th Street, Miami, Florida US 33142, is filing a Combined Declaration of Use and Incontestability Under Sections 8 & 15.

For International Class 035, the owner, or its related company, is using the mark in commerce on or in connection with **all** goods or services listed in the existing registration for this class; and, the owner, or its related company, has continuously used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, there has been no final decision adverse to the owner's claim of ownership of such mark for those goods or services, or to the owner's right to register the same or to keep the same on the register; and, there is no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in

connection with any item in this class, consisting of a(n) ADVERTISING.

Specimen-1
Specimen-2
Specimen-3
Specimen-4

The registrant hereby appoints JAMES F. GOSSETT of ARNSTEIN & LEHR LLP, 120 SOUTH RIVERSIDE PLAZA, SUITE 1200, CHICAGO, Illinois United States 60606 to file this Combined Declaration of Use and Incontestability Under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 18584-0017.

A fee payment in the amount of \$400 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The owner, or its related company, has continuously used the mark in commerce on or in connection with the goods and/or services identified above, for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with the identified goods and/or services. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like 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 this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and 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: /james f. gossett/ Date: 06/08/2007
Signatory's Name: JAMES F. GOSSETT
Signatory's Position: ATTORNEY OF RECORD

Mailing Address:
ARNSTEIN & LEHR LLP
120 SOUTH RIVERSIDE PLAZA, SUITE 1200
CHICAGO, Illinois 60606

Mailing Address:
ARNSTEIN & LEHR LLP
120 SOUTH RIVERSIDE PLAZA, SUITE 1200
CHICAGO, Illinois 60606

Serial Number: 75929208

Internet Transmission Date: Fri Jun 08 10:44:46 EDT 2007

TEAS Stamp: USPTO/S08N15-38.98.146.1-200706081044469

65091-2440741-3706c6155313117b5312e31c84

350ee445c-CC-4807-20070608103616650895

EXHIBIT E

URINOZINC®

A dietary supplement for the prostate

- ✓ The only dietary supplement for the prostate with an U.S. patent
- ✓ Also patented in Canada and Mexico
- ✓ Doctor Recommended
- ✓ Advertised aggressively for over twelve years
- ✓ Awarded by the American Urological Association after its clinical studies were presented

The Urinozinc® patented formula contains:

- Saw Palmetto
- Pygeum Africanum
- Pumpkin Seeds
- Lycopene
- Zinc
- Magnesium
- Selenium
- Vitamin E
- Vitamin B-6
- Vitamin B-12
- Folic Acid

PROVEN SALES RECORD

	Purchases Per Store	Sales Per Store	Margin Per Store
Account A	\$ 21,620	\$ 39,309	\$ 17,689
Account B	\$ 18,363	\$ 33,387	\$ 15,029
Account C	\$ 8,226	\$ 14,956	\$ 6,730

Actual figures for drugchains in 2002.





Urinozinc
60 Capsules
Cost \$ 8.00
Sugg. retail \$ 14.99
MARGIN: 47%



Urinozinc
200 Capsules
Cost \$ 25.00
Sugg. retail \$ 39.99
MARGIN: 37%



Urinozinc
500 Capsules
Cost \$ 45.00
Sugg. retail \$ 64.99
MARGIN: 31%



Super Urinozinc
30 Softgels
Cost \$ 12.00
Sugg. retail \$ 19.99
MARGIN: 40%



Super Urinozinc
100 Softgels
Cost \$ 35.00
Sugg. retail \$ 49.99
MARGIN: 30%



Colon Help
8 OZ. (227g)
Cost \$ 9.33
Sugg. retail \$ 14.99
MARGIN: 38%



Sugar Metabolic Help
60 Capsules
Cost \$ 9.00
Sugg. retail \$ 14.99
MARGIN: 40%



Sugar Metabolic Help
200 Capsules
Cost \$ 20.00
Sugg. retail \$ 34.99
MARGIN: 43%



Permanent Counter Display

NO CHARGE



Permanent Power Wing

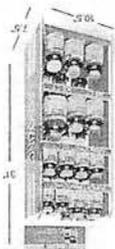
NO CHARGE

	Case Pack	Unit Cost	Suggested Retail	Margin
7-36643-28796-5	URINOZINC 60	24	\$ 8.00	\$ 14.99 .47%
7-36643-28797-2	URINOZINC 200	24	\$ 25.00	\$ 39.99 .37%
7-36643-28802-3	URINOZINC 500	24	\$ 45.00	\$ 64.99 .31%
7-36643-28803-0	SUPER URINOZINC 30	24	\$ 12.00	\$ 19.99 .40%
7-36643-28804-7	SUPER URINOZINC 100	24	\$ 35.00	\$ 49.99 .30%
7-36643-28799-6	COLON HELP 8 OZ. (227g)	24	\$ 9.33	\$ 14.99 .38%
7-36643-28807-8	SUGAR METABOLIC HELP 60	24	\$ 9.00	\$ 14.99 .40%
3-66432-88085-7	SUGAR METABOLIC HELP 200	24	\$ 20.00	\$ 34.99 .43%

CALL **Vitanergy** To Stock Urinozinc Today! • (305) 637-7304

ing Vehicles

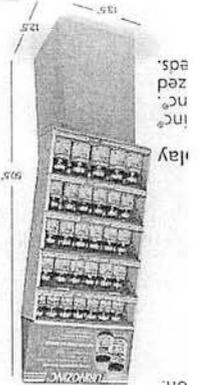
e Sales



enter display
able to
an 0.5
e sales
enter.

inant Power wings

at way to place the
5 in a secondary



lay
nc
eds.

Products come
on tagged with
ity tags
weight that.
to place
on the
re sales.



COLON-HELP

Natural Nutrition
Dietary supplement that helps to
colon and digestive system.*



Sugar Metabolic-Help

Vitenergy
Dietary supplement that
helps to promote and
maintain a healthy glucose
level in the blood.*

SUPPLEMENT FACTS

Serving Size: 1 Capsule
Amount per Serving

Total Carbohydrates	10g	20%
Dietary Fiber	2g	4%
Total Sugars	8g	16%
Total Fat	0g	0%
Sodium	0mg	0%
Total Protein	0g	0%
Total Cholesterol	0mg	0%
Total Omega-3 fatty acids	0g	0%
Total Omega-6 fatty acids	0g	0%
Total Omega-9 fatty acids	0g	0%
Total Omega-10 fatty acids	0g	0%
Total Omega-11 fatty acids	0g	0%
Total Omega-12 fatty acids	0g	0%
Total Omega-13 fatty acids	0g	0%
Total Omega-14 fatty acids	0g	0%
Total Omega-15 fatty acids	0g	0%
Total Omega-16 fatty acids	0g	0%
Total Omega-17 fatty acids	0g	0%
Total Omega-18 fatty acids	0g	0%
Total Omega-19 fatty acids	0g	0%
Total Omega-20 fatty acids	0g	0%
Total Omega-21 fatty acids	0g	0%
Total Omega-22 fatty acids	0g	0%
Total Omega-23 fatty acids	0g	0%
Total Omega-24 fatty acids	0g	0%
Total Omega-25 fatty acids	0g	0%
Total Omega-26 fatty acids	0g	0%
Total Omega-27 fatty acids	0g	0%
Total Omega-28 fatty acids	0g	0%
Total Omega-29 fatty acids	0g	0%
Total Omega-30 fatty acids	0g	0%
Total Omega-31 fatty acids	0g	0%
Total Omega-32 fatty acids	0g	0%
Total Omega-33 fatty acids	0g	0%
Total Omega-34 fatty acids	0g	0%
Total Omega-35 fatty acids	0g	0%
Total Omega-36 fatty acids	0g	0%
Total Omega-37 fatty acids	0g	0%
Total Omega-38 fatty acids	0g	0%
Total Omega-39 fatty acids	0g	0%
Total Omega-40 fatty acids	0g	0%
Total Omega-41 fatty acids	0g	0%
Total Omega-42 fatty acids	0g	0%
Total Omega-43 fatty acids	0g	0%
Total Omega-44 fatty acids	0g	0%
Total Omega-45 fatty acids	0g	0%
Total Omega-46 fatty acids	0g	0%
Total Omega-47 fatty acids	0g	0%
Total Omega-48 fatty acids	0g	0%
Total Omega-49 fatty acids	0g	0%
Total Omega-50 fatty acids	0g	0%
Total Omega-51 fatty acids	0g	0%
Total Omega-52 fatty acids	0g	0%
Total Omega-53 fatty acids	0g	0%
Total Omega-54 fatty acids	0g	0%
Total Omega-55 fatty acids	0g	0%
Total Omega-56 fatty acids	0g	0%
Total Omega-57 fatty acids	0g	0%
Total Omega-58 fatty acids	0g	0%
Total Omega-59 fatty acids	0g	0%
Total Omega-60 fatty acids	0g	0%
Total Omega-61 fatty acids	0g	0%
Total Omega-62 fatty acids	0g	0%
Total Omega-63 fatty acids	0g	0%
Total Omega-64 fatty acids	0g	0%
Total Omega-65 fatty acids	0g	0%
Total Omega-66 fatty acids	0g	0%
Total Omega-67 fatty acids	0g	0%
Total Omega-68 fatty acids	0g	0%
Total Omega-69 fatty acids	0g	0%
Total Omega-70 fatty acids	0g	0%
Total Omega-71 fatty acids	0g	0%
Total Omega-72 fatty acids	0g	0%
Total Omega-73 fatty acids	0g	0%
Total Omega-74 fatty acids	0g	0%
Total Omega-75 fatty acids	0g	0%
Total Omega-76 fatty acids	0g	0%
Total Omega-77 fatty acids	0g	0%
Total Omega-78 fatty acids	0g	0%
Total Omega-79 fatty acids	0g	0%
Total Omega-80 fatty acids	0g	0%
Total Omega-81 fatty acids	0g	0%
Total Omega-82 fatty acids	0g	0%
Total Omega-83 fatty acids	0g	0%
Total Omega-84 fatty acids	0g	0%
Total Omega-85 fatty acids	0g	0%
Total Omega-86 fatty acids	0g	0%
Total Omega-87 fatty acids	0g	0%
Total Omega-88 fatty acids	0g	0%
Total Omega-89 fatty acids	0g	0%
Total Omega-90 fatty acids	0g	0%
Total Omega-91 fatty acids	0g	0%
Total Omega-92 fatty acids	0g	0%
Total Omega-93 fatty acids	0g	0%
Total Omega-94 fatty acids	0g	0%
Total Omega-95 fatty acids	0g	0%
Total Omega-96 fatty acids	0g	0%
Total Omega-97 fatty acids	0g	0%
Total Omega-98 fatty acids	0g	0%
Total Omega-99 fatty acids	0g	0%
Total Omega-100 fatty acids	0g	0%

*Daily Values are based on a diet of other people's secrets.

Health Benefits:

- The original Colon-Help® dietary supplement is a natural Pyllium fiber formula that can help maintain colon health and also promote a healthy digestive system.*
- The action of this fiber in combination with other natural ingredients helps to normalize elimination of accumulated debris helping the digestive system.*
- Encourages proper and regular elimination, promotes the growth of friendly bacteria and better digestion.*
- Pyllium improves the peristaltic movement in the intestines.* Pyllium helps to activate the transit of the feces, thereby promoting regularity.*
- The regular intake of soluble fibers helps maintain a healthy circulatory system.*
- Ginger generates beneficial actions in the digestive system, soothing and calming.*
- Citric acid helps to maintain an acidic environment, especially in the colon or large intestine, helping the development of a more beneficial intestinal flora.*
- Everyday new discoveries show how important a healthy intestinal flora is for keeping healthy. Lactobacillus Blend in this formula generates great beneficial actions in this area.*
- A special combination of Lactobacillus Blend to help improve the intestinal flora.*
- L-glutamine helps to improve digestion when a person is under stress.* Prolonged stress can affect the gastrointestinal mucosa.
- Addition of glutamine to the nutritional regimen may balance glutamine concentrations in blood and tissues, increase the cellularity of gut mucosa, and support renal ammonia genesis.*

SUPPLEMENT FACTS

Serving Size: 1 Capsule
Amount per Serving

Total Carbohydrates	10g	20%
Dietary Fiber	2g	4%
Total Sugars	8g	16%
Total Fat	0g	0%
Sodium	0mg	0%
Total Protein	0g	0%
Total Cholesterol	0mg	0%
Total Omega-3 fatty acids	0g	0%
Total Omega-6 fatty acids	0g	0%
Total Omega-9 fatty acids	0g	0%
Total Omega-10 fatty acids	0g	0%
Total Omega-11 fatty acids	0g	0%
Total Omega-12 fatty acids	0g	0%
Total Omega-13 fatty acids	0g	0%
Total Omega-14 fatty acids	0g	0%
Total Omega-15 fatty acids	0g	0%
Total Omega-16 fatty acids	0g	0%
Total Omega-17 fatty acids	0g	0%
Total Omega-18 fatty acids	0g	0%
Total Omega-19 fatty acids	0g	0%
Total Omega-20 fatty acids	0g	0%
Total Omega-21 fatty acids	0g	0%
Total Omega-22 fatty acids	0g	0%
Total Omega-23 fatty acids	0g	0%
Total Omega-24 fatty acids	0g	0%
Total Omega-25 fatty acids	0g	0%
Total Omega-26 fatty acids	0g	0%
Total Omega-27 fatty acids	0g	0%
Total Omega-28 fatty acids	0g	0%
Total Omega-29 fatty acids	0g	0%
Total Omega-30 fatty acids	0g	0%
Total Omega-31 fatty acids	0g	0%
Total Omega-32 fatty acids	0g	0%
Total Omega-33 fatty acids	0g	0%
Total Omega-34 fatty acids	0g	0%
Total Omega-35 fatty acids	0g	0%
Total Omega-36 fatty acids	0g	0%
Total Omega-37 fatty acids	0g	0%
Total Omega-38 fatty acids	0g	0%
Total Omega-39 fatty acids	0g	0%
Total Omega-40 fatty acids	0g	0%
Total Omega-41 fatty acids	0g	0%
Total Omega-42 fatty acids	0g	0%
Total Omega-43 fatty acids	0g	0%
Total Omega-44 fatty acids	0g	0%
Total Omega-45 fatty acids	0g	0%
Total Omega-46 fatty acids	0g	0%
Total Omega-47 fatty acids	0g	0%
Total Omega-48 fatty acids	0g	0%
Total Omega-49 fatty acids	0g	0%
Total Omega-50 fatty acids	0g	0%
Total Omega-51 fatty acids	0g	0%
Total Omega-52 fatty acids	0g	0%
Total Omega-53 fatty acids	0g	0%
Total Omega-54 fatty acids	0g	0%
Total Omega-55 fatty acids	0g	0%
Total Omega-56 fatty acids	0g	0%
Total Omega-57 fatty acids	0g	0%
Total Omega-58 fatty acids	0g	0%
Total Omega-59 fatty acids	0g	0%
Total Omega-60 fatty acids	0g	0%
Total Omega-61 fatty acids	0g	0%
Total Omega-62 fatty acids	0g	0%
Total Omega-63 fatty acids	0g	0%
Total Omega-64 fatty acids	0g	0%
Total Omega-65 fatty acids	0g	0%
Total Omega-66 fatty acids	0g	0%
Total Omega-67 fatty acids	0g	0%
Total Omega-68 fatty acids	0g	0%
Total Omega-69 fatty acids	0g	0%
Total Omega-70 fatty acids	0g	0%
Total Omega-71 fatty acids	0g	0%
Total Omega-72 fatty acids	0g	0%
Total Omega-73 fatty acids	0g	0%
Total Omega-74 fatty acids	0g	0%
Total Omega-75 fatty acids	0g	0%
Total Omega-76 fatty acids	0g	0%
Total Omega-77 fatty acids	0g	0%
Total Omega-78 fatty acids	0g	0%
Total Omega-79 fatty acids	0g	0%
Total Omega-80 fatty acids	0g	0%
Total Omega-81 fatty acids	0g	0%
Total Omega-82 fatty acids	0g	0%
Total Omega-83 fatty acids	0g	0%
Total Omega-84 fatty acids	0g	0%
Total Omega-85 fatty acids	0g	0%
Total Omega-86 fatty acids	0g	0%
Total Omega-87 fatty acids	0g	0%
Total Omega-88 fatty acids	0g	0%
Total Omega-89 fatty acids	0g	0%
Total Omega-90 fatty acids	0g	0%
Total Omega-91 fatty acids	0g	0%
Total Omega-92 fatty acids	0g	0%
Total Omega-93 fatty acids	0g	0%
Total Omega-94 fatty acids	0g	0%
Total Omega-95 fatty acids	0g	0%
Total Omega-96 fatty acids	0g	0%
Total Omega-97 fatty acids	0g	0%
Total Omega-98 fatty acids	0g	0%
Total Omega-99 fatty acids	0g	0%
Total Omega-100 fatty acids	0g	0%

*Daily Values are based on a diet of other people's secrets.

Health Benefits:

- Gymnema Sylvestre, a botanical extract, has been used for centuries by ancient civilizations. It is combined with dietary supplements that have been shown to generate beneficial actions in maintaining healthy glucose levels in the blood.
- Approximately seventeen million people in the United States, or 6.2% of the population have Diabetes.
- In 1999, approximately 450,000 deaths occurred among diabetics aged 25 and older.
- This figure represents about 19% of all deaths in the United States among persons 25 and older.

American Diabetes Association.

Available in 60 or 200 capsules.

See back for
Product Info

AVI • (305) 637-7304



URINOZINC

Dietary supplement
for the prostate.*

SUPPLEMENT FACTS

Serving Size: 2 Softgels	Amount Per Serving	% Daily Value*
Calories	0	0%
Total Electrolytes	2	1%
Vitamin B-6 (as Pyridoxine HCl)	100 mcg	200%
Vitamin B-12 (as Methylcobalamin)	100 mcg	200%
Vitamin C (as Ascorbic Acid)	100 mg	200%
Vitamin E (as d-Alpha Tocopheryl Acetate)	100 IU	200%
Vitamin K (as Menaquinone-7)	100 mcg	200%
Vitamin D (as Cholecalciferol)	1000 IU	200%
Vitamin H (as Biotin)	100 mcg	200%
Vitamin P (as Pantoic Acid)	100 mg	200%
Vitamin Q (as Ubiquinol)	100 mg	200%
Vitamin U (as Methylsulfonylmethane)	100 mg	200%
Vitamin X (as Xanthine)	100 mg	200%
Vitamin Y (as Inositol)	100 mg	200%
Vitamin Z (as Zinc)	100 mg	200%
Vitamin AA (as Retinol)	100 IU	200%
Vitamin AB (as Beta-Carotene)	100 mcg	200%
Vitamin AC (as Lycopodium)	100 mg	200%
Vitamin AD (as Vitamin D3)	100 IU	200%
Vitamin AE (as Vitamin E)	100 IU	200%
Vitamin AF (as Vitamin F)	100 mg	200%
Vitamin AG (as Vitamin G)	100 mg	200%
Vitamin AH (as Vitamin H)	100 mcg	200%
Vitamin AI (as Vitamin I)	100 mg	200%
Vitamin AJ (as Vitamin J)	100 mg	200%
Vitamin AK (as Vitamin K)	100 mcg	200%
Vitamin AL (as Vitamin L)	100 mg	200%
Vitamin AM (as Vitamin M)	100 mg	200%
Vitamin AN (as Vitamin N)	100 mg	200%
Vitamin AO (as Vitamin O)	100 mg	200%
Vitamin AP (as Vitamin P)	100 mg	200%
Vitamin AQ (as Vitamin Q)	100 mg	200%
Vitamin AR (as Vitamin R)	100 mg	200%
Vitamin AS (as Vitamin S)	100 mg	200%
Vitamin AT (as Vitamin T)	100 mg	200%
Vitamin AU (as Vitamin U)	100 mg	200%
Vitamin AV (as Vitamin V)	100 mg	200%
Vitamin AW (as Vitamin W)	100 mg	200%
Vitamin AX (as Vitamin X)	100 mg	200%
Vitamin AY (as Vitamin Y)	100 mg	200%
Vitamin AZ (as Vitamin Z)	100 mg	200%

*Percent Daily Values are based on a diet of other people's secrets.
†Daily Values not established.

Recommended by Urologists:

- As a nutritional support for men taking drugs utilized to benefit the prostate, such as inhibitors of 5 alpha reductase and alpha-adrenergic blockers.
- As a nutritional support for men taking antibiotics for bacterial prostatitis.
- Some of the actions of this dietary supplement are weaker but similar to an inhibitor of 5 alpha reductase and similar to alpha-adrenergic blockers.*
- A recent review of studies, published in the Journal of the American Medical Association, concluded that Saw Palmetto extract was as effective as Finasteride (Proscar®) in the treatment of Benign Prostatic Hyperplasia (BPH). In a double-blind trial, same doses were found to treat BPH as effectively as Finasteride (Proscar®) without side effects, such as loss of libido.
- Pentacyclic Terpenes in Pygeum Africanum have an anti-edema or decongesting effect. Animal studies have shown that Pumpkin Seeds' extract can improve the function of the bladder and the urethra, which might partially account for BPH symptom relief.*

Maintaining a healthy prostate will help avoid:

- Frequent urination, especially during the evening
- Difficulty in starting the urinary stream
- A continued feeling of fullness after urinating
- Weak or interrupted urinary stream
- Pain or discomfort while urinating or ejaculating

Available in 60, 200, or 500 capsules.



SUPER URINOZINC

Dietary supplement
for the prostate.*

SUPPLEMENT FACTS

Serving Size: 1 Softgel	Amount Per Serving	% Daily Value*
Calories	0	0%
Total Carbohydrates	2 g	4%
Vitamin B-6 (as Pyridoxine HCl)	100 mcg	200%
Vitamin B-12 (as Methylcobalamin)	100 mcg	200%
Vitamin C (as Ascorbic Acid)	100 mg	200%
Vitamin E (as d-Alpha Tocopheryl Acetate)	100 IU	200%
Vitamin K (as Menaquinone-7)	100 mcg	200%
Vitamin D (as Cholecalciferol)	1000 IU	200%
Vitamin H (as Biotin)	100 mcg	200%
Vitamin P (as Pantoic Acid)	100 mg	200%
Vitamin Q (as Ubiquinol)	100 mg	200%
Vitamin U (as Methylsulfonylmethane)	100 mg	200%
Vitamin X (as Xanthine)	100 mg	200%
Vitamin Y (as Inositol)	100 mg	200%
Vitamin Z (as Zinc)	100 mg	200%
Vitamin AA (as Retinol)	100 IU	200%
Vitamin AB (as Beta-Carotene)	100 mcg	200%
Vitamin AC (as Lycopodium)	100 mg	200%
Vitamin AD (as Vitamin D3)	100 IU	200%
Vitamin AE (as Vitamin E)	100 IU	200%
Vitamin AF (as Vitamin F)	100 mg	200%
Vitamin AG (as Vitamin G)	100 mg	200%
Vitamin AH (as Vitamin H)	100 mcg	200%
Vitamin AI (as Vitamin I)	100 mg	200%
Vitamin AJ (as Vitamin J)	100 mg	200%
Vitamin AK (as Vitamin K)	100 mcg	200%
Vitamin AL (as Vitamin L)	100 mg	200%
Vitamin AM (as Vitamin M)	100 mg	200%
Vitamin AN (as Vitamin N)	100 mg	200%
Vitamin AO (as Vitamin O)	100 mg	200%
Vitamin AP (as Vitamin P)	100 mg	200%
Vitamin AQ (as Vitamin Q)	100 mg	200%
Vitamin AR (as Vitamin R)	100 mg	200%
Vitamin AS (as Vitamin S)	100 mg	200%
Vitamin AT (as Vitamin T)	100 mg	200%
Vitamin AU (as Vitamin U)	100 mg	200%
Vitamin AV (as Vitamin V)	100 mg	200%
Vitamin AW (as Vitamin W)	100 mg	200%
Vitamin AX (as Vitamin X)	100 mg	200%
Vitamin AY (as Vitamin Y)	100 mg	200%
Vitamin AZ (as Vitamin Z)	100 mg	200%

*Percent Daily Values are based on a diet of other people's secrets.
†Daily Values not established.

Contains Soy Isoflavones which have been shown to:

- Block estrogen binding
- Diminish prolactin production
- Diminish cholesterol concentration
- Improve normal prostate function
- Immune enhancing effect
- Support diffusion of antibiotics into prostate
- Provide essential mineral zinc
- Growth factors inhibitor
- Decrease bladder hyper contractility
- Prevent bladder decompensation.
- This formula contains greater concentrations of the active components such as free fatty acids in Saw Palmetto and Sterols in Pygeum Africanum, therefore, less capsules need to be taken per day. Super-Urinozinc ProstaHelp also contains Lycopene and Selenium like the original formula and in addition we have added the Soy Isoflavones: Genistein and Daidzein which in many recent studies have been found to fight prostate cancer and enhance prostate health.*
- More of a potent formula in a soft gel form
- Allows to obtain a larger potency while consuming less softgels per day than URINOZINC®

Available in 30 or 100 softgels.

Merchandise To Drive

Permanent Co
D

A great way to drive
at the pharmacy co
Occupying less th
square feet, it is i
hold the entir



Perm
A gr
good
locat

Temporary Floor Dis

Contains Super Urino
and Urinoz
Can be custom
to suit your ne

500
checkpoint sect

to j
This allows y
the produ
selling floor to dr

CALL VITANERGY TO STOCK URINOZINC TODAY

*These statements have not been evaluated by the Food & Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

EXHIBIT F

STATEMENT UNDER 37 C.F.R. SECTION 2.20

The undersigned, being hereby warned that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such wilful false statements may jeopardize the validity of the application or any resulting registration, declares that the substitute specimen was in use in commerce during the relevant period for filing the 6-year Section 8, the facts set forth in the application are true, all statements made of his knowledge are true, and all statements made on information and belief are believed to be true.

Martin Pico
Signature

MARTIN PICO, VICE PRESIDENT
Print or Type Name and Position

6-6-07
Date

EXHIBIT G

**Combined Declaration of Use and/or Excusable
Nonuse/Application for Renewal of Registration of a Mark under
Sections 8 & 9**

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2440741
REGISTRATION DATE	04/03/2001
SERIAL NUMBER	75929208
MARK SECTION	
MARK	VITANERGY
OWNER SECTION (current)	
NAME	Natural Supplements and Remedies, Inc.
STREET	4051 Northwest 26th Street
CITY	Miami
STATE	Florida
ZIP/POSTAL CODE	33142
COUNTRY	United States
ATTORNEY SECTION (current)	
NAME	JAMES F. GOSSETT
FIRM NAME	ARNSTEIN & LEHR LLP
STREET	120 SOUTH RIVERSIDE PLAZA, SUITE 1200
CITY	CHICAGO
STATE	Illinois
POSTAL CODE	60606

COUNTRY United States
PHONE 312-876-7833
FAX 312-876-0288
EMAIL jfgossett@arnstein.com

ATTORNEY SECTION(proposed)

NAME Oliver A. Ruiz
FIRM NAME Malloy & Malloy, P.A.
STREET 2800 S.W. 3rd Avenue
CITY Miami
STATE Florida
POSTAL CODE 33129
COUNTRY United States
PHONE 305-858-8000
FAX 305-858-0008
ATTORNEY DOCKET NUMBER 8.577.10

OTHER APPOINTED ATTORNEY John Cyril Malloy (a member of the Bar of the State of Florida), James E. Wetterling, Jr. (a member of the Bar of the State of Florida), Jennie Sue Malloy (a member of the Bar of the State of Florida), John Cyril Malloy, III (a member of the Bar of the State of Florida), Peter A. Matos (a member of the Bar of the State of Florida), David A. Gast (a member of the Bar of the State of Florida) John Fulton, Jr. (a member of the Bar of the State of Florida), Jason LaCosse (a member of the Bar of the State of Florida), Benjamin M. Hanrahan (a member of the Bar of the State of Florida) Francisco Ferreiro (a member of the Bar of the State of Florida) Meredith Frank Mendez (a member of the Bar of the State of Florida) Raquel Regalado (a member of the Bar of the State of Florida)

GOODS AND/OR SERVICES SECTION

INTERNATIONAL CLASS 035

GOODS OR SERVICES TO BE DELETED POWDER MIXES, SYRUPS, HAIR TONICS, SPRAYS AND BEVERAGES

GOODS OR SERVICES IN USE IN COMMERCE OR DISTRIBUTORSHIPS IN THE FIELD OF PILLS, TABLETS, CAPSULES,

FOR WHICH
OWNER CLAIMS
EXCUSABLE
NONUSE

CONTAINING NATURAL INGREDIENTS FOR PROVIDING
NUTRITION AND PROMOTING HEALTH

SPECIMEN FILE NAME(S)

JPG FILE(S) \\TICRS\EXPORT10\IMAGEOUT 10\759\292\75929208\xml1\
S890004.JPG

\\TICRS\EXPORT10\IMAGEOUT10\759\292\75929208\xml1\S890005.JPG

**ORIGINAL PDF
FILE**

SPN0-216484162-132830429_._SKMBT_C55010041610450.pdf

**CONVERTED
PDF FILE(S)**
(1 page)

\\TICRS\EXPORT10\IMAGEOUT10\759\292\75929208\xml1\S890002.JPG

**ORIGINAL PDF
FILE**

SPN0-216484162-132830429_._SKMBT_C55010041610451.pdf

**CONVERTED
PDF FILE(S)**
(1 page)

\\TICRS\EXPORT10\IMAGEOUT10\759\292\75929208\xml1\S890003.JPG

**SPECIMEN
DESCRIPTION**

scanned advertisements and photographs of the product packaging and label

PAYMENT SECTION

**NUMBER OF
CLASSES** 1

**NUMBER OF
CLASSES PAID** 1

**SUBTOTAL
AMOUNT** 500

TOTAL FEE PAID 500

SIGNATURE SECTION

SIGNATURE /Oliver A. Ruiz/

**SIGNATORY'S
NAME** Oliver A. Ruiz

**SIGNATORY'S
POSITION** Attorney of record, Florida bar member

DATE SIGNED 04/21/2010

**PAYMENT
METHOD** CC

FILING INFORMATION

SUBMIT DATE Wed Apr 21 13:31:39 EDT 2010

USPTO/S08N09-216.48.4.162
-20100421133139814576-244

TEAS STAMP 0741-4607411eefa8a3c60822
41492d79bd846f-CC-8940-20
100421132830429008

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9 To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2440741

REGISTRATION DATE: 04/03/2001

MARK: VITANERGY

The owner, Natural Supplements and Remedies, Inc., having an address of
4051 Northwest 26th Street
Miami, Florida 33142
United States

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of
Registration of a Mark under Sections 8 & 9.

For International Class 035, this filing does **NOT** cover the following goods or services for this specific
class listed in the registration, and these goods or services are to be permanently **deleted** from the
registration: POWDER MIXES, SYRUPS, HAIR TONICS, SPRAYS AND BEVERAGES

The mark is in use in commerce on or in connection with the following goods or services listed in the
existing registration for this specific class; or, the owner is making the listed excusable nonuse claim:
DISTRIBUTORSHIPS IN THE FIELD OF PILLS, TABLETS, CAPSULES, CONTAINING NATURAL
INGREDIENTS FOR PROVIDING NUTRITION AND PROMOTING HEALTH

The owner is submitting one specimen showing the mark as used in commerce on or in connection with
any item in this class, consisting of a(n) scanned advertisements and photographs of the product packaging
and label.

JPG file(s):

Specimen File1

Specimen File2

Original PDF file:

SPN0-216484162-132830429_._SKMBT_C55010041610450.pdf

Converted PDF file(s) (1 page)

Specimen File1

Original PDF file:

SPN0-216484162-132830429_._SKMBT_C55010041610451.pdf

Converted PDF file(s) (1 page)

Specimen File1

The registrant hereby appoints Oliver A. Ruiz and John Cyril Malloy (a member of the Bar of the State of Florida), James E. Wetterling, Jr. (a member of the Bar of the State of Florida), Jennie Sue Malloy (a member of the Bar of the State of Florida), John Cyril Malloy, III (a member of the Bar of the State of Florida), Peter A. Matos (a member of the Bar of the State of Florida), David A. Gast (a member of the Bar of the State of Florida) John Fulton, Jr. (a member of the Bar of the State of Florida), Jason LaCosse (a member of the Bar of the State of Florida), Benjamin M. Hanrahan (a member of the Bar of the State of Florida) Francisco Ferreiro (a member of the Bar of the State of Florida) Meredith Frank Mendez (a member of the Bar of the State of Florida) Raquel Regalado (a member of the Bar of the State of Florida) of Malloy & Malloy, P.A.

2800 S.W. 3rd Avenue

Miami, Florida 33129

United States

to file this Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is 8.577.10.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use in Commerce

Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

Section 9: Application for Renewal

The registrant requests that the registration be renewed for the goods and/or services identified above.

The undersigned being hereby warned that willful false statements and the like 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 this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and 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: /Oliver A. Ruiz/ Date: 04/21/2010
Signatory's Name: Oliver A. Ruiz
Signatory's Position: Attorney of record, Florida bar member

Mailing Address (**current**):
ARNSTEIN & LEHR LLP
120 SOUTH RIVERSIDE PLAZA, SUITE 1200
CHICAGO, Illinois 60606

Mailing Address (**proposed**):
Malloy & Malloy, P.A.
2800 S.W. 3rd Avenue
Miami, Florida 33129

Serial Number: 75929208
Internet Transmission Date: Wed Apr 21 13:31:39 EDT 2010
TEAS Stamp: USPTO/S08N09-216.48.4.162-20100421133139
814576-2440741-4607411eefa8a3c6082241492
d79bd846f-CC-8940-20100421132830429008

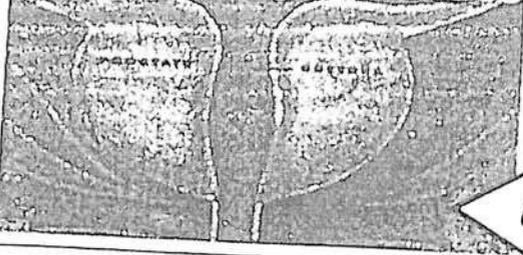
EXHIBIT H

VITANERGY

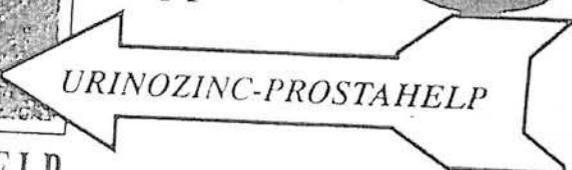
Science in the pursuit of health through natural ingredients

Illustration of a HEALTHY PROSTATE

The Healthy Prostate



KEEP A HEALTHY PROSTATE By taking the dietary supplement



URINOZINC - PROSTAHELP

The key for maintaining a healthy prostate

With a U.S. Patent!

MANY TRY TO IMITATE US, BUT ASK YOURSELF THESE QUESTIONS:

• How many years has the Urinozinc-Prostahelp formula been in the market?

Answer: More than 10 years

• What dietary supplement for the prostate is the only one with U. S. Patent No. 5543146 and Canadian Patent No. 2, 174,608

Answer: Urinozinc-Prostahelp

• What dietary supplement for the prostate was clinically studied at the Department of Urology at the University of South Florida, Tampa, and the oral presentation of the study gained an award from the American Urological Association after its presentation?

Answer: Urinozinc-Prostahelp

• How many similar products are in the market imitating the Urinozinc-Prostahelp formula?

Answer: Many, but they do not generate as many beneficial actions for the prostate as Urinozinc-Prostahelp.

URINOZINC-PROSTAHELP IS THE REAL ONE, THE TRIED AND TRUE FORMULA, AND NOW WITH LYCOPENE AND SELENIUM.

You may obtain Urinozinc-Prostahelp at your nearest pharmacy: Navarros, Fedco, Sedanos, Eckerd's, Walgreens, Winn Dixie Pharmacies, Federal Discounts, GNC, Government Discount and Popular Discount or by calling.

1(800) 615-4800 English • (305) 441-1651 Spanish

www.prostahelp.com

URINOZINC • URINOZINC • URINOZINC • URINOZINC • URINOZINC • URINOZINC

EXHIBIT I

POTENCY PLUS

Patent Pending

POTENCY PLUS is a dietary supplement designed to enhance sexual performance while at the same time provide nutritional support for a healthy prostate. The ingredients in Potency Plus combine synergistically to help maintain a youthful sex life.

POTENCY PLUS is a combination of several herbs, amino acids (The building blocks of protein), and a very important mineral.

Saw Palmetto, Pygeum Africanum, Panax Ginseng, Ginkgo Biloba, Yohimbe, L-Arginine, Seleno L-Methionine.

The nutrients were chosen for their numerous beneficial actions which synergistically help to maintain a healthy sex life and prostate.

Strong sexual performance is dependent on many factors many of which are addressed by the unique blend of dietary ingredients in POTENCY PLUS.

You may obtain this product at Vitanergy Inc.

By calling:

(305) 441-1651 • 1(800)615-4800

Fax: (305) 446-3403

Manufactured in U.S.A. For:
VITANERGY, INC.

1 (800) 615-4800 English
(305) 441-1651 Spanish

See us on the Internet at: www.prostahelp.com

The Optimum Recommended intake is three capsules per day for a period of 90 days, and ultimately a maintenance of one capsule a day.

717 Ponce de Leon Blvd. • Suite #211
Coral Gables, FL 33134 U.S.A.

Other Vitanergy Products:

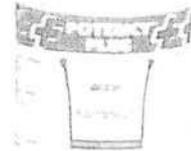
- Prostahelp-Urinozinc
- Hair-HormoneHelp
- Heart-Circulatory-Help
- Colon-Help

*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

POTENCY PLUS

Patent Pending

A VITANERGY PRODUCT



A DIETARY SUPPLEMENT WHICH
MEETS ALL THE HIGHEST
STANDARDS

Keep a healthy
sexual life
And avoid the following:

- Unfulfillment for you and your companion
- Loss of self esteem

Take it to help maintain
optimum sexual
performance
and benefit
your prostate.

*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

EXHIBIT J

6/09/97

P97000050801

FLORIDA DIVISION OF CORPORATIONS
PUBLIC ACCESS SYSTEM
ELECTRONIC FILING COVER SHEET

12:51 PM

((H97000009427 0))

TO: DIVISION OF CORPORATIONS

FAX #: (904)922-4001

FROM: EMPIRE CORPORATE KIT COMPANY
CONTACT: RAY STORMONT
PHONE: (305)541-3694

ACCT#: 072450003255

FAX #: (305)541-3770

NAME: VITANERGY, INC.

AUDIT NUMBER.....H97000009427

DOC TYPE.....FLORIDA PROFIT CORPORATION OR P.A.

CERT. OF STATUS..0

PAGES..... 7

CERT. COPIES.....1

DEL.METHOD.. FAX

EST.CHARGE.. \$122.50

NOTE: PLEASE PRINT THIS PAGE AND USE IT AS A COVER SHEET. TYPE THE FAX
AUDIT NUMBER ON THE TOP AND BOTTOM OF ALL PAGES OF THE DOCUMENT

** ENTER 'M' FOR MENU. **

ENTER SELECTION AND <CR>:
Help F1 Option Menu F2

NUM

Connect: 00:04:45

FILED
97 JUN -9 PM 3:45
SEC. OF STATE
TALLAHASSEE, FLORIDA

one 101177

H 97 0000 094 27

FILED

97 JUN -9 PM 3:45

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

⑦

ARTICLES OF INCORPORATION

OF

VITANERGY, INC.

ARTICLE I.

NAME

The Name of the Corporation is VITANERGY, INC.

ARTICLE II.

TERM OF CORPORATE EXISTENCE

The Corporation shall exist perpetually unless dissolved according to law and such existence shall commence at the time of the filing of these Articles of Incorporation by the Department of State.

ARTICLE III.

PERMITTED ACTIVITY

The Corporation shall engage in any activity of business permitted under the laws of the United States and of the State of Florida.

Stewart A. Merkin, Esq.
Rivergate Plaza, Suite 300
444 Brickell Avenue
Miami, Florida 33131
Tel. (305) 358-5800
Fla. Bar No. 153444

H 97 0000 094 27

H 9700009427

ARTICLE IV.

AUTHORIZED SHARES

The Corporation shall have the authority to issue shares of stock as follows:

A. 50,000,000 shares of Common Stock, \$.0001 par value.

B. 20,000,000 shares of preferred stock in various classes having such designations, preferences, rights, qualifications, limitations or restrictions as may be designated Board of Directors resolution and which may be dependent upon facts or events outside the Certificate of Incorporation or any amendment thereto, by resolution or resolutions of the Board of Directors authorizing the issuance of such stock, provided that no preference shall diminish the liquidation rights or voting rights of the common shareholders. This limitation shall not prohibit the issuance of preferred stock convertible into common stock or the issuance of common stock as interest payments or dividends.

ARTICLE V.

PREEMPTIVE RIGHTS DENIED

No holder of any shares of the Corporation shall have any preemptive right to purchase, subscribe for or otherwise acquire any shares of the Corporation of any class now or hereafter authorized, or any securities, exchangeable for or convertible into such shares, or any warrants or any instruments evidencing rights or options to subscribe for, purchase, or otherwise acquire such shares.

H 9700009427

H9700009427

ARTICLE VI.

PRINCIPAL OFFICE

The principal office of the Corporation is 717 Ponce de Leon Blvd., Suite 211, Coral Gables, Florida 33134.

ARTICLE VII.

REGISTERED OFFICE AND AGENT

The initial registered office of the Corporation is 444 Brickell Avenue, Suite 300, Miami, Florida 33131. The initial registered agent at that address is STEWART A. MERKIN.

ARTICLE VIII.

DIRECTORS

The business of the Corporation shall be managed by a Board of Directors consisting of not fewer than one person, the exact number to be determined from time to time in accordance with the By-Laws.

The name and address of the first board of directors who shall serve until the first annual meeting of shareholders or until his successors are elected and qualified shall be:

<u>NAME</u>	<u>ADDRESS</u>
Carlos Perez	717 Ponce de Leon Blvd. Suite 211 Coral Gables, Florida 33134

H9700009427

H97000009427

ARTICLE IX.

INCORPORATOR

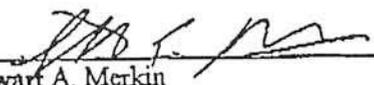
The name and address of the incorporator is: STEWART A. MERKIN, ESQ., 444
Brickell Avenue, Suite 300, Miami, Florida 33131.

ARTICLE X.

INDEMNIFICATION

The Corporation shall indemnify any present or former officer or director, or person
exercising powers and duties of a director, to the full extent now or hereafter permitted by
law.

IN WITNESS WHEREOF, the undersigned, being the original incorporator of the
Corporation, has executed these Articles of Incorporation this 9th day of June, 1997.



Stewart A. Merkin

H97000009427

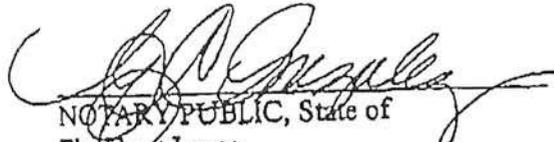
H97000009427

STATE OF FLORIDA)

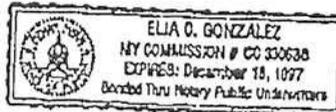
COUNTY OF DADE)

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned authority, Stewart A. Merkin, to me well known and well known to me to be the person who executed the foregoing instrument and acknowledged before me that he executed the same freely and voluntarily for the uses and purposes therein set forth and expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on this 9 day of June, 1997.


NOTARY PUBLIC, State of
Florida at Large

My Commission Expires:



H97000009427

H 97 0 000 094 27

CERTIFICATE OF DESIGNATION

REGISTERED AGENT/REGISTERED OFFICE

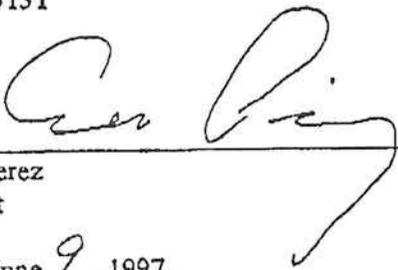
Pursuant to the provisions of section 607.0501, Florida Statutes, the undersigned corporation, organized under the laws of the State of Florida, submits the following statement in designating the registered office/registered agent, in the State of Florida.

1. The name of the corporation is:

VITANERGY, INC.

2. The name and address of the Registered Agent and office is:

STEWART A. MERKIN, ESQ.
444 BRICKELL AVENUE, SUITE 300
MIAMI, FLORIDA 33131

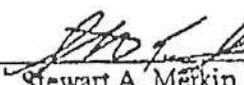


Carlos Perez
President

DATE: June 9, 1997.

HAVING BEEN NAMED AS REGISTERED AGENT AND TO ACCEPT SERVICE OF PROCESS FOR THE ABOVE STATED CORPORATION AT THE PLACE DESIGNATED IN THIS CERTIFICATE, I HEREBY ACCEPT THE APPOINTMENT OF REGISTERED AGENT AND AGREE TO ACT IN THIS CAPACITY. I FURTHER AGREE TO COMPLY WITH THE PROVISIONS OF ALL STATUTES RELATING TO THE PROPER AND COMPLETE PERFORMANCE OF MY DUTIES, AND I AM FAMILIAR WITH AND ACCEPT THE OBLIGATIONS OF MY POSITION AS REGISTERED AGENT.

SIGNATURE _____


Stewart A. Merkin

DATE: June 9, 1997.

H97000009427

97 JUN -9 PM 3:45
FILED
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

EXHIBIT K

P97000050801

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP WAIT MAIL

(Business Entity Name)

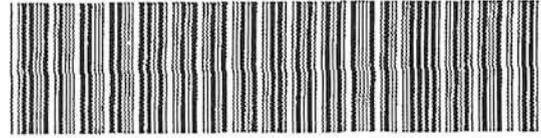
(Document Number)

Certified Copies _____ Certificates of Status _____

Special Instructions to Filing Officer:

Office Use Only

N/C



900012228859

02/18/03--01070--001 **35.00

FILED
03 FEB 18 PM 12:11
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

T BROWN FEB 21 2003

COFFEY & WRIGHT, LLP

Attorneys at Law

CARLA M. BARROW
KENDALL COFFEY
MARY ANN HUEY
MARK A. JOURNEY
ANGELA D. SHERRILL
ROBERT T. WRIGHT, JR.

GRAND BAY PLAZA • PENTHOUSE 2B
2665 SOUTH BAYSHORE DRIVE
MIAMI, FLORIDA 33133-5462

TELEPHONE • 305-857-9797
TELECOPIER • 305-859-9919

February 11, 2003

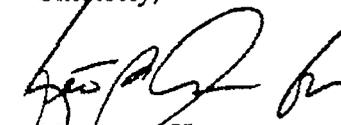
Division of Corporations
409 E. Gaines Street
Tallahassee, FL 32399

Re: **Vitanergy, Inc.**
Articles of Amendment

Dear Sirs:

Enclosed please find the Articles of Amendment to the Articles of Incorporation of Vitanergy, Inc., along with our check in the amount of \$35.00 representing the filing fee for filing same. Thank you for your cooperation in this regard.

Sincerely,



Mary Ann Huey
mahuey@coffeywright.com

MAH:iba

Enclosures

**ARTICLES OF AMENDMENT
TO THE ARTICLES OF INCORPORATION
OF
VITANERGY, INC.**

FILED
03 FEB 18 PM 12:11
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Pursuant to the provisions of Pursuant to Section 1.5 of the Bylaws of the Corporation, Action by Shareholders Without a Meeting, and Section 607.0704, Florida Statutes, Action by Shareholders Without a Meeting, the undersigned Corporation adopts the following Article of Amendment to its Articles of Incorporation:

ARTICLE ONE

The name of the Corporation is VITANERGY, INC. as it appears in the records of the Secretary of State.

ARTICLE TWO

The following amendment to the Articles of Incorporation was adopted by written consent of the shareholders without a special meeting of the Corporation. The amendment alters Article I of the original Articles of Incorporation to read as follows:

The name of the Corporation is TRUE INGREDIENTS, INC.

ARTICLE THREE

The number of shares of the corporation outstanding at the time of the adoption was 10,000,000; and the number of shares entitled to vote on the amendment was 10,000,000.

ARTICLE FOUR

The number of shares that voted for the amendment was 9,969,336; and the number of shares that voted against the amendment was: none.

DATED: 2-10/03, 2003.

VITANERGY, INC.

By: _____

Carlos Perez
President

Attest: _____

Carlos Perez
Secretary

EXHIBIT L

Detail by Entity Name

Florida Profit Corporation

TRUE INGREDIENTS, INC.

Filing Information

Document Number P97000050801
FEI/EIN Number 650831228
Date Filed 06/09/1997
State FL
Status INACTIVE
Last Event ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed 09/15/2006
Event Effective Date NONE

Principal Address

262 ALMERIA AVE
CORAL GABLES FL 33134

Changed 02/19/2002

Mailing Address

262 ALMERIA AVE
SUITE 211
CORAL GABLES FL 33134

Changed 02/19/2002

Registered Agent Name & Address

ARIAS, MANUEL
5669 SW 1ST ST
MIAMI FL 33134 US

Name Changed: 04/05/2004

Address Changed: 02/02/2001

Officer/Director Detail

Name & Address

Title PD

PEREZ, CARLOS
262 ALMERIA AVE
CORAL GABLES FL 33134

Title VD

WASMER, JOSE M
11065 MARINE STREET
CORAL GABLES FL 33156

Title VD

MUGGILO, LUIS F MD
475 SOLANO PLACE
CORAL GABLES FL 33156

EXHIBIT M

Distributed by: Vitanergy
Miami, FL 33142 USA
TOLL FREE 1-800-615-4800

U.S. Patent No. 5,543,146
Canadian Patent No. 2,174,608
Mexican Patent No. 195,381

Information visit www.urinozinc.com



Zinc
Pygeum Extra
Vitamin E, B-6
Magnesium
Pumpkin
Folic A

DIETARY S