

ESTTA Tracking number: **ESTTA682669**

Filing date: **07/09/2015**

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	Universal Protein Supplements Corporation d/b/a Universal Nutrition		
Entity	Corporation	Citizenship	New Jersey
Address	3 Terminal Road New Brunswick, NJ 08901 UNITED STATES		

Attorney information	Maureen Beacom Gorman Marshall, Gerstein & Borun LLP (31742-12470-L) 233 South Wacker Drive Suite 6300 Chicago, IL 60606 UNITED STATES mgorman@marshallip.com, kking@marshallip.com, cbeaker@marshallip.com Phone:3124746300		
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**Registration Subject to Cancellation**

Registration No	4674715	Registration date	01/20/2015
Registrant	Ahmed, Ather 9065 Mcleod Dr Henderson, NV 89074 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 2008/03/01 First Use In Commerce: 2008/03/01 All goods and services in the class are cancelled, namely: import and export agencies; wholesale distributorship services featuring electronic cigarettes, dietary supplements, automobile parts, consumer electronics, skin care products and food products
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**Grounds for Cancellation**

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

**Marks Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	3020559	Application Date	10/01/2004
Registration Date	11/29/2005	Foreign Priority Date	NONE
Word Mark	UNIVERSAL NUTRITION		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 Supplements, namely, dietary food supplements, dietary supplements, food supplements, herbal supplements, meal replacement and dietary supplement drink mixes, mineral nutritional supplements, mineralsupplements, nutritional supplements, nutritional supplement drink mix, vitaminand mineral supplements, vitamin supplements, meal replacement bars		
U.S. Registration No.	3020560	Application Date	10/01/2004
Registration Date	11/29/2005	Foreign Priority Date	NONE
Word Mark	UNIVERSAL NUTRITION		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00 Soy-based food bars; protein based, nutrient-dense snack bars

U.S. Registration No.	3020562	Application Date	10/01/2004
Registration Date	11/29/2005	Foreign Priority Date	NONE
Word Mark	UNIVERSAL NUTRITION		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 030. First use: First Use: 2001/03/00 First Use In Commerce: 2001/03/00 Chocolate-based ready-to-eat food bars;rice cakes		
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U.S. Registration No.	3020563	Application Date	10/01/2004
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Registration Date	11/29/2005	Foreign Priority Date	NONE
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Word Mark	UNIVERSAL NUTRITION		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 035. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 On-line retail store services featuringhealth and diet-related products		
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U.S. Registration No.	3443959	Application Date	05/02/2007
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Registration Date	06/10/2008	Foreign Priority Date	NONE
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Word Mark	UNIVERSAL NUTRITION		
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Design Mark			
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Description of Mark	The mark consists of a cyclone-like design bisecting an orb and the wording UNIVERSAL NUTRITION.		
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Goods/Services	Class 035. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 On-line retail store services featuringhealth and diet-related products		
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U.S. Registration No.	3447934	Application Date	05/07/2007
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Registration Date	06/17/2008	Foreign Priority Date	NONE
Word Mark	UNIVERSAL NUTRITION		
Design Mark			
Description of Mark	The mark consists of a white cyclone-like design bisecting a red orb and the wording "UNIVERSAL NUTRITION" in black.		
Goods/Services	Class 035. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 On-line retail store services featuring health and diet-related products		

U.S. Registration No.	3555885	Application Date	04/25/2007
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	UNIVERSAL		
Design Mark			
Description of Mark	The mark consists of the word "UNIVERSAL" wherein the "I" is comprised of a human figure.		
Goods/Services	Class 005. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 Supplements, namely, dietary food supplements, dietary supplements, food supplements, herbal supplements, meal replacement and dietary supplement drink mixes, mineral nutritional supplements, mineral supplements, nutritional supplements, powdered nutritional supplement drink mix, vitamin and mineral supplements, vitamin supplements, meal replacement bars		

U.S. Registration No.	4617301	Application Date	03/10/2014
Registration Date	10/07/2014	Foreign Priority Date	NONE
Word Mark	UNIVERSAL		

Design Mark	
Description of Mark	The mark consists of the word "UNIVERSAL" wherein the "I" is comprised of a human figure.
Goods/Services	Class 025. First use: First Use: 1993/12/31 First Use In Commerce: 1993/12/31 Athletic pants; Athletic shorts; Bottoms; Caps; Hats; Jackets; Pants; Shirts; Shorts; Sweatpants; Sweatshirts; Tops

U.S. Registration No.	3568919	Application Date	04/25/2007
Registration Date	02/03/2009	Foreign Priority Date	NONE

Word Mark	UNIVERSAL
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Design Mark	
Description of Mark	The mark consists of the word "UNIVERSAL" in black letters, wherein the "I" is comprised of a red human figure.
Goods/Services	Class 005. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 Supplements, namely, dietary food supplements, dietary supplements, food supplements, herbal supplements, meal replacement and dietary supplement drink mixes, mineral nutritional supplements, mineralsupplements, nutritional supplements, powdered nutritional supplement drink mix, vitamin and mineral supplements, vitamin supplements, meal replacement bars

U.S. Registration No.	4150956	Application Date	10/20/2010
Registration Date	05/29/2012	Foreign Priority Date	NONE

Word Mark	UNIVERSAL USA
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Design Mark	<h1>UNIVERSAL USA</h1>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/10/01 First Use In Commerce: 2008/10/01 Online retail store services featuring health food products, clothing, and sports gear excluding exercise equipment		

U.S. Registration No.	3635242	Application Date	11/13/2008
Registration Date	06/09/2009	Foreign Priority Date	NONE

Word Mark	UNIVERSAL NATURALS		
Design Mark	<h1>UNIVERSAL NATURALS</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1992/00/00 First Use In Commerce: 1992/00/00 Supplements, namely, dietary food supplements, dietary supplements, food supplements, herbal supplements, mineral nutritional supplements, mineral supplements, nutritional supplements, vitamin and mineral supplements, vitamin supplements		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	UNIVERSAL		
Goods/Services	Nutritional supplements and related food products, apparel, head-wear, exercise products, bags, bottles and coffee mugs, key chains, posters and other printed materials, and retail and online retail services for the aforementioned goods		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	UNIVERSAL NUTRITION
Goods/Services	Nutritional supplements and related food products, apparel, head-wear, exercise products, bags, bottles and coffee mugs, key chains, posters and other printed materials, and retail and online retail services for the aforementioned goods

Attachments	78492925#TMSN.png( bytes ) 78492927#TMSN.png( bytes ) 78492932#TMSN.png( bytes ) 78492935#TMSN.png( bytes ) 77171320#TMSN.png( bytes ) 77174397#TMSN.png( bytes ) 77165046#TMSN.png( bytes ) 86216560#TMSN.png( bytes ) 77165041#TMSN.png( bytes ) 85156670#TMSN.png( bytes ) 77613720#TMSN.png( bytes ) 140709 UNIVERSAL EXPORTS AND TRADE Petitoin for Cancellation.pdf(3659782 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	/Craig Beaker/
Name	Craig A. Beaker
Date	07/09/2015

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

Universal Protein Supplements Corporation,

Petitioner,

v.

Ather Ahmed,

Registrant.

Registration No. 4,674,715

Cancellation No. \_\_\_\_\_

Mark: UNIVERSAL EXPORTS  
AND TRADE

**PETITION FOR CANCELLATION**

Petitioner Universal Protein Supplements Corporation d/b/a Universal Nutrition (“Universal”), a New Jersey corporation with a primary place of business located at 3 Terminal Road, New Brunswick, New Jersey 08901, states that it is and will continue to be damaged by the registration of the mark UNIVERSAL EXPORTS AND TRADE in connection with “Import and export agencies; wholesale distributorship services featuring electronic cigarettes, dietary supplements, automobile parts, consumer electronics, skin care products and food products” in International Class 35 (the “UNIVERSAL EXPORTS Mark”), applied for by Registrant Ather Ahmed (“Registrant”), a United States individual with an address at 9065 Mcleod Drive, Henderson, Nevada 89074.

Universal hereby petitions to cancel the registration for the UNIVERSAL EXPORTS Mark pursuant to 15 U.S.C. § 1064(1) on the basis of a likelihood of confusion under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and dilution under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

In support of its Petition, Universal states as follows:

### Universal's Rights in the UNIVERSAL Marks

1. Universal, founded in 1977, is currently one of the largest manufacturers, wholesalers, and retailers of supplements in the United States. Specifically, Universal manufactures dietary food supplements, dietary and nutritional supplements, meal replacement and dietary supplement drink mixes, meal replacement bars, and other related products.

2. Universal first used the names UNIVERSAL and UNIVERSAL NUTRITION in connection with nutritional supplements at least as early as 1980. Since that time, Universal has adopted and continuously used the UNIVERSAL and UNIVERSAL NUTRITION marks on or in connection with a variety of products and services, including nutritional supplements and related food products, apparel, headwear, exercise products, bags, bottles and coffee mugs, key chains, posters and other printed materials, and retail and online retail services for the aforementioned goods (hereinafter the “UNIVERSAL Common Law Marks”).

3. Universal also owns the following trademark registrations on the Principal Register of the United States Patent and Trademark Office (“USPTO”):

Mark	Reg. No.	Status	First Use In Commerce
UNIVERSAL NUTRITION	3,020,559	Incontestable	1980
UNIVERSAL NUTRITION	3,020,560	Incontestable	1993
UNIVERSAL NUTRITION	3,020,562	Incontestable	March 2001
UNIVERSAL NUTRITION	3,020,563	Incontestable	1997
	3,443,959	Incontestable	1997
	3,447,934	Incontestable	1997
	3,555,885	Incontestable	1980
	4,617,301	Registered	Dec. 31, 1993
	3,568,919	Incontestable	1980
UNIVERSAL USA	4,150,956	Registered	Oct. 1, 2008

Mark	Reg. No.	Status	First Use In Commerce
UNIVERSAL NATURALS	3,635,242	Incontestable	1992

True and correct copies of each registration certificate and the current TSDR status pages for each registration are attached hereto as Exhibit A (hereinafter the “UNIVERSAL Registrations”). Universal’s foregoing trademark registrations and common law rights are hereinafter collectively referred to as the “UNIVERSAL Marks.”

4. Universal has expended substantial sums of money in marketing, advertising, and promoting its UNIVERSAL Marks and, through such sales and advertising, has generated substantial goodwill and customer recognition in its UNIVERSAL Marks. As a result, the public has come to associate the UNIVERSAL Marks exclusively with Universal.

5. Universal has derived substantial revenues from the sale of its products and services under the UNIVERSAL Marks.

6. Universal’s extensive use and advertising of the UNIVERSAL Marks has resulted in consumer recognition that the UNIVERSAL Marks identify Universal as the source of products and services of high quality. The UNIVERSAL Marks are distinctive of Universal’s products and services and are well known, and valuable goodwill has been generated in the UNIVERSAL Marks. Such goodwill was generated long before Registrant’s filing date and alleged first use of the UNIVERSAL EXPORTS Mark on March 1, 2008.

7. The UNIVERSAL Marks have become, prior to Registrant’s filing date and alleged first use date, distinctive and famous under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

**Count I: Likelihood of Confusion**  
**15 U.S.C. § 1052(d)**

8. Universal reasserts and incorporates Paragraphs 1 through 7 above as if fully set forth herein.

9. On January 20, 2015, long after Universal commenced use of the UNIVERSAL Marks in connection with Universal's products and services, Registrant filed Application Serial No. 86/288,213, seeking registration of the UNIVERSAL EXPORTS Mark for use in connection with "Import and export agencies; wholesale distributorship services featuring electronic cigarettes, dietary supplements, automobile parts, consumer electronics, skin care products and food products" in International Class 35, alleging first use dating back to March 1, 2008.

10. Registrant disclaimed exclusive rights to the terms "EXPORTS AND TRADE" in Application Serial No. 86/288,213 for the UNIVERSAL EXPORTS Mark.

11. On January 20, 2015, the USPTO issued a registration for the UNIVERSAL EXPORTS Mark, assigned Registration No. 4,674,715.

12. Registrant's UNIVERSAL EXPORTS Mark, when used on or in connection with the services listed in Registration No. 4,674,715, is likely to cause confusion, mistake, or deception that Registrant's services are those of Universal or are otherwise endorsed, sponsored, or approved by Universal, or cause confusion, mistake, or deception as to the affiliation, connection, or association between Registrant and Universal.

13. Universal states that it has been damaged and will continue to be damaged by the continued registration of the UNIVERSAL EXPORTS Mark because such registration supports and assists Registrant in the confusing and misleading use of Registrant's UNIVERSAL EXPORTS Mark, and would give color of exclusive statutory rights to Registrant in violation and derogation of the prior superior rights of Universal.

14. Accordingly, Registrant's registration for the UNIVERSAL EXPORTS Mark should be cancelled pursuant to 15 U.S.C. § 1064(1).

**Count II: Dilution by Blurring**  
**15 U.S.C. § 1125(c)**

15. Universal reasserts and incorporates Paragraphs 1 through 14 above as if fully set forth herein.

16. Registrant's use of the UNIVERSAL EXPORTS Mark is likely to cause dilution by blurring of the distinctive quality of Universal's famous and distinctive UNIVERSAL Marks under Section 43(c) of the Federal Trademark Act, 15 U.S.C. § 1125(c).

17. Universal states that it has been damaged and will continue to be damaged by the continued registration of the UNIVERSAL EXPORTS Mark because such registration supports and assists Registrant in diluting the distinctiveness of Universal's UNIVERSAL Marks and will give color of exclusive statutory rights to Registrant in violation and derogation of the prior superior rights of Universal.

18. Accordingly, Registrant's registration for the UNIVERSAL EXPORTS Mark should be cancelled pursuant to 15 U.S.C. § 1064(1).

**PRAYER FOR RELIEF**

**WHEREFORE**, Universal prays that the UNIVERSAL EXPORTS Mark shown in Registration No. 4,674,715 be cancelled, and that this Petition for Cancellation be sustained in favor of Universal.

Respectfully submitted,

Universal Protein Supplements Corporation

Dated: July 9, 2015

/Craig Beaker/

Maureen Beacom Gorman

Craig A. Beaker

MARSHALL, GERSTEIN & BORUN LLP

6300 Willis Tower

233 South Wacker Drive

Chicago, Illinois 60606

(312) 474-6300

**CERTIFICATE OF SERVICE**

I certify that this PETITION FOR CANCELLATION was served on Registrant Ather Ahmed (“Registrant”) by mailing a copy by first class mail, postage prepaid, to Registrant’s following address: 9065 Mcleod Drive, Henderson, Nevada 89074.

Dated: July 9, 2015

/Craig Beaker/  
Craig A. Beaker

# **EXHIBIT A**

**Int. Cl.: 5**

**Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52**

**Reg. No. 3,020,559**

**United States Patent and Trademark Office**

Registered Nov. 29, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**UNIVERSAL  
NUTRITION**

UNIVERSAL NUTRITION (NEW JERSEY CORPORATION)  
3 TERMINAL ROAD  
NEW BRUNSWICK, NJ 08901

FIRST USE 0-0-1980; IN COMMERCE 0-0-1980.

FOR: SUPPLEMENTS, NAMELY, DIETARY FOOD SUPPLEMENTS, DIETARY SUPPLEMENTS, FOOD SUPPLEMENTS, HERBAL SUPPLEMENTS, MEAL REPLACEMENT AND DIETARY SUPPLEMENT DRINK MIXES, MINERAL NUTRITIONAL SUPPLEMENTS, MINERAL SUPPLEMENTS, NUTRITIONAL SUPPLEMENTS, NUTRITIONAL SUPPLEMENT DRINK MIX, VITAMIN AND MINERAL SUPPLEMENTS, VITAMIN SUPPLEMENTS, MEAL REPLACEMENT BARS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NUTRITION", APART FROM THE MARK AS SHOWN.

SER. NO. 78-492,925, FILED 10-1-2004.

WILLIAM VERHOSEK, EXAMINING ATTORNEY



**Attorney Name:** Maureen Beacom Gorman

**Docket Number:** 31742/10255/

**Attorney Primary Email Address:** [docket@marshallip.com](mailto:docket@marshallip.com)

**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Maureen Beacom Gorman  
Marshall, Gerstein & Borun LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, ILLINOIS 60606-6357  
UNITED STATES

**Phone:** 312.474.6643

**Fax:** 312.474.0448

**Correspondent e-mail:** [docket@marshallip.com](mailto:docket@marshallip.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Dec. 30, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 29, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Dec. 29, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75184
Dec. 29, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Dec. 08, 2014	TEAS SECTION 8 & 9 RECEIVED	
Mar. 28, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Mar. 22, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 07, 2007	CERTIFICATE OF CORRECTION ISSUED	
Aug. 07, 2007	ASSIGNED TO PARALEGAL	76293
Aug. 06, 2007	PAPER RECEIVED	
Jul. 17, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 25, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 31, 2006	SEC 7 REQUEST FILED	
Oct. 31, 2006	FAX RECEIVED	
Nov. 29, 2005	REGISTERED-PRINCIPAL REGISTER	
Sep. 06, 2005	PUBLISHED FOR OPPOSITION	
Aug. 17, 2005	NOTICE OF PUBLICATION	
May 20, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	74193
May 13, 2005	ASSIGNED TO LIE	74193
May 09, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 05, 2005	ASSIGNED TO EXAMINER	77304
Mar. 31, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 31, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 08, 2004	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Nov. 29, 2015

**Change in Registration:** Yes

**Correction made to Registration:** Statement(s): Column 1, line 1, "universal nutrition" should be deleted, and "Universal Protein Supplements Corporation" should be inserted.

## TM Staff and Location Information

**TM Staff Information - None**  
**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Dec. 29, 2014

### Proceedings

**Summary**

**Number of Proceedings:** 3

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92054606](#)

**Filing Date:** Oct 05, 2011

**Status:** Terminated

**Status Date:** May 16, 2012

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant**

**Name:** Genaro Zea Oros

**Correspondent Address:** JULIE B SEYLER  
ABELMAN FRAYNE & SCHWAB  
666 THIRD AVENUE  
NEW YORK NY , 10017  
UNITED STATES

**Correspondent e-mail:** [JBSeyler@lawabel.com](mailto:JBSeyler@lawabel.com) , [Rdahl@lawabel.com](mailto:Rdahl@lawabel.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77195994</a>	<a href="#">3487170</a>

**Plaintiff(s)**

**Name:** Universal Protein Supplements Corporation d/b/a Universal Nutrition

**Correspondent Address:** MAUREEN BEACOM GORMAN  
MARSHALL GERSTEIN & BORUN LLP  
233 SOUTH WACKER, 6300 WILLIS TOWER  
CHICAGO IL , 60654  
UNITED STATES

**Correspondent e-mail:** [tgehrke@marshallip.com](mailto:tgehrke@marshallip.com) , [mgorman@marshallip.com](mailto:mgorman@marshallip.com) , [kking@marshallip.com](mailto:kking@marshallip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 05, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2011	Nov 15, 2011
3	PENDING, INSTITUTED	Oct 06, 2011	
4	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Nov 04, 2011	
5	SUSPENDED	Nov 04, 2011	
6	CHANGE OF CORRESPONDENCE ADDRESS	Nov 09, 2011	
7	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 07, 2012	
8	SUSPENDED	Feb 07, 2012	

9	WITHDRAWAL OF PETITION FOR CANCELLATION	May 10, 2012
10	BOARD'S DECISION: DISMISSED W/O PREJ	May 16, 2012
11	TERMINATED	May 16, 2012

**Type of Proceeding: Opposition**

**Proceeding Number:** [91189664](#) **Filing Date:** Apr 08, 2009  
**Status:** Terminated **Status Date:** Feb 04, 2010

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** LIN, JIN-SHOW

**Correspondent Address:** JIN-SHOW LIN  
4771 SWEETWATER BLVD # 298  
SUGAR LAND TX , 77479-3121  
UNITED STATES

**Correspondent e-mail:** [uniherbusa@yahoo.com](mailto:uniherbusa@yahoo.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL HERB USA	Abandoned - After Inter-Partes Decision	<a href="#">77303449</a>	

**Plaintiff(s)**

**Name:** Universal Protein Supplements Corporation d/b/a Universal Nutrition

**Correspondent Address:** Maureen Beacom Gorman  
Davis McGrath LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATES

**Correspondent e-mail:** [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77174397</a>	<a href="#">3447934</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77171320</a>	<a href="#">3443959</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>
UNIVERSAL NATURALS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77613720</a>	<a href="#">3635242</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2009	May 19, 2009
3	PENDING, INSTITUTED	Apr 09, 2009	
4	ANSWER	May 18, 2009	
5	PLS MOT TO STRIKE DEF'S RESPONSE TO OPP	Jun 09, 2009	
6	P'S MTN TO STRIKE GRANTED; ANSWER DUE IN THIRTY DAYS; TRIAL DATES RESET	Aug 14, 2009	
7	DEF'S COMMUNICATION	Sep 14, 2009	
8	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 28, 2009	
9	P'S MTN FOR DEFAULT JUDGMENT GRANTED; OPPOSITION SUSTAINED	Feb 02, 2010	

10 BOARD'S DECISION: SUSTAINED Feb 02, 2010  
 11 TERMINATED Feb 04, 2010

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92048859](#) **Filing Date:** Feb 11, 2008  
**Status:** Terminated **Status Date:** Sep 26, 2008  
**Interlocutory Attorney:** MICHAEL B ADLIN

**Defendant**

**Name:** Natural Organics Inc.  
**Correspondent Address:** Pasquale A. Razzano  
 Fitzpatrick, Cella, Harper & Scinto  
 30 Rockefeller plaza  
 New York NY , 10112-3801  
 UNITED STATES  
**Correspondent e-mail:** [prazzano@fchs.com](mailto:prazzano@fchs.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL PROTEINS	Cancelled - Section 8	<a href="#">75803016</a>	<a href="#">2698106</a>

**Plaintiff(s)**

**Name:** Universal Protein Supplements Corporation d/b/a Universal Nutrition  
**Correspondent Address:** Maureen Beacom Gorman  
 Davis McGrath, LLC  
 125 S. Wacker Drive, Suite 1700  
 Chicago IL , 60606  
 UNITED STATES  
**Correspondent e-mail:** [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [bmulvanny@davismcgrath.com](mailto:bmulvanny@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 11, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 11, 2008	Mar 22, 2008
3	PENDING, INSTITUTED	Feb 11, 2008	
4	P'S COPY OF MISSISING PAGE FROM PETITION	Feb 20, 2008	
5	ANSWER	Mar 20, 2008	
6	STIPULATION FOR AN EXTENSION OF TIME	May 20, 2008	
7	EXTENSION OF TIME GRANTED	May 28, 2008	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 25, 2008	
9	EXTENSION OF TIME GRANTED	Jul 31, 2008	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2008	
11	EXTENSION OF TIME GRANTED	Aug 19, 2008	
12	WITHDRAWAL OF PETITION FOR CANCELLATION	Sep 19, 2008	
13	BOARD'S DECISION: DISMISSED W/ PREJUDICE	Sep 26, 2008	
14	TERMINATED	Sep 26, 2008	

**Int. Cl.: 29**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 3,020,560**

Registered Nov. 29, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**UNIVERSAL  
NUTRITION**

UNIVERSAL NUTRITION (NEW JERSEY CORPORATION)

3 TERMINAL ROAD

NEW BRUNSWICK, NJ 08901

FOR: SOY-BASED FOOD BARS; PROTEIN BASED, NUTRIENT-DENSE SNACK BARS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-1993; IN COMMERCE 0-0-1993.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NUTRITION", APART FROM THE MARK AS SHOWN.

SER. NO. 78-492,927, FILED 10-1-2004.

WILLIAM VERHOSEK, EXAMINING ATTORNEY

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Mark: UNIVERSAL NUTRITION

UNIVERSAL  
NUTRITION

US Serial Number: 78492927  
Application Filing Date: Oct. 01, 2004  
US Registration Number: 3020560  
Registration Date: Nov. 29, 2005  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Dec. 29, 2014  
Publication Date: Sep. 06, 2005

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## Mark Information

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

---

## 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: Soy-based food bars; protein based, nutrient-dense snack bars  
International Class(es): 029 - Primary Class  
U.S Class(es): 046  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: 1993  
Use in Commerce: 1993

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## Basis Information (Case Level)

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Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

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Owner Name: UNIVERSAL PROTEIN SUPPLEMENTS CORPORATION  
Owner Address: 3 Terminal Road  
New Brunswick, NEW JERSEY 08901  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: NEW JERSEY

---

## Attorney/Correspondence Information

---

### Attorney of Record

Attorney Name: Maureen Beacom Gorman  
Docket Number: 31742/10257  
Attorney Primary Email: [doCKET@marshallip.com](mailto:doCKET@marshallip.com)  
Attorney Email: Yes

Address:

Authorized:

**Correspondent**

**Correspondent Name/Address:** Maureen Beacom Gorman  
Marshall, Gerstein & Borun LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, ILLINOIS 60606-6357  
UNITED STATES

**Phone:** 312.474.6643

**Fax:** 312.474.0448

**Correspondent e-mail:** [doCKET@marshallip.com](mailto:doCKET@marshallip.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Dec. 30, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 29, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Dec. 29, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75184
Dec. 29, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Dec. 08, 2014	TEAS SECTION 8 & 9 RECEIVED	
Mar. 28, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Mar. 22, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 07, 2007	CERTIFICATE OF CORRECTION ISSUED	
Aug. 07, 2007	ASSIGNED TO PARALEGAL	76293
Aug. 06, 2007	FAX RECEIVED	
Jul. 17, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 25, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 31, 2006	SEC 7 REQUEST FILED	
Oct. 31, 2006	FAX RECEIVED	
Nov. 29, 2005	REGISTERED-PRINCIPAL REGISTER	
Sep. 06, 2005	PUBLISHED FOR OPPOSITION	
Aug. 17, 2005	NOTICE OF PUBLICATION	
May 20, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	74193
May 13, 2005	ASSIGNED TO LIE	74193
May 09, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 05, 2005	ASSIGNED TO EXAMINER	77304
Mar. 31, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 08, 2004	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Nov. 29, 2015

**Change in Registration:** Yes

**Correction made to Registration:** Statement(s): Column 1, line 1, "universal nutrition" should be deleted, and "Universal Protein Supplements Corporation" should be inserted.

## TM Staff and Location Information

**TM Staff Information - None**

## File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 29, 2014

## Proceedings

## Summary

Number of Proceedings: 3

## Type of Proceeding: Cancellation

Proceeding Number: [92054606](#)

Filing Date: Oct 05, 2011

Status: Terminated

Status Date: May 16, 2012

Interlocutory Attorney: YONG OH (RICHARD) KIM

## Defendant

Name: Genaro Zea Oros

Correspondent Address: JULIE B SEYLER  
ABELMAN FRAYNE & SCHWAB  
666 THIRD AVENUE  
NEW YORK NY , 10017  
UNITED STATES

Correspondent e-mail: [JBSeyler@lawabel.com](mailto:JBSeyler@lawabel.com) , [Rdahl@lawabel.com](mailto:Rdahl@lawabel.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77195994</a>	<a href="#">3487170</a>

## Plaintiff(s)

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: MAUREEN BEACOM GORMAN  
MARSHALL GERSTEIN & BORUN LLP  
233 SOUTH WACKER, 6300 WILLIS TOWER  
CHICAGO IL , 60654  
UNITED STATES

Correspondent e-mail: [tgehrke@marshallip.com](mailto:tgehrke@marshallip.com) , [mgorman@marshallip.com](mailto:mgorman@marshallip.com) , [kking@marshallip.com](mailto:kking@marshallip.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 05, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2011	Nov 15, 2011
3	PENDING, INSTITUTED	Oct 06, 2011	
4	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Nov 04, 2011	
5	SUSPENDED	Nov 04, 2011	
6	CHANGE OF CORRESPONDENCE ADDRESS	Nov 09, 2011	
7	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 07, 2012	
8	SUSPENDED	Feb 07, 2012	
9	WITHDRAWAL OF PETITION FOR CANCELLATION	May 10, 2012	
10	BOARD'S DECISION: DISMISSED W/O PREJ	May 16, 2012	
11	TERMINATED	May 16, 2012	

**Type of Proceeding: Opposition**Proceeding Number: [91189664](#)

Filing Date: Apr 08, 2009

Status: Terminated

Status Date: Feb 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: LIN, JIN-SHOW

Correspondent Address: JIN-SHOW LIN  
4771 SWEETWATER BLVD # 298  
SUGAR LAND TX , 77479-3121  
UNITED STATESCorrespondent e-mail: [uniherbusa@yahoo.com](mailto:uniherbusa@yahoo.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL HERB USA	Abandoned - After Inter-Partes Decision	<a href="#">77303449</a>	

**Plaintiff(s)**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: Maureen Beacom Gorman  
Davis McGrath LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATESCorrespondent e-mail: [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77174397</a>	<a href="#">3447934</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77171320</a>	<a href="#">3443959</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>
UNIVERSAL NATURALS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77613720</a>	<a href="#">3635242</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2009	May 19, 2009
3	PENDING, INSTITUTED	Apr 09, 2009	
4	ANSWER	May 18, 2009	
5	PLS MOT TO STRIKE DEF'S RESPONSE TO OPP	Jun 09, 2009	
6	P'S MTN TO STRIKE GRANTED; ANSWER DUE IN THIRTY DAYS; TRIAL DATES RESET	Aug 14, 2009	
7	DEF'S COMMUNICATION	Sep 14, 2009	
8	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 28, 2009	
9	P'S MTN FOR DEFAULT JUDGMENT GRANTED; OPPOSITION SUSTAINED	Feb 02, 2010	
10	BOARD'S DECISION: SUSTAINED	Feb 02, 2010	
11	TERMINATED	Feb 04, 2010	

**Type of Proceeding: Cancellation**

Proceeding Number: [92048859](#)

Filing Date: Feb 11, 2008

Status: Terminated

Status Date: Sep 26, 2008

Interlocutory Attorney: MICHAEL B ADLIN

**Defendant**

Name: Natural Organics Inc.

Correspondent Address: Pasquale A. Razzano  
Fitzpatrick, Cella, Harper & Scinto  
30 Rockefeller plaza  
New York NY , 10112-3801  
UNITED STATES

Correspondent e-mail: [prazzano@fchs.com](mailto:prazzano@fchs.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL PROTEINS	Cancelled - Section 8	<a href="#">75803016</a>	<a href="#">2698106</a>

**Plaintiff(s)**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: Maureen Beacom Gorman  
Davis McGrath, LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATES

Correspondent e-mail: [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [bmulvanny@davismcgrath.com](mailto:bmulvanny@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 11, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 11, 2008	Mar 22, 2008
3	PENDING, INSTITUTED	Feb 11, 2008	
4	P'S COPY OF MISSISING PAGE FROM PETITION	Feb 20, 2008	
5	ANSWER	Mar 20, 2008	
6	STIPULATION FOR AN EXTENSION OF TIME	May 20, 2008	
7	EXTENSION OF TIME GRANTED	May 28, 2008	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 25, 2008	
9	EXTENSION OF TIME GRANTED	Jul 31, 2008	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2008	
11	EXTENSION OF TIME GRANTED	Aug 19, 2008	
12	WITHDRAWAL OF PETITION FOR CANCELLATION	Sep 19, 2008	
13	BOARD'S DECISION: DISMISSED W/ PREJUDICE	Sep 26, 2008	
14	TERMINATED	Sep 26, 2008	

**Int. Cl.: 30**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 3,020,562**

Registered Nov. 29, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**UNIVERSAL  
NUTRITION**

UNIVERSAL NUTRITION (NEW JERSEY CORPORATION)

3 TERMINAL ROAD

NEW BRUNSWICK, NJ 08901

FOR: CHOCOLATE-BASED READY-TO-EAT FOOD BARS; RICE CAKES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-0-2001; IN COMMERCE 3-0-2001.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NUTRITION", APART FROM THE MARK AS SHOWN.

SER. NO. 78-492,932, FILED 10-1-2004.

WILLIAM VERHOSEK, EXAMINING ATTORNEY

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Mark: UNIVERSAL NUTRITION

UNIVERSAL  
NUTRITION

US Serial Number: 78492932      Application Filing Date: Oct. 01, 2004  
US Registration Number: 3020562      Registration Date: Nov. 29, 2005  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Dec. 29, 2014  
Publication Date: Sep. 06, 2005

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## Mark Information

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

---

## 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: Chocolate-based ready-to-eat food bars; rice cakes  
International Class(es): 030 - Primary Class      U.S Class(es): 046  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Mar. 2001      Use in Commerce: Mar. 2001

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## Basis Information (Case Level)

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Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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## Current Owner(s) Information

---

Owner Name: UNIVERSAL PROTEIN SUPPLEMENTS CORPORATION  
Owner Address: 3 Terminal Road  
New Brunswick, NEW JERSEY 08901  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: NEW JERSEY

---

## Attorney/Correspondence Information

---

### Attorney of Record

Attorney Name: Maureen Beacom Gorman      Docket Number: 31742/10258/  
Attorney Primary Email: [doCKET@marshallip.com](mailto:doCKET@marshallip.com)      Attorney Email: Yes

Address:

Authorized:

**Correspondent**

**Correspondent Name/Address:** Maureen Beacom Gorman  
Marshall, Gerstein & Borun LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, ILLINOIS 60606-6357  
UNITED STATES

**Phone:** 312.474.6643

**Fax:** 312.474.0448

**Correspondent e-mail:** [docket@marshallip.com](mailto:docket@marshallip.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Dec. 30, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 29, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Dec. 29, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75184
Dec. 29, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Dec. 08, 2014	TEAS SECTION 8 & 9 RECEIVED	
Mar. 28, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Mar. 22, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 07, 2007	CERTIFICATE OF CORRECTION ISSUED	
Aug. 07, 2007	ASSIGNED TO PARALEGAL	76293
Aug. 06, 2007	PAPER RECEIVED	
Jul. 17, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 25, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 31, 2006	SEC 7 REQUEST FILED	
Oct. 31, 2006	FAX RECEIVED	
Nov. 29, 2005	REGISTERED-PRINCIPAL REGISTER	
Sep. 06, 2005	PUBLISHED FOR OPPOSITION	
Aug. 17, 2005	NOTICE OF PUBLICATION	
May 20, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	74193
May 13, 2005	ASSIGNED TO LIE	74193
May 09, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 05, 2005	ASSIGNED TO EXAMINER	77304
Mar. 31, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 08, 2004	NEW APPLICATION ENTERED IN TRAM	

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Nov. 29, 2015

**Change in Registration:** Yes

**Correction made to Registration:** Statement(s): Column 1, line 1, "universal nutrition" should be deleted, and "Universal Protein Supplements Corporation" should be inserted.

**TM Staff and Location Information**

**TM Staff Information - None**

## File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 29, 2014

## Proceedings

## Summary

Number of Proceedings: 3

## Type of Proceeding: Cancellation

Proceeding Number: [92054606](#)

Filing Date: Oct 05, 2011

Status: Terminated

Status Date: May 16, 2012

Interlocutory Attorney: YONG OH (RICHARD) KIM

## Defendant

Name: Genaro Zea Oros

Correspondent Address: JULIE B SEYLER  
ABELMAN FRAYNE & SCHWAB  
666 THIRD AVENUE  
NEW YORK NY , 10017  
UNITED STATES

Correspondent e-mail: [JBSeyler@lawabel.com](mailto:JBSeyler@lawabel.com) , [Rdahl@lawabel.com](mailto:Rdahl@lawabel.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77195994</a>	<a href="#">3487170</a>

## Plaintiff(s)

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: MAUREEN BEACOM GORMAN  
MARSHALL GERSTEIN & BORUN LLP  
233 SOUTH WACKER, 6300 WILLIS TOWER  
CHICAGO IL , 60654  
UNITED STATES

Correspondent e-mail: [tgehrke@marshallip.com](mailto:tgehrke@marshallip.com) , [mgorman@marshallip.com](mailto:mgorman@marshallip.com) , [kking@marshallip.com](mailto:kking@marshallip.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 05, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2011	Nov 15, 2011
3	PENDING, INSTITUTED	Oct 06, 2011	
4	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Nov 04, 2011	
5	SUSPENDED	Nov 04, 2011	
6	CHANGE OF CORRESPONDENCE ADDRESS	Nov 09, 2011	
7	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 07, 2012	
8	SUSPENDED	Feb 07, 2012	
9	WITHDRAWAL OF PETITION FOR CANCELLATION	May 10, 2012	
10	BOARD'S DECISION: DISMISSED W/O PREJ	May 16, 2012	
11	TERMINATED	May 16, 2012	

**Type of Proceeding: Opposition**Proceeding Number: [91189664](#)

Filing Date: Apr 08, 2009

Status: Terminated

Status Date: Feb 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: LIN, JIN-SHOW

Correspondent Address: JIN-SHOW LIN  
4771 SWEETWATER BLVD # 298  
SUGAR LAND TX , 77479-3121  
UNITED STATESCorrespondent e-mail: [uniherbusa@yahoo.com](mailto:uniherbusa@yahoo.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL HERB USA	Abandoned - After Inter-Partes Decision	<a href="#">77303449</a>	

**Plaintiff(s)**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: Maureen Beacom Gorman  
Davis McGrath LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATESCorrespondent e-mail: [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77174397</a>	<a href="#">3447934</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77171320</a>	<a href="#">3443959</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>
UNIVERSAL NATURALS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77613720</a>	<a href="#">3635242</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2009	May 19, 2009
3	PENDING, INSTITUTED	Apr 09, 2009	
4	ANSWER	May 18, 2009	
5	PLS MOT TO STRIKE DEF'S RESPONSE TO OPP	Jun 09, 2009	
6	P'S MTN TO STRIKE GRANTED; ANSWER DUE IN THIRTY DAYS; TRIAL DATES RESET	Aug 14, 2009	
7	DEF'S COMMUNICATION	Sep 14, 2009	
8	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 28, 2009	
9	P'S MTN FOR DEFAULT JUDGMENT GRANTED; OPPOSITION SUSTAINED	Feb 02, 2010	
10	BOARD'S DECISION: SUSTAINED	Feb 02, 2010	
11	TERMINATED	Feb 04, 2010	

**Type of Proceeding: Cancellation**

Proceeding Number: [92048859](#)

Filing Date: Feb 11, 2008

Status: Terminated

Status Date: Sep 26, 2008

Interlocutory Attorney: MICHAEL B ADLIN

**Defendant**

Name: Natural Organics Inc.

Correspondent Address: Pasquale A. Razzano  
Fitzpatrick, Cella, Harper & Scinto  
30 Rockefeller plaza  
New York NY , 10112-3801  
UNITED STATES

Correspondent e-mail: [prazzano@fchs.com](mailto:prazzano@fchs.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL PROTEINS	Cancelled - Section 8	<a href="#">75803016</a>	<a href="#">2698106</a>

**Plaintiff(s)**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: Maureen Beacom Gorman  
Davis McGrath, LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATES

Correspondent e-mail: [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [bmulvanny@davismcgrath.com](mailto:bmulvanny@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 11, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 11, 2008	Mar 22, 2008
3	PENDING, INSTITUTED	Feb 11, 2008	
4	P'S COPY OF MISSISING PAGE FROM PETITION	Feb 20, 2008	
5	ANSWER	Mar 20, 2008	
6	STIPULATION FOR AN EXTENSION OF TIME	May 20, 2008	
7	EXTENSION OF TIME GRANTED	May 28, 2008	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 25, 2008	
9	EXTENSION OF TIME GRANTED	Jul 31, 2008	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2008	
11	EXTENSION OF TIME GRANTED	Aug 19, 2008	
12	WITHDRAWAL OF PETITION FOR CANCELLATION	Sep 19, 2008	
13	BOARD'S DECISION: DISMISSED W/ PREJUDICE	Sep 26, 2008	
14	TERMINATED	Sep 26, 2008	

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,020,563**

Registered Nov. 29, 2005

**SERVICE MARK  
PRINCIPAL REGISTER**

**UNIVERSAL  
NUTRITION**

UNIVERSAL NUTRITION (NEW JERSEY CORPORATION)

3 TERMINAL ROAD

NEW BRUNSWICK, NJ 08901

FOR: ON-LINE RETAIL STORE SERVICES FEATURING HEALTH AND DIET-RELATED PRODUCTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1997; IN COMMERCE 0-0-1997.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NUTRITION", APART FROM THE MARK AS SHOWN.

SER. NO. 78-492,935, FILED 10-1-2004.

WILLIAM VERHOSEK, EXAMINING ATTORNEY



Attorney Primary Email [docket@marshallip.com](mailto:docket@marshallip.com)  
Address:

Attorney Email Yes  
Authorized:

#### Correspondent

**Correspondent Name/Address:** Maureen Beacom Gorman  
Marshall, Gerstein & Borun LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, ILLINOIS 60606-6357  
UNITED STATES

**Phone:** 312.474.6643

**Fax:** 312.474.0448

**Correspondent e-mail:** [docket@marshallip.com](mailto:docket@marshallip.com)

**Correspondent e-mail** Yes  
**Authorized:**

#### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 28, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Mar. 22, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 07, 2007	CERTIFICATE OF CORRECTION ISSUED	
Aug. 07, 2007	ASSIGNED TO PARALEGAL	76293
Aug. 06, 2007	FAX RECEIVED	
Jul. 17, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 25, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 31, 2006	SEC 7 REQUEST FILED	
Oct. 31, 2006	FAX RECEIVED	
Nov. 29, 2005	REGISTERED-PRINCIPAL REGISTER	
Sep. 06, 2005	PUBLISHED FOR OPPOSITION	
Aug. 17, 2005	NOTICE OF PUBLICATION	
May 20, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	74193
May 13, 2005	ASSIGNED TO LIE	74193
May 09, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 05, 2005	ASSIGNED TO EXAMINER	77304
Mar. 31, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 08, 2004	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Change in Registration:** Yes

**Correction made to Registration:** Statement(s): Column 1, line 1, "universal nutrition" should be deleted, and "Universal Protein Supplements Corporation" should be inserted.

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** TMO LAW OFFICE 114

**Date in Location:** Mar. 28, 2011

## Proceedings

### Summary

**Number of Proceedings:** 3

**Type of Proceeding: Cancellation**Proceeding Number: [92054606](#)

Filing Date: Oct 05, 2011

Status: Terminated

Status Date: May 16, 2012

Interlocutory Attorney: YONG OH (RICHARD) KIM

**Defendant**

Name: Genaro Zea Oros

Correspondent Address: JULIE B SEYLER  
ABELMAN FRAYNE & SCHWAB  
666 THIRD AVENUE  
NEW YORK NY , 10017  
UNITED STATESCorrespondent e-mail: [JBSeyler@lawabel.com](mailto:JBSeyler@lawabel.com) , [Rdahl@lawabel.com](mailto:Rdahl@lawabel.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77195994</a>	<a href="#">3487170</a>

**Plaintiff(s)**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: MAUREEN BEACOM GORMAN  
MARSHALL GERSTEIN & BORUN LLP  
233 SOUTH WACKER, 6300 WILLIS TOWER  
CHICAGO IL , 60654  
UNITED STATESCorrespondent e-mail: [tgehrke@marshallip.com](mailto:tgehrke@marshallip.com) , [mgorman@marshallip.com](mailto:mgorman@marshallip.com) , [kking@marshallip.com](mailto:kking@marshallip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 05, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2011	Nov 15, 2011
3	PENDING, INSTITUTED	Oct 06, 2011	
4	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Nov 04, 2011	
5	SUSPENDED	Nov 04, 2011	
6	CHANGE OF CORRESPONDENCE ADDRESS	Nov 09, 2011	
7	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 07, 2012	
8	SUSPENDED	Feb 07, 2012	
9	WITHDRAWAL OF PETITION FOR CANCELLATION	May 10, 2012	
10	BOARD'S DECISION: DISMISSED W/O PREJ	May 16, 2012	
11	TERMINATED	May 16, 2012	

**Type of Proceeding: Opposition**Proceeding Number: [91189664](#)

Filing Date: Apr 08, 2009

Status: Terminated

Status Date: Feb 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: LIN, JIN-SHOW

**Correspondent Address:** JIN-SHOW LIN  
4771 SWEETWATER BLVD # 298  
SUGAR LAND TX , 77479-3121  
UNITED STATES

**Correspondent e-mail:** [uniherbusa@yahoo.com](mailto:uniherbusa@yahoo.com)

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL HERB USA	Abandoned - After Inter-Partes Decision	<a href="#">77303449</a>	

**Plaintiff(s)**

**Name:** Universal Protein Supplements Corporation d/b/a Universal Nutrition

**Correspondent Address:** Maureen Beacom Gorman  
Davis McGrath LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATES

**Correspondent e-mail:** [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77174397</a>	<a href="#">3447934</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77171320</a>	<a href="#">3443959</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>
UNIVERSAL NATURALS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77613720</a>	<a href="#">3635242</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2009	May 19, 2009
3	PENDING, INSTITUTED	Apr 09, 2009	
4	ANSWER	May 18, 2009	
5	PLS MOT TO STRIKE DEF'S RESPONSE TO OPP	Jun 09, 2009	
6	P'S MTN TO STRIKE GRANTED; ANSWER DUE IN THIRTY DAYS; TRIAL DATES RESET	Aug 14, 2009	
7	DEF'S COMMUNICATION	Sep 14, 2009	
8	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 28, 2009	
9	P'S MTN FOR DEFAULT JUDGMENT GRANTED; OPPOSITION SUSTAINED	Feb 02, 2010	
10	BOARD'S DECISION: SUSTAINED	Feb 02, 2010	
11	TERMINATED	Feb 04, 2010	

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92048859](#)

**Filing Date:** Feb 11, 2008

**Status:** Terminated

**Status Date:** Sep 26, 2008

**Interlocutory Attorney:** MICHAEL B ADLIN

**Defendant**

**Name:** Natural Organics Inc.

**Correspondent Address:** Pasquale A. Razzano  
Fitzpatrick, Cella, Harper & Scinto

30 Rockefeller plaza  
New York NY , 10112-3801  
UNITED STATES

Correspondent e-mail: [prazzano@fchs.com](mailto:prazzano@fchs.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
UNIVERSAL PROTEINS	Cancelled - Section 8	<a href="#">75803016</a>	<a href="#">2698106</a>

**Plaintiff(s)**

**Name:** Universal Protein Supplements Corporation d/b/a Universal Nutrition

**Correspondent Address:** Maureen Beacom Gorman  
Davis McGrath, LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATES

Correspondent e-mail: [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [bmulvanny@davismcgrath.com](mailto:bmulvanny@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 11, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 11, 2008	Mar 22, 2008
3	PENDING, INSTITUTED	Feb 11, 2008	
4	P'S COPY OF MISSISING PAGE FROM PETITION	Feb 20, 2008	
5	ANSWER	Mar 20, 2008	
6	STIPULATION FOR AN EXTENSION OF TIME	May 20, 2008	
7	EXTENSION OF TIME GRANTED	May 28, 2008	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 25, 2008	
9	EXTENSION OF TIME GRANTED	Jul 31, 2008	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2008	
11	EXTENSION OF TIME GRANTED	Aug 19, 2008	
12	WITHDRAWAL OF PETITION FOR CANCELLATION	Sep 19, 2008	
13	BOARD'S DECISION: DISMISSED W/ PREJUDICE	Sep 26, 2008	
14	TERMINATED	Sep 26, 2008	

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**Reg. No. 3,443,959**

**United States Patent and Trademark Office**

**Registered June 10, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**



UNIVERSAL PROTEIN SUPPLEMENTS COR-  
PORATION (NEW JERSEY CORPORATION),  
DBA UNIVERSAL NUTRITION  
3 TERMINAL ROAD  
NEW BRUNSWICK, NJ 08901

FOR: ON-LINE RETAIL STORE SERVICES FEAT-  
URING HEALTH AND DIET-RELATED PRO-  
DUCTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1997; IN COMMERCE 0-0-1997.

OWNER OF U.S. REG. NOS. 3,020,560, 3,020,563  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "NUTRITION", APART FROM  
THE MARK AS SHOWN.

THE MARK CONSISTS OF A CYCLONE-LIKE  
DESIGN BISECTING AN ORB AND THE WORDING  
UNIVERSAL NUTRITION.

SER. NO. 77-171,320, FILED 5-2-2007.

MELISSA VALLILLO, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2015-07-08 17:42:49 EDT

Mark: UNIVERSAL NUTRITION



US Serial Number: 77171320  
US Registration Number: 3443959  
Filed as TEAS Plus: Yes  
Register: Principal  
Mark Type: Service Mark  
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
Status Date: Nov. 30, 2013  
Publication Date: Mar. 25, 2008

Application Filing Date: May 02, 2007  
Registration Date: Jun. 10, 2008  
Currently TEAS Plus: Yes

## Mark Information

Mark Literal Elements: UNIVERSAL NUTRITION  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Description of Mark: The mark consists of a cyclone-like design bisecting an orb and the wording UNIVERSAL NUTRITION.  
Color(s) Claimed: Color is not claimed as a feature of the mark.  
Disclaimer: "NUTRITION"  
Design Search Code(s): 26.03.03 - Incomplete ovals; Ovals, incomplete  
26.17.09 - Curved line(s), band(s) or bar(s); Bars, curved; Lines, curved; Bands, curved

## Related Properties Information

Claimed Ownership of US Registrations: 3020560, 3020562, 3020563 and others

## 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: On-line retail store services featuring health and diet-related products  
International Class(es): 035 - Primary Class  
U.S Class(es): 100, 101, 102  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: 1997  
Use in Commerce: 1997

## Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

## Current Owner(s) Information

Owner Name: Universal Protein Supplements Corporation  
DBA, AKA, Formerly: DBA Universal Nutrition  
Owner Address: 3 Terminal Road  
New Brunswick, NEW JERSEY 08901  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where: NEW JERSEY

Organized:

---

## Attorney/Correspondence Information

---

### Attorney of Record

**Attorney Name:** Maureen Beacom Gorman **Docket Number:** 31742/10756  
**Attorney Primary Email Address:** [docket@marshallip.com](mailto:docket@marshallip.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Maureen Beacom Gorman  
Marshall, Gerstein & Borun LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, ILLINOIS 60606-6357  
UNITED STATES  
**Phone:** 312.474.6643 **Fax:** 312.474.0448  
**Correspondent e-mail:** [docket@marshallip.com](mailto:docket@marshallip.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Nov. 30, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 30, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Nov. 18, 2013	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	64591
Nov. 30, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Nov. 18, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 10, 2008	REGISTERED-PRINCIPAL REGISTER	
Mar. 25, 2008	PUBLISHED FOR OPPOSITION	
Mar. 05, 2008	NOTICE OF PUBLICATION	
Feb. 19, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Feb. 14, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 13, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Feb. 13, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Feb. 09, 2008	ASSIGNED TO LIE	69712
Jan. 07, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 16, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 16, 2007	NON-FINAL ACTION E-MAILED	6325
Aug. 16, 2007	NON-FINAL ACTION WRITTEN	80805
Aug. 15, 2007	ASSIGNED TO EXAMINER	80805
Jul. 17, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2007	NOTICE OF DESIGN SEARCH CODE MAILED	
May 07, 2007	NEW APPLICATION ENTERED IN TRAM	

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

---

## TM Staff and Location Information

---

TM Staff Information - None

---

**File Location**

Current Location: TMO LAW OFFICE 113

Date in Location: Nov. 30, 2013

## Proceedings

**Summary**

Number of Proceedings: 1

**Type of Proceeding: Opposition**

Proceeding Number: [91189664](#)

Filing Date: Apr 08, 2009

Status: Terminated

Status Date: Feb 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: LIN, JIN-SHOW

Correspondent Address: JIN-SHOW LIN  
4771 SWEETWATER BLVD # 298  
SUGAR LAND TX , 77479-3121  
UNITED STATES

Correspondent e-mail: [uniherbusa@yahoo.com](mailto:uniherbusa@yahoo.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL HERB USA	Abandoned - After Inter-Partes Decision	<a href="#">77303449</a>	

**Plaintiff(s)**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: Maureen Beacom Gorman  
Davis McGrath LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATES

Correspondent e-mail: [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77174397</a>	<a href="#">3447934</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77171320</a>	<a href="#">3443959</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>
UNIVERSAL NATURALS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77613720</a>	<a href="#">3635242</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2009	May 19, 2009
3	PENDING, INSTITUTED	Apr 09, 2009	
4	ANSWER	May 18, 2009	
5	PLS MOT TO STRIKE DEF'S RESPONSE TO OPP	Jun 09, 2009	
6	P'S MTN TO STRIKE GRANTED; ANSWER DUE IN THIRTY DAYS; TRIAL DATES RESET	Aug 14, 2009	
7	DEF'S COMMUNICATION	Sep 14, 2009	

8	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 28, 2009
9	P'S MTN FOR DEFAULT JUDGMENT GRANTED; OPPOSITION SUSTAINED	Feb 02, 2010
10	BOARD'S DECISION: SUSTAINED	Feb 02, 2010
11	TERMINATED	Feb 04, 2010

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,447,934**

**Registered June 17, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**



UNIVERSAL PROTEIN SUPPLEMENTS COR-  
PORATION (NEW JERSEY CORPORATION),  
DBA UNIVERSAL NUTRITION

3 TERMINAL ROAD

NEW BRUNSWICK, NJ 08901

FOR: ON-LINE RETAIL STORE SERVICES FEA-  
TURING HEALTH AND DIET-RELATED PRO-  
DUCTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1997; IN COMMERCE 0-0-1997.

OWNER OF U.S. REG. NOS. 3,020,560, 3,020,563  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "NUTRITION", APART FROM  
THE MARK AS SHOWN.

THE COLOR(S) RED, WHITE AND BLACK IS/  
ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A WHITE CYCLONE-  
LIKE DESIGN BISECTING A RED ORB AND THE  
WORDING "UNIVERSAL NUTRITION" IN BLACK.

SER. NO. 77-174,397, FILED 5-7-2007.

MELISSA VALLILLO, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2015-07-08 17:43:09 EDT

Mark: UNIVERSAL NUTRITION



**US Serial Number:** 77174397  
**US Registration Number:** 3447934  
**Filed as TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Service Mark  
**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
**Status Date:** Nov. 30, 2013  
**Publication Date:** Apr. 01, 2008

**Application Filing Date:** May 07, 2007  
**Registration Date:** Jun. 17, 2008  
**Currently TEAS Plus:** Yes

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## Mark Information

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**Mark Literal Elements:** UNIVERSAL NUTRITION  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Description of Mark:** The mark consists of a white cyclone-like design bisecting a red orb and the wording "UNIVERSAL NUTRITION" in black.  
**Color Drawing:** Yes  
**Color(s) Claimed:** The color(s) red, white and black is/are claimed as a feature of the mark.  
**Disclaimer:** "NUTRITION"  
**Design Search Code(s):** 26.03.21 - Ovals that are completely or partially shaded  
26.03.28 - Oval shape (miscellaneous overall shape); Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 3020560, 3020562, 3020563 and others

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## Goods and Services

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

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

**For:** On-line retail store services featuring health and diet-related products

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1997

**Use in Commerce:** 1997

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## Basis Information (Case Level)

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

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## Current Owner(s) Information

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**Owner Name:** Universal Protein Supplements Corporation  
**DBA, AKA, Formerly:** DBA Universal Nutrition  
**Owner Address:** 3 Terminal Road  
New Brunswick, NEW JERSEY 08901

UNITED STATES  
Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Maureen Beacom Gorman  
**Attorney Primary Email Address:** [doCKET@marshallip.com](mailto:doCKET@marshallip.com)  
**Docket Number:** 31742/10754  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Maureen Beacom Gorman  
Marshall, Gerstein & Borun LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, ILLINOIS 60606-6357  
UNITED STATES  
**Phone:** 312.474.6643  
**Fax:** 312.474.0448  
**Correspondent e-mail:** [doCKET@marshallip.com](mailto:doCKET@marshallip.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 30, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 30, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Nov. 18, 2013	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	70131
Nov. 30, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Nov. 18, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 17, 2008	REGISTERED-PRINCIPAL REGISTER	
Apr. 01, 2008	PUBLISHED FOR OPPOSITION	
Mar. 12, 2008	NOTICE OF PUBLICATION	
Feb. 28, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76984
Feb. 28, 2008	ASSIGNED TO LIE	76984
Feb. 01, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 31, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 31, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 31, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 16, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 16, 2007	NON-FINAL ACTION E-MAILED	6325
Aug. 16, 2007	NON-FINAL ACTION WRITTEN	80805
Aug. 15, 2007	ASSIGNED TO EXAMINER	80805
May 11, 2007	NOTICE OF DESIGN SEARCH CODE MAILED	
May 10, 2007	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

## TM Staff and Location Information

TM Staff Information - None

**File Location**

Current Location: TMO LAW OFFICE 113

Date in Location: Nov. 30, 2013

**Proceedings****Summary**

Number of Proceedings: 1

**Type of Proceeding: Opposition**Proceeding Number: [91189664](#)

Filing Date: Apr 08, 2009

Status: Terminated

Status Date: Feb 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: LIN, JIN-SHOW

Correspondent Address: JIN-SHOW LIN  
4771 SWEETWATER BLVD # 298  
SUGAR LAND TX , 77479-3121  
UNITED STATESCorrespondent e-mail: [uniherbusa@yahoo.com](mailto:uniherbusa@yahoo.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL HERB USA	Abandoned - After Inter-Partes Decision	<a href="#">77303449</a>	

**Plaintiff(s)**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: Maureen Beacom Gorman  
Davis McGrath LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATESCorrespondent e-mail: [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77174397</a>	<a href="#">3447934</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77171320</a>	<a href="#">3443959</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>
UNIVERSAL NATURALS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77613720</a>	<a href="#">3635242</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2009	May 19, 2009
3	PENDING, INSTITUTED	Apr 09, 2009	
4	ANSWER	May 18, 2009	
5	PLS MOT TO STRIKE DEF'S RESPONSE TO OPP	Jun 09, 2009	
6	P'S MTN TO STRIKE GRANTED; ANSWER DUE IN THIRTY DAYS; TRIAL DATES RESET	Aug 14, 2009	
7	DEF'S COMMUNICATION	Sep 14, 2009	

8	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 28, 2009
9	P'S MTN FOR DEFAULT JUDGMENT GRANTED; OPPOSITION SUSTAINED	Feb 02, 2010
10	BOARD'S DECISION: SUSTAINED	Feb 02, 2010
11	TERMINATED	Feb 04, 2010

**Int. Cl.: 5**

**Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52**

**Reg. No. 3,555,885**

**United States Patent and Trademark Office**

Registered Jan. 6, 2009

**TRADEMARK  
PRINCIPAL REGISTER**



UNIVERSAL PROTEIN SUPPLEMENTS CORPORATION (NEW JERSEY CORPORATION),  
DBA UNIVERSAL NUTRITION

3 TERMINAL ROAD  
NEW BRUNSWICK, NJ 08901

FOR: SUPPLEMENTS, NAMELY, DIETARY FOOD SUPPLEMENTS, DIETARY SUPPLEMENTS, FOOD SUPPLEMENTS, HERBAL SUPPLEMENTS, MEAL REPLACEMENT AND DIETARY SUPPLEMENT DRINK MIXES, MINERAL NUTRITIONAL SUPPLEMENTS, MINERAL SUPPLEMENTS, NUTRITIONAL SUPPLEMENTS, POWDERED NUTRITIONAL SUPPLEMENT DRINK MIX, VITAMIN AND MINERAL SUPPLEMENTS, VITAMIN SUP-

PLEMENTS, MEAL REPLACEMENT BARS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 0-0-1980; IN COMMERCE 0-0-1980.

OWNER OF U.S. REG. NOS. 3,020,559 AND 3,020,563.

THE MARK CONSISTS OF THE WORD "UNIVERSAL" WHEREIN THE "I" IS COMPRISED OF A HUMAN FIGURE.

SER. NO. 77-165,046, FILED 4-25-2007.

SHAILA SETTLES, EXAMINING ATTORNEY

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Mark: UNIVERSAL



US Serial Number: 77165046

Application Filing Date: Apr. 25, 2007

US Registration Number: 3555885

Registration Date: Jan. 06, 2009

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Mar. 21, 2014

Publication Date: Oct. 21, 2008

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## Mark Information

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Mark Literal Elements: UNIVERSAL

Standard Character Claim: No

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

Description of Mark: The mark consists of the word "UNIVERSAL" wherein the "I" is comprised of a human figure.

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

Design Search Code(s): 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men  
02.01.19 - Men, athletes, strongmen; Golfer; Athletes (men); Strongmen  
02.01.31 - Men, stylized, including men depicted in caricature form  
02.09.19 - Diving, humans; Humans, including men, women and children, depicted playing games or engaged in other sports; Playing games or sports, humans  
27.03.02 - Humans forming letters or numerals; Humans forming punctuation

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## Related Properties Information

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Claimed Ownership of US Registrations: 3020559, 3020563

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## Goods and Services

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

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

For: Supplements, namely, dietary food supplements, dietary supplements, food supplements, herbal supplements, meal replacement and dietary supplement drink mixes, mineral nutritional supplements, mineral supplements, nutritional supplements, powdered nutritional supplement drink mix, vitamin and mineral supplements, vitamin supplements, meal replacement bars

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: 1980

Use in Commerce: 1980

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

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Owner Name: Universal Protein Supplements Corporation

DBA, AKA, Formerly: DBA Universal Nutrition

Owner Address: 3 Terminal Road  
New Brunswick, NEW JERSEY 08901  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Maureen Beacom Gorman Docket Number: 31742/10753/  
Attorney Primary Email Address: [docket@marshallip.com](mailto:docket@marshallip.com) Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Maureen Beacom Gorman  
Marshall, Gerstein & Borun LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, ILLINOIS 60606-6357  
UNITED STATES  
Phone: 312.474.6643 Fax: 312.474.0448  
Correspondent e-mail: [docket@marshallip.com](mailto:docket@marshallip.com) Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 21, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 21, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Mar. 03, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	66607
Mar. 21, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Mar. 03, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 06, 2009	REGISTERED-PRINCIPAL REGISTER	
Oct. 21, 2008	PUBLISHED FOR OPPOSITION	
Oct. 01, 2008	NOTICE OF PUBLICATION	
Sep. 15, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	67215
Sep. 09, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 06, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 05, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 05, 2008	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Aug. 29, 2008	LIE CHECKED SUSP - TO ATTY FOR ACTION	67215
Feb. 29, 2008	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 29, 2008	LETTER OF SUSPENSION E-MAILED	6332
Feb. 29, 2008	SUSPENSION LETTER WRITTEN	82421
Feb. 11, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 11, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 11, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 10, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 10, 2007	NON-FINAL ACTION E-MAILED	6325
Aug. 10, 2007	NON-FINAL ACTION WRITTEN	82421
Aug. 08, 2007	ASSIGNED TO EXAMINER	82421
Jul. 25, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	67215
Jul. 05, 2007	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	67215

Jul. 23, 2007 ASSIGNED TO LIE  
 Jul. 17, 2007 TEAS CHANGE OF CORRESPONDENCE RECEIVED  
 Jul. 05, 2007 TEAS VOLUNTARY AMENDMENT RECEIVED  
 May 01, 2007 NOTICE OF DESIGN SEARCH CODE MAILED  
 Apr. 30, 2007 NEW APPLICATION ENTERED IN TRAM

67215

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** TMO LAW OFFICE 114

**Date in Location:** Mar. 21, 2014

## Proceedings

### Summary

**Number of Proceedings:** 2

#### Type of Proceeding: Cancellation

**Proceeding Number:** [92054606](#)

**Filing Date:** Oct 05, 2011

**Status:** Terminated

**Status Date:** May 16, 2012

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

#### Defendant

**Name:** Genaro Zea Oros

**Correspondent Address:** JULIE B SEYLER  
 ABELMAN FRAYNE & SCHWAB  
 666 THIRD AVENUE  
 NEW YORK NY , 10017  
 UNITED STATES

**Correspondent e-mail:** [JBSeyler@lawabel.com](mailto:JBSeyler@lawabel.com) , [Rdahl@lawabel.com](mailto:Rdahl@lawabel.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77195994</a>	<a href="#">3487170</a>

#### Plaintiff(s)

**Name:** Universal Protein Supplements Corporation d/b/a Universal Nutrition

**Correspondent Address:** MAUREEN BEACOM GORMAN  
 MARSHALL GERSTEIN & BORUN LLP  
 233 SOUTH WACKER, 6300 WILLIS TOWER  
 CHICAGO IL , 60654  
 UNITED STATES

**Correspondent e-mail:** [tgehrke@marshallip.com](mailto:tgehrke@marshallip.com) , [mgorman@marshallip.com](mailto:mgorman@marshallip.com) , [kking@marshallip.com](mailto:kking@marshallip.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 05, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2011	Nov 15, 2011
3	PENDING, INSTITUTED	Oct 06, 2011	
4	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Nov 04, 2011	
5	SUSPENDED	Nov 04, 2011	
6	CHANGE OF CORRESPONDENCE ADDRESS	Nov 09, 2011	
7	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 07, 2012	
8	SUSPENDED	Feb 07, 2012	
9	WITHDRAWAL OF PETITION FOR CANCELLATION	May 10, 2012	
10	BOARD'S DECISION: DISMISSED W/O PREJ	May 16, 2012	
11	TERMINATED	May 16, 2012	

**Type of Proceeding: Opposition**

Proceeding Number: [91189664](#)

Filing Date: Apr 08, 2009

Status: Terminated

Status Date: Feb 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: LIN, JIN-SHOW

Correspondent Address: JIN-SHOW LIN  
4771 SWEETWATER BLVD # 298  
SUGAR LAND TX , 77479-3121  
UNITED STATES

Correspondent e-mail: [uniherbusa@yahoo.com](mailto:uniherbusa@yahoo.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL HERB USA	Abandoned - After Inter-Partes Decision	<a href="#">77303449</a>	

**Plaintiff(s)**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: Maureen Beacom Gorman  
Davis McGrath LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATES

Correspondent e-mail: [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77174397</a>	<a href="#">3447934</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77171320</a>	<a href="#">3443959</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>
UNIVERSAL NATURALS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77613720</a>	<a href="#">3635242</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Apr 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2009	May 19, 2009
3	PENDING, INSTITUTED	Apr 09, 2009	
4	ANSWER	May 18, 2009	
5	PLS MOT TO STRIKE DEF'S RESPONSE TO OPP	Jun 09, 2009	
6	P'S MTN TO STRIKE GRANTED; ANSWER DUE IN THIRTY DAYS; TRIAL DATES RESET	Aug 14, 2009	
7	DEF'S COMMUNICATION	Sep 14, 2009	
8	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 28, 2009	
9	P'S MTN FOR DEFAULT JUDGMENT GRANTED; OPPOSITION SUSTAINED	Feb 02, 2010	
10	BOARD'S DECISION: SUSTAINED	Feb 02, 2010	
11	TERMINATED	Feb 04, 2010	

United States of America  
United States Patent and Trademark Office



**Reg. No. 4,617,301**

**Registered Oct. 7, 2014**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNIVERSAL PROTEIN SUPPLEMENTS CORPORATION (NEW JERSEY CORPORATION),  
DBA UNIVERSAL NUTRITION  
3 TERMINAL ROAD  
NEW BRUNSWICK, NJ 08901

FOR: ATHLETIC PANTS; ATHLETIC SHORTS; BOTTOMS; CAPS; HATS; JACKETS; PANTS;  
SHIRTS; SHORTS; SWEATPANTS; SWEATSHIRTS; TOPS, IN CLASS 25 (U.S. CLS. 22 AND  
39).

FIRST USE 12-31-1993, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT  
FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS  
00/00/1981.; IN COMMERCE 12-31-1993, THE MARK WAS FIRST USED IN COMMERCE  
IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST  
AS EARLY AS 00/00/1981..

OWNER OF U.S. REG. NOS. 3,555,885 AND 3,568,919.

THE MARK CONSISTS OF THE WORD "UNIVERSAL" WHEREIN THE "I" IS COMPRISED  
OF A HUMAN FIGURE.

SER. NO. 86-216,560, FILED 3-10-2014.

NAKIA HENRY, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy 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>.**

Generated on: This page was generated by TSDR on 2015-07-08 17:43:54 EDT

Mark: UNIVERSAL



**US Serial Number:** 86216560  
**US Registration Number:** 4617301  
**Filed as TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Oct. 07, 2014  
**Publication Date:** Jul. 22, 2014

**Application Filing Date:** Mar. 10, 2014  
**Registration Date:** Oct. 07, 2014  
**Currently TEAS Plus:** Yes

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## Mark Information

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**Mark Literal Elements:** UNIVERSAL  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Description of Mark:** The mark consists of the word "UNIVERSAL" wherein the "I" is comprised of a human figure.  
**Color(s) Claimed:** Color is not claimed as a feature of the mark.  
**Design Search Code(s):** 02.01.31 - Men, stylized, including men depicted in caricature form  
27.03.02 - Humans forming punctuation; Humans forming letters or numerals

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 3555885, 3568919

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## Goods and Services

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

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

**For:** Athletic pants; Athletic shorts; Bottoms; Caps; Hats; Jackets; Pants; Shirts; Shorts; Sweatpants; Sweatshirts; Tops

**International Class(es):** 025 - Primary Class  
**U.S Class(es):** 022, 039

**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Dec. 31, 1993  
**Use in Commerce:** Dec. 31, 1993

**Used Anywhere in Another Form:** The mark was first used anywhere in a different form other than that sought to be registered at least as early as 00/00/1981.  
**Used in Commerce in Another Form:** The mark was first used in commerce in a different form other than that sought to be registered at least as early as 00/00/1981.

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## Basis Information (Case Level)

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

---

## Current Owner(s) Information

---

**Owner Name:** Universal Protein Supplements Corporation  
**DBA, AKA, Formerly:** DBA Universal Nutrition  
**Owner Address:** 3 Terminal Road

New Brunswick, NEW JERSEY 08901  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

---

## Attorney/Correspondence Information

---

### Attorney of Record

**Attorney Name:** Maureen Beacom Gorman **Docket Number:** 31742/60218/  
**Attorney Primary Email Address:** [docket@marshallip.com](mailto:docket@marshallip.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** MAUREEN BEACOM GORMAN  
MARSHALL, GERSTEIN & BORUN LLP  
233 S WACKER DR STE 6300  
CHICAGO, ILLINOIS 60606-6471  
UNITED STATES  
**Phone:** 312.474.6300 **Fax:** 312.474.0448  
**Correspondent e-mail:** [docket@marshallip.com](mailto:docket@marshallip.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Oct. 07, 2014	REGISTERED-PRINCIPAL REGISTER	
Jul. 22, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 22, 2014	PUBLISHED FOR OPPOSITION	
Jul. 02, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 14, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 13, 2014	ASSIGNED TO EXAMINER	82087
Mar. 25, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 22, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 13, 2014	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 07, 2014

**Int. Cl.: 5**

**Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52**

**Reg. No. 3,568,919**

**United States Patent and Trademark Office**

**Registered Feb. 3, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**



UNIVERSAL PROTEIN SUPPLEMENTS COR-  
PORATION (NEW JERSEY CORPORATION),  
DBA UNIVERSAL NUTRITION  
3 TERMINAL ROAD  
NEW BRUNSWICK, NJ 08901

FOR: SUPPLEMENTS, NAMELY, DIETARY  
FOOD SUPPLEMENTS, DIETARY SUPPLEMENTS,  
FOOD SUPPLEMENTS, HERBAL SUPPLEMENTS,  
MEAL REPLACEMENT AND DIETARY SUPPLE-  
MENT DRINK MIXES, MINERAL NUTRITIONAL  
SUPPLEMENTS, MINERAL SUPPLEMENTS, NU-  
TRITIONAL SUPPLEMENTS, POWDERED NUTRI-  
TIONAL SUPPLEMENT DRINK MIX, VITAMIN  
AND MINERAL SUPPLEMENTS, VITAMIN SUP-  
PLEMENTS, MEAL REPLACEMENT BARS, IN  
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 0-0-1980; IN COMMERCE 0-0-1980.

OWNER OF U.S. REG. NOS. 3,020,559 AND  
3,020,563.

THE COLOR(S) RED AND BLACK IS/ARE  
CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORD "UNI-  
VERSAL" IN BLACK LETTERS, WHEREIN THE "I"  
IS COMPRISED OF A RED HUMAN FIGURE.

SER. NO. 77-165,041, FILED 4-25-2007.

SHAILA SETTLES, EXAMINING ATTORNEY



**Owner Address:** 3 Terminal Road  
New Brunswick, NEW JERSEY 08901  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NEW JERSEY

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Maureen Beacom Gorman  
**Attorney Primary Email Address:** [doCKET@marshallip.com](mailto:doCKET@marshallip.com)  
**Docket Number:** 31742/10755/  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Maureen Beacom Gorman  
Marshall, Gerstein & Borun LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, ILLINOIS 60606-6357  
UNITED STATES  
**Phone:** 312.474.6643  
**Fax:** 312.474.0448  
**Correspondent e-mail:** [doCKET@marshallip.com](mailto:doCKET@marshallip.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Apr. 25, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 25, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76874
Apr. 11, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	76874
Apr. 25, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Apr. 11, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 03, 2009	REGISTERED-PRINCIPAL REGISTER	
Nov. 18, 2008	PUBLISHED FOR OPPOSITION	
Oct. 29, 2008	NOTICE OF PUBLICATION	
Oct. 14, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	67215
Oct. 08, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 08, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 08, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 08, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 08, 2008	EXAMINERS AMENDMENT -WRITTEN	82421
Sep. 30, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	67215
Sep. 30, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	67215
Sep. 29, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 09, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 09, 2008	NON-FINAL ACTION E-MAILED	6325
Sep. 09, 2008	NON-FINAL ACTION WRITTEN	82421
Sep. 05, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 05, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 05, 2008	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Sep. 03, 2008	LIE CHECKED SUSP - TO ATTY FOR ACTION	67215
Mar. 03, 2008	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Mar. 03, 2008	LETTER OF SUSPENSION E-MAILED	6332

Mar. 03, 2008	SUSPENSION LETTER WRITTEN	82421
Feb. 12, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 11, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 11, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 11, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 10, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 10, 2007	NON-FINAL ACTION E-MAILED	6325
Aug. 10, 2007	NON-FINAL ACTION WRITTEN	82421
Aug. 08, 2007	ASSIGNED TO EXAMINER	82421
Jul. 25, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	67215
Jul. 05, 2007	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	67215
Jul. 23, 2007	ASSIGNED TO LIE	67215
Jul. 17, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 05, 2007	TEAS VOLUNTARY AMENDMENT RECEIVED	
May 01, 2007	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 30, 2007	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** TMO LAW OFFICE 114

**Date in Location:** Apr. 25, 2014

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Cancellation

**Proceeding Number:** [92054606](#)

**Filing Date:** Oct 05, 2011

**Status:** Terminated

**Status Date:** May 16, 2012

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

### Defendant

**Name:** Genaro Zea Oros

**Correspondent Address:** JULIE B SEYLER  
ABELMAN FRAYNE & SCHWAB  
666 THIRD AVENUE  
NEW YORK NY , 10017  
UNITED STATES

**Correspondent e-mail:** [JBSeyler@lawabel.com](mailto:JBSeyler@lawabel.com) , [Rdahl@lawabel.com](mailto:Rdahl@lawabel.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77195994</a>	<a href="#">3487170</a>

### Plaintiff(s)

**Name:** Universal Protein Supplements Corporation d/b/a Universal Nutrition

**Correspondent Address:** MAUREEN BEACOM GORMAN  
MARSHALL GERSTEIN & BORUN LLP  
233 SOUTH WACKER, 6300 WILLIS TOWER  
CHICAGO IL , 60654  
UNITED STATES

**Correspondent e-mail:** [tgehrke@marshallip.com](mailto:tgehrke@marshallip.com) , [mgorman@marshallip.com](mailto:mgorman@marshallip.com) , [kking@marshallip.com](mailto:kking@marshallip.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 05, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2011	Nov 15, 2011
3	PENDING, INSTITUTED	Oct 06, 2011	
4	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Nov 04, 2011	
5	SUSPENDED	Nov 04, 2011	
6	CHANGE OF CORRESPONDENCE ADDRESS	Nov 09, 2011	
7	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 07, 2012	
8	SUSPENDED	Feb 07, 2012	
9	WITHDRAWAL OF PETITION FOR CANCELLATION	May 10, 2012	
10	BOARD'S DECISION: DISMISSED W/O PREJ	May 16, 2012	
11	TERMINATED	May 16, 2012	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91189664](#) **Filing Date:** Apr 08, 2009  
**Status:** Terminated **Status Date:** Feb 04, 2010  
**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** LIN, JIN-SHOW  
**Correspondent Address:** JIN-SHOW LIN  
 4771 SWEETWATER BLVD # 298  
 SUGAR LAND TX , 77479-3121  
 UNITED STATES  
**Correspondent e-mail:** [uniherbusa@yahoo.com](mailto:uniherbusa@yahoo.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
UNIVERSAL HERB USA	Abandoned - After Inter-Partes Decision	<a href="#">77303449</a>	

**Plaintiff(s)**

**Name:** Universal Protein Supplements Corporation d/b/a Universal Nutrition  
**Correspondent Address:** Maureen Beacom Gorman  
 Davis McGrath LLC  
 125 S. Wacker Drive, Suite 1700  
 Chicago IL , 60606  
 UNITED STATES  
**Correspondent e-mail:** [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>

UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77174397</a>	<a href="#">3447934</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77171320</a>	<a href="#">3443959</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>
UNIVERSAL NATURALS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77613720</a>	<a href="#">3635242</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2009	May 19, 2009
3	PENDING, INSTITUTED	Apr 09, 2009	
4	ANSWER	May 18, 2009	
5	PLS MOT TO STRIKE DEF'S RESPONSE TO OPP	Jun 09, 2009	
6	P'S MTN TO STRIKE GRANTED; ANSWER DUE IN THIRTY DAYS; TRIAL DATES RESET	Aug 14, 2009	
7	DEF'S COMMUNICATION	Sep 14, 2009	
8	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 28, 2009	
9	P'S MTN FOR DEFAULT JUDGMENT GRANTED; OPPOSITION SUSTAINED	Feb 02, 2010	
10	BOARD'S DECISION: SUSTAINED	Feb 02, 2010	
11	TERMINATED	Feb 04, 2010	

# United States of America

United States Patent and Trademark Office

## UNIVERSAL USA

**Reg. No. 4,150,956**

**Registered May 29, 2012**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNIVERSAL PROTEIN SUPPLEMENTS CORPORATION (NEW JERSEY CORPORATION),  
DBA UNIVERSAL NUTRITION,  
3 TERMINAL ROAD  
NEW BRUNSWICK, NJ 08901

FOR: ONLINE RETAIL STORE SERVICES FEATURING HEALTH FOOD PRODUCTS,  
CLOTHING, AND SPORTS GEAR EXCLUDING EXERCISE EQUIPMENT, IN CLASS 35 (U.S.  
CLS. 100, 101 AND 102).

FIRST USE 10-1-2008; IN COMMERCE 10-1-2008.

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

OWNER OF U.S. REG. NOS. 3,020,563, 3,443,959, AND 3,447,934.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "USA", APART FROM THE  
MARK AS SHOWN.

SN 85-156,670, FILED 10-20-2010.

TAMARA FRAZIER, EXAMINING ATTORNEY



*David J. Kyffers*

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>.**



Attorney Name: Maureen Beacom Gorman

Attorney Primary Email [doCKET@marshallip.com](mailto:doCKET@marshallip.com)  
Address:

Attorney Email No  
Authorized:

**Correspondent**

Correspondent Name/Address: MAUREEN BEACOM GORMAN  
MARSHALL GERSTEIN & BORUN LLP  
233 S WACKER DR STE 6300  
CHICAGO, ILLINOIS 60606-6471  
UNITED STATES

Phone: 312.474.6643

Fax: 312.474.0448

Correspondent e-mail: [doCKET@marshallip.com](mailto:doCKET@marshallip.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
May 29, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 21, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 20, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
Apr. 19, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 27, 2012	STATEMENT OF USE PROCESSING COMPLETE	76874
Mar. 01, 2012	USE AMENDMENT FILED	76874
Mar. 27, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Mar. 01, 2012	TEAS STATEMENT OF USE RECEIVED	
Oct. 25, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 12, 2011	TTAB RELEASE CASE TO TRADEMARKS	200195
Sep. 12, 2011	OPPOSITION TERMINATED NO. 999999	200195
Sep. 12, 2011	OPPOSITION DISMISSED NO. 999999	200195
Sep. 02, 2011	PAPER RECEIVED	
Jun. 10, 2011	OPPOSITION INSTITUTED NO. 999999	200195
May 11, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED	
Apr. 12, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 12, 2011	PUBLISHED FOR OPPOSITION	
Mar. 05, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Mar. 05, 2011	ASSIGNED TO LIE	74221
Feb. 07, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 18, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 18, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 18, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 18, 2011	EXAMINERS AMENDMENT -WRITTEN	83174
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 10, 2011	ASSIGNED TO EXAMINER	83174
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 23, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 23, 2010	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 20, 2012

## Proceedings

**Summary**

Number of Proceedings: 2

**Type of Proceeding: Opposition**Proceeding Number: [91200195](#)

Filing Date: Jun 10, 2011

Status: Terminated

Status Date: Sep 12, 2011

Interlocutory Attorney: JENNIFER KRISP

**Defendant**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: MAUREEN BEACOM GORMAN  
MARSHALL GERSTEIN & BORUN LLP  
233 S WACKER DRIVE, 6300 WILLIS TOWER  
CHICAGO IL , 60606-6471  
UNITED STATES

Correspondent e-mail: [mgorman@marshallip.com](mailto:mgorman@marshallip.com) , [tgehrke@marshallip.com](mailto:tgehrke@marshallip.com) , [kking@marshallip.com](mailto:kking@marshallip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL USA	Registered	<a href="#">85156670</a>	<a href="#">4150956</a>

**Plaintiff(s)**

Name: Nautilus, Inc.

Correspondent Address: DOUGLAS D HANCOCK  
HANCOCK HUGHEY LLP  
PO BOX 1208  
SISTERS OR , 97759  
UNITED STATES

Correspondent e-mail: [doug@hancockhughey.com](mailto:doug@hancockhughey.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL	Renewed	<a href="#">73454160</a>	<a href="#">1350575</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 10, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 10, 2011	Jul 20, 2011
3	PENDING, INSTITUTED	Jun 10, 2011	
4	STIPULATION FOR AN EXTENSION OF TIME	Jul 18, 2011	
5	EXTENSION OF TIME GRANTED	Jul 18, 2011	
6	MOTION TO AMEND APPLICATION	Jul 18, 2011	
7	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Aug 18, 2011	
8	SUSPENDED	Aug 18, 2011	
9	RESPONSE DUE 30 DAYS (DUE DATE)	Sep 02, 2011	Oct 02, 2011
10	WITHDRAWAL OF OPPOSITION	Sep 06, 2011	
11	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 12, 2011	
12	TERMINATED	Sep 12, 2011	

**Type of Proceeding: Extension of Time**Proceeding Number: [85156670](#)

Filing Date: May 11, 2011

Status: Terminated

Status Date: Jun 11, 2011

Interlocutory Attorney:

**Defendant**

Name: Universal Protein Supplements Corporatio

Correspondent Address: MAUREEN BEACOM GORMAN  
MARSHALL, GERSTEIN & BORUN LLP  
233 S WACKER DR STE 6300  
CHICAGO IL , 60606-6471  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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UNIVERSAL USA

Registered

[85156670](#)

[4150956](#)

**Potential Opposer(s)**

**Name:** Nautilus, Inc.

**Correspondent Address:** Douglas D. Hancock  
Hancock Hughey LLP  
P.O. Box 1208  
Sisters OR , 97759  
UNITED STATES

**Correspondent e-mail:** [doug@hancockhughey.com](mailto:doug@hancockhughey.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	May 11, 2011	
2	EXTENSION OF TIME GRANTED	May 11, 2011	

**Int. Cl.: 5**

**Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52**

**Reg. No. 3,635,242**

**United States Patent and Trademark Office**

**Registered June 9, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**UNIVERSAL NATURALS**

UNIVERSAL PROTEIN SUPPLEMENTS COR-  
PORATION (NEW JERSEY CORPORATION),  
DBA UNIVERSAL NUTRITION  
3 TERMINAL ROAD  
NEW BRUNSWICK, NJ 08901

FOR: SUPPLEMENTS, NAMELY, DIETARY  
FOOD SUPPLEMENTS, DIETARY SUPPLEMENTS,  
FOOD SUPPLEMENTS, HERBAL SUPPLEMENTS,  
MINERAL NUTRITIONAL SUPPLEMENTS, MI-  
NERAL SUPPLEMENTS, NUTRITIONAL SUPPLE-  
MENTS, VITAMIN AND MINERAL  
SUPPLEMENTS, VITAMIN SUPPLEMENTS, IN  
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.

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

OWNER OF U.S. REG. NOS. 3,020,559, 3,555,885  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "NATURALS", APART FROM THE  
MARK AS SHOWN.

SER. NO. 77-613,720, FILED 11-13-2008.

KATHERINE CHANG, EXAMINING ATTORNEY



**Attorney of Record**

**Attorney Name:** Maureen Beacom Gorman **Docket Number:** 31742/11422/  
**Attorney Primary Email Address:** [docket@marshallip.com](mailto:docket@marshallip.com) **Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Maureen Beacom Gorman  
 Marshall, Gerstein & Borun LLP  
 233 South Wacker Drive  
 6300 Willis Tower  
 Chicago, ILLINOIS 60606-6357  
 UNITED STATES  
**Phone:** 312.474.6643 **Fax:** 312.474.0448  
**Correspondent e-mail:** [docket@marshallip.com](mailto:docket@marshallip.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Sep. 19, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 19, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67603
Sep. 18, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Sep. 05, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jan. 13, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 05, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 09, 2009	REGISTERED-PRINCIPAL REGISTER	
Mar. 24, 2009	PUBLISHED FOR OPPOSITION	
Mar. 04, 2009	NOTICE OF PUBLICATION	
Feb. 13, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Feb. 12, 2009	ASSIGNED TO LIE	77075
Feb. 04, 2009	EXAMINERS AMENDMENT MAILED	
Feb. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 04, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 04, 2009	EXAMINERS AMENDMENT -WRITTEN	82414
Feb. 03, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 03, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 03, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 23, 2009	NON-FINAL ACTION MAILED	
Jan. 23, 2009	NON-FINAL ACTION WRITTEN	82414
Jan. 22, 2009	ASSIGNED TO EXAMINER	82414
Nov. 17, 2008	NEW APPLICATION ENTERED IN TRAM	

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**TM Staff and Location Information****TM Staff Information - None****File Location**

**Current Location:** TMO LAW OFFICE 115

**Date in Location:** Sep. 19, 2014

**Proceedings**

**Summary**

Number of Proceedings: 1

**Type of Proceeding: Opposition**Proceeding Number: [91189664](#)

Filing Date: Apr 08, 2009

Status: Terminated

Status Date: Feb 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: LIN, JIN-SHOW

Correspondent Address: JIN-SHOW LIN  
4771 SWEETWATER BLVD # 298  
SUGAR LAND TX , 77479-3121  
UNITED STATESCorrespondent e-mail: [uniherbusa@yahoo.com](mailto:uniherbusa@yahoo.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL HERB USA	Abandoned - After Inter-Partes Decision	<a href="#">77303449</a>	

**Plaintiff(s)**

Name: Universal Protein Supplements Corporation d/b/a Universal Nutrition

Correspondent Address: Maureen Beacom Gorman  
Davis McGrath LLC  
125 S. Wacker Drive, Suite 1700  
Chicago IL , 60606  
UNITED STATESCorrespondent e-mail: [mbgorman@davismcgrath.com](mailto:mbgorman@davismcgrath.com) , [cschneider@davismcgrath.com](mailto:cschneider@davismcgrath.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
UNIVERSAL NUTRITION	Renewed	<a href="#">78492925</a>	<a href="#">3020559</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492927</a>	<a href="#">3020560</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78492935</a>	<a href="#">3020563</a>
UNIVERSAL NUTRITION	Renewed	<a href="#">78492932</a>	<a href="#">3020562</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77174397</a>	<a href="#">3447934</a>
UNIVERSAL NUTRITION	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77171320</a>	<a href="#">3443959</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165046</a>	<a href="#">3555885</a>
UNIVERSAL	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77165041</a>	<a href="#">3568919</a>
UNIVERSAL NATURALS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77613720</a>	<a href="#">3635242</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2009	May 19, 2009
3	PENDING, INSTITUTED	Apr 09, 2009	
4	ANSWER	May 18, 2009	
5	PLS MOT TO STRIKE DEF'S RESPONSE TO OPP	Jun 09, 2009	
6	P'S MTN TO STRIKE GRANTED; ANSWER DUE IN THIRTY DAYS; TRIAL DATES RESET	Aug 14, 2009	
7	DEF'S COMMUNICATION	Sep 14, 2009	
8	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 28, 2009	
9	P'S MTN FOR DEFAULT JUDGMENT GRANTED; OPPOSITION SUSTAINED	Feb 02, 2010	
10	BOARD'S DECISION: SUSTAINED TERMINATED	Feb 02, 2010	

