

ESTTA Tracking number: **ESTTA684110**

Filing date: **07/16/2015**

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	Cyanotech Corporation		
Entity	Corporation	Citizenship	Nevada
Address	Ste. 102, 73-4460 Queen Kaahumanu Hwy Kailua-Kona, HI 96740 UNITED STATES		

Attorney information	George E. Darby Darby Law Corporation PO Box 893010 Mililani, HI 96789 UNITED STATES pto@teleport-asia.com Phone:808.626.1300		
----------------------	----------------------------------------------------------------------------------------------------------------------------------------------	--	--

Registrations Subject to Cancellation

Registration No	3870696	Registration date	11/02/2010
Registrant	Nutrex Research, Inc. Suite 1001 Oviedo, FL 32765 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2002/00/00 First Use In Commerce: 2002/00/00 All goods and services in the class are cancelled, namely: Dietary supplements for enhancing energy, athletic performance, physical prowess and libido, developing muscle mass, and weight loss

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)		
Priority and likelihood of confusion	Trademark Act section 2(d)		
Other	Not the rightful owner.		
Registration No	3870697	Registration date	11/02/2010
Registrant	Nutrex Research, Inc. Suite 1001 Oviedo, FL 32765 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2002/00/00 First Use In Commerce: 2002/00/00 All goods and services in the class are cancelled, namely: Online retail store services featuring dietary supplements for enhancing energy, athletic performance, physical prowess and libido, developing muscle mass, and weight loss

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Not the rightful owner.

Related Proceedings	94002616
---------------------	----------

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85423897	Application Date	09/15/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUTREX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1990/12/06 First Use In Commerce: 1991/03/01 Nutritional supplements for human consumption; nutraceuticals for the treatment of oxidative stress, decreased immunity, and inflammatory conditions; nutraceuticals for use as a dietary supplement; dietary supplements; nutritional supplements; nutritional additives for medical purposes for use in foods and dietary supplements for human consumption; nutritional additives for use in feed for animals for medical purposes; dietary supplements for animal consumption; food supplements; food supplements, namely, anti-oxidants; homeopathic supplements, namely, diluted doses from the plant, mineral and animal kingdoms for human consumption; drink mixes, namely, dietary drink mix for use as a meal replacement, powdered fruit-flavored dietary supplement drink mix, nutritional supplement in the nature of a nutrient-dense, protein-based drink mix		

U.S. Application No.	85423915	Application Date	09/15/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUTREX HAWAII		

Design Mark	NUTREX HAWAII
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1990/12/06 First Use In Commerce: 1991/03/01 Nutritional supplements for human consumption; nutraceuticals for the treatment of oxidative stress, decreased immunity, and inflammatory conditions; nutraceuticals for use as a dietary supplement; dietary supplements; nutritional supplements; nutritional additives for medical purposes for use in foods and dietary supplements for human consumption; nutritional additives for use in feed for animals for medical purposes; dietary supplements for animal consumption; food supplements; food supplements, namely, anti-oxidants; homeopathic supplements, namely, diluted doses from the plant, mineral and animal kingdoms for human consumption; drink mixes, namely, dietary drink mix for use as a meal replacement, powdered fruit-flavored dietary supplement drink mix, nutritional supplement in the nature of a nutrient-dense, protein-based drink mix

U.S. Application No.	85423883	Application Date	09/15/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUTREX		
Design Mark			
Description of Mark	The mark consists of twelve radial blades narrow centripetally to a point, the collection of points implying an orb or sun, with the word "NUTREX" adjacent to the twelve radial blades.		
Goods/Services	Class 005. First use: First Use: 2010/05/05 First Use In Commerce: 2010/05/05 Nutritional supplements for human consumption; nutraceuticals for the treatment of oxidative stress, decreased immunity, and inflammatory conditions; nutraceuticals for use as a dietary supplement; dietary supplements; nutritional supplements; nutritional additives for medical purposes for use in foods and dietary supplements for human consumption; nutritional additives for use in feed for animals for medical purposes; dietary supplements for animal consumption; food supplements; food supplements, namely, anti-oxidants; homeopathic supplements, namely, diluted doses from the plant, mineral and animal kingdoms for human consumption; drink mixes, namely, dietary drink mix for use as a meal replacement, powdered fruit-flavored dietary supplement drink mix, nutritional supplement in the nature of a nutrient-dense, protein-based drink mix		

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

Registration Date	NONE
Word Mark	NUTREX
Goods/Services	Nutritional supplements for human consumption; nutraceuticals for the treatment of oxidative stress, decreased immunity, and inflammatory conditions; nutraceuticals for use as a dietary supplement; dietary supplements; nutritional supplements; nutritional additives for medical purposes for use in foods and dietary supplements for human consumption; nutritional additives for use in feed for animals for medical purposes; dietary supplements for animal consumption; food supplements; food supplements, namely, anti-oxidants; homeopathic supplements, namely, diluted doses from the plant, mineral and animal kingdoms for human consumption; drink mixes, namely, dietary drink mix for use as a meal replacement, powdered fruit-flavored dietary supplement drink mix, nutritional supplement in the nature of a nutrient-dense, protein-based drink mix

Attachments	85423897#TMSN.png(bytes) 85423915#TMSN.png(bytes) 85423883#TMSN.png(bytes) Cyanotech PtnToCancel Nutrex Research marks.pdf(34256 bytes) Exh. 1. CxProc vs. NRI Affidavit of Gerald R. Cysewski.PDF(207637 bytes) Exh. 2. CxProc vs. NRI TwoRegCerts of NRI.pdf(216829 bytes) Exh. 3. CxProc vs. NRI Affidavit of Robert John Capelli 20Sept011.PDF(144459 bytes) Exh. A 2001 Nutrex ad Nw NHw.pdf(461704 bytes) Exh. B 2002 Nutrex ad Nw NHw.pdf(413844 bytes) Exh. C Invoices Mar2002 to May2011 Nw.NHw.Nd.12sun.PDF(380266 bytes) Exh. D Sales Sheet 2003 NHw.pdf(58671 bytes) Exh. E Sales Sheet 2006 NHw.pdf(199596 bytes)
-------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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	/George E. Darby/
Name	George E. Darby
Date	07/16/2015

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

Cyanotech Corporation
Serial Nos. 85423897, 85423915, and 85423883
and Common Law User

v.

Nutrex Research, Inc.
Registration Nos. 3870696 and
3870697

Petition to Cancel
Reg. Nos. 3870696 and 3870697

16 July 2015

**Cyanotech Corporation's Petition to Cancel
Reg. Nos. 3870696 and 3870697**

1. Petitioner Cyanotech Corporation (“Cyanotech”), a Nevada corporation, with business address of Ste. 102, 73-4460 Queen Kaahumanu Hwy, Kailua-Kona, Hawaii 96740, owner of pending application Ser. Nos. 85/423915 and 85/423883, is plaintiff in Concurrent Use Proceeding No. 94002616 (“the ‘616 CUP”) pending before the United States Patent and Trademark Office (“Office”) Trademark Trial and Appeal Board (“Board”). Nutrex Research, Inc. (owner of Reg. Nos. 3870696 and 3870697, for NUTREX RESEARCH, composite mark, in Classes 005 and 035, respectively) and Nutrex naamloze vennootschap (“Nutrex nv”) (owner of Reg. Nos. 3798632 and 3849395), are defendants in the ‘616 CUP. The ‘616 CUP is currently suspended for settlement negotiations, but neither defendant in the ‘616 CUP replied to Cyanotech’s repeated settlement proposals. Therefore, Cyanotech brings this Petition to Cancel Reg. Nos. 3870696 and 3870697, owned by Nutrex Research, Inc. (“NRI”), a Florida corporation, with business address of Suite 1001 5707 Dot Com Court, Oviedo, Florida 32765. Cyanotech has also filed a Petition to Cancel Reg. Nos. 3798632 and 3849395, owned by Nutrex nv.

2. This petition is filed within five (5) years of the date of registration of Reg. Nos. 3870696 and 3870697 (“NRI’s marks”).

3. Cyanotech has used the common law word mark, NUTREX, nationwide since 1991, in the production, distribution, marketing, and sales of nutritional supplements (International Classes 005 and 035). See Exhibit 1, Affidavit of Gerald R. Cysewski, submitted herewith. Nutrex-Hawaii, Inc. (fka Nutrex, Inc.), is a wholly owned subsidiary of Cyanotech. Cyanotech is the prior user of the mark NUTREX ... alone, in composite marks, and as NUTREX HAWAII.

4. Reg. Nos. 3870696 and 3870697, attached as Exhibit 2, registered in 2010, with first uses claimed in 2002, were cited as bases for refusal of registration of (i) Cyanotech's word mark, NUTREX, in application Ser. No. 85/423897, (ii) Cyanotech's word mark, NUTREX HAWAII, in application Ser. No. 85/423915; and (iii) Cyanotech's composite mark, NUTREX with design, in application Ser. No. 85/423883 (collectively, "Cyanotech's Applications" as to Ser. Nos. 85/423897, 85/423915, and 85/423883; and "Cyanotech's marks" as to the recited word marks and the composite marks of Cyanotech containing the literal element "NUTREX").

5. Cyanotech believes that it is or will be damaged by Reg. Nos. 3870696 and 3870697. In view of the Office's refusal of Cyanotech's Applications in view of Reg. Nos. 3870696 and 3870697, and the averments in the following paragraphs, Cyanotech has a real interest in the proceeding, and thereby has standing to petition to cancel. TBMP 309.03(b).

6. Cyanotech's further real interest in the proceeding, and Cyanotech's reasonable belief of damage by continued registration of Reg. Nos. 3798632 and 3849395, are found in the following averments.

7. NRI's marks so resemble Cyanotech's marks previously used nationwide in the United States since 1991 by Cyanotech and its wholly owned subsidiary, Nutrex-Hawaii, and not abandoned, as to be likely, when used on or in connection with the goods or services of NRI, to cause confusion, or to cause mistake, or to deceive under Trademark Act § 2(d), 15 U.S.C. § 1052(d). Cyanotech will adduce substantial evidence of *actual* confusion of Cyanotech's marks with NRI's marks in the relevant universe of consumers of NRI's goods and services.

8. NRI is not (and was not, at the time of filing of its application for registration) the rightful owner of NRI's registered marks. *Treadwell's Drifters Inc. v. Marshak*, 18 USPQ2d 1318, 1320 (TTAB 1990).

9. NRI committed fraud in the procurement of its registration or during the prosecution of its application for registration. *Grand Canyon West Ranch LLC v. Hualapai Tribe*, 88 USPQ2d 1501, 1509 (TTAB 2008); *Standard Knitting Ltd. v. Toyota Jidosha Kabushiki Kaisha*, 77 USPQ2d 1917 (TTAB 2006). See attached Exhibit 3, Affidavit of Robert John Capelli, reciting with particularity facts showing NRI's actual knowledge of Cyanotech's marks in connection with the production, distribution, marketing, and sales of nutritional supplements for approximately eight (8) years before NRI filed NRI's first application for NRI's marks.

10. Cyanotech petitions to cancel Reg. Nos. 3870696 and 3870697 in whole under 37 CFR § 2.111(b).

16 July 2015

/George E. Darby/
George E. Darby
Reg. No. 44,053
Darby Law Corporation
Counsel for Plaintiff
CYANOTECH
CORPORATION

Certificate of Service

I hereby certify that true and complete DVDROM copies of the Cyanotech's Petition to Cancel Reg. Nos. 3870696 and 3870697 were served on the Defendant listed below via (i) USPS Priority Mail and (ii) email.

Nutrex Research , Inc
c/o Allen, Dyer, et al.
Attn: Ava K. Doppelt
adoppelt@addmg.com
Suite 1401
255 South Orange Ave.
Orlando Florida 32801
Counsel for Nutrex Research, Inc.

16 July 2015

/ George E. Darby /
George E. Darby
Reg. No. 44,053
Darby Law Corporation
Counsel for Plaintiff
Cyanotech Corporation

**UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

In re Application of)	Trademark Law Office: <i>not assigned</i>
)	
Cyanotech Corporation)	Examining Atty: <i>not assigned</i>
)	
Serial No.: <i>Filed with application</i>)	App. Filing Date: 12 Sept. 2011
)	
Marks: NUTREX word mark)	
NUTREX HAWAII word mark)	
_____)	Atty Dkt: NUTREX.w and NUTREXHI.w

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

AFFIDAVIT OF GERALD R. CYSEWSKI

I, Gerald R. Cysewski, declare as follows:

1. I am Chief Science Officer and Executive Vice President of Cyanotech Corporation, a Nevada corporation headquartered in Kailua-Kona, Hawaii. I am authorized to make the following statements on behalf of Applicant, Cyanotech Corporation. These statements are based on my personal knowledge unless otherwise stated.

2. It is my belief that the NUTREX word mark and the NUTREX HAWAII word mark have become distinctive of the goods and services through Applicant's substantially exclusive and continuous use in commerce since 2001, in all 50 states, in Puerto Rico and Guam, and internationally, including the five years immediately before the date of this statement.

3. Applicant's substantially exclusive and continuous use in commerce of the NUTREX HAWAII word mark since 2001 is evidenced by, *inter alia*, Exhibits A to H attached to this affidavit. Such use in commerce has been for the goods and services described in the Application.

4. Based on my review of corporate records, the first use of the NUTREX HAWAII mark by Applicant was in December, 1990. Applicant incorporated a wholly owned subsidiary, Nutrex, Inc., in Hawaii, on December 6, 1990; Nutrex, Inc., changed its name to Nutrex Hawaii,

Inc., on March 22, 2001.

5. Exhibit A is a true and accurate copy of a magazine ad showing the NUTREX word mark and the NUTREX HAWAII word mark as used in commerce during 2001 in substantially all States of the United States and provinces of Canada by Applicant and dated “Expires 12/31/2001”.

7. Exhibit B is a true and accurate copy of a magazine ad showing the NUTREX word mark and the NUTREX HAWAII word mark as used in commerce during 2002 in substantially all States of the United States and provinces of Canada by Applicant and dated “Expires 12/31/2002”.

8. Exhibit C is a true and accurate copy of invoices for each year between 2002 and 2011, dated 03/12/2002, 05/28/2003, 04/29/2004, 03/11/2005, 03/17/2006, 11/09/2007, 01/29/2008, 12/29/2009, 10/11/2010, 05/04/2011, each of which invoices show the NUTREX word mark and the NUTREX HAWAII word mark. The design mark shown in the pages of Exhibit C shows a “12-bladed sun” graphic element adjacent to the word NUTREX; this is a result of the design mark being a “linked object” in Applicant’s invoicing software. The design mark using before 05/05/2010 featured an hibiscus flower adjacent to the word NUTREX word mark instead of the current “12-bladed sun” graphic adjacent to the word NUTREX. Invoices printed prior to 05/05/2010 would have shown the previous “hibiscus” graphic adjacent to the NUTREX word mark. The former “hibiscus” graphic adjacent to the NUTREX word mark is shown in the specimen for the NUTREX word mark filed herewith.

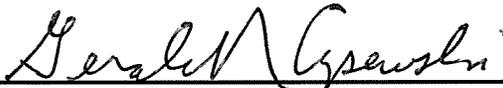
9. Exhibit D is a true and accurate copy of a distributor channel sales sheet showing the NUTREX HAWAII word mark and dated January 1, 2003.

10. Exhibit E is a true and accurate copy of a distributor channel sales sheet showing the NUTREX HAWAII word mark and dated January 1, 2006.

11. The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that he is properly authorized to execute this document on behalf of the Applicant; and all statements made of his own knowledge are true and that all

statements made on information and belief are believed to be true.

Executed at Kailua-Kona)
)
State of Hawaii)
)
City and County of Hawaii)


GERALD R. CYSEWSKI

Before me personally appeared GERALD R. CYSEWSKI, who acknowledged the foregoing instrument to be a free act and deed and also represented that he is the Chief Science Officer and Executive Vice President of Cyanotech Corporation, and is authorized to execute this instrument this 9th day September in the year 2011.


(Notary Public)
My Commission expires:



United States of America
United States Patent and Trademark Office



Reg. No. 3,870,696

NUTREX RESEARCH, INC. (FLORIDA CORPORATION)
SUITE 1001

Registered Nov. 2, 2010

5707 DOT COM COURT
OVIDO, FL 32765

Int. Cl.: 5

FOR: DIETARY SUPPLEMENTS FOR ENHANCING ENERGY, ATHLETIC PERFORMANCE,
PHYSICAL PROWESS AND LIBIDO, DEVELOPING MUSCLE MASS, AND WEIGHT LOSS
, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 0-0-2002; IN COMMERCE 0-0-2002.

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

THE MARK CONSISTS OF THE WORD "NUTREX" ABOVE THE WORD "RESEARCH",
BOTH IN STYLIZED FONT.

SER. NO. 85-036,432, FILED 5-12-2010.

JESSICA A. POWERS, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

Nutrex
RESEARCH

Reg. No. 3,870,697

Registered Nov. 2, 2010

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

NUTREX RESEARCH, INC. (FLORIDA CORPORATION)
SUITE 1001
5707 DOT COM COURT
OVIEDO, FL 32765

FOR: ONLINE RETAIL STORE SERVICES FEATURING DIETARY SUPPLEMENTS FOR ENHANCING ENERGY, ATHLETIC PERFORMANCE, PHYSICAL PROWESS AND LIBIDO, DEVELOPING MUSCLE MASS, AND WEIGHT LOSS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-2002; IN COMMERCE 0-0-2002.

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

THE MARK CONSISTS OF THE WORD "NUTREX" ABOVE THE WORD "RESEARCH", BOTH IN STYLIZED FONT.

SER. NO. 85-036,451, FILED 5-12-2010.

JESSICA A. POWERS, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

**UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

In re Application of)	Trademark Law Office: <i>not assigned</i>
)	
Cyanotech Corporation)	Examining Atty: <i>not assigned</i>
)	
Serial No.: 85/423897)	App. Filing Date: ¹⁵ / _{xx} Sept. 2011
Serial No.: <i>Filed with application</i>)	
)	
Marks: NUTREX word mark)	
NUTREX HAWAII word mark)	
_____)	Atty Dkt: NUTREX.w and NUTREXHI.w

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

~~XXXX~~ **AFFIDAVIT OF ROBERT JOHN CAPELLI**

I, Robert John Capelli, declare as follows:

1. I am Vice President Sales and Marketing of Cyanotech Corporation, a Nevada corporation headquartered in Kailua-Kona, Hawaii. I am authorized to make the following statements on behalf of Applicant, Cyanotech Corporation. These statements are based on my personal knowledge unless otherwise stated.
2. It is my belief that the NUTREX word mark and the NUTREX HAWAII word mark have become distinctive of the goods and services through Applicant's substantially exclusive and continuous use in commerce since 1990, in all 50 states, in Puerto Rico and Guam, and internationally, including the five years immediately before the date of this statement.
3. Nutrex Research, Inc., is the owner of record of the NUTREX RESEARCH design mark (U.S. Regs. 3870696 and 3870697) in Classes 005 and 035. I have been professionally active in the field of marketing nutritional supplements since 1991. I have personally known the President of Nutrex Research, Inc., Jeff MacCarrell, since approximately 1999, before he founded Nutrex Research, Inc., in 2002. In approximately November 2002 shortly after I joined Applicant and shortly after Nutrex Research, Inc., was founded, on behalf of Applicant Cyanotech Corporation, I

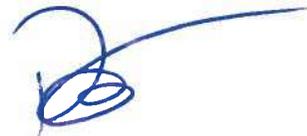
called the President of Nutrex Research Inc.,. Jeff McCarrel, to confirm his awareness of Applicant's well-known use of the marks NUTREX and NUTREX HAWAII in the field of nutritional supplements. In that conversation with the owner of Nutrex Research, Inc., I requested that Nutrex Research, Inc., stop using the mark NUTREX RESEARCH for nutritional supplements in Class 005. The owner of Nutrex Research, Inc., refused to stop use of the NUTREX RESEARCH mark, and on May 12, 2010, filed federal trademark applications for the mark in Classes 005 and 035.

4. The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that he is properly authorized to execute this document on behalf of the Applicant; and all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

Executed at Kailua-Kona

State of Hawaii

City and County of Hawaii



ROBERT JOHN CAPELLI

~~Draft~~ Affidavit of Robert ___ Capelli
Atty Docket: Nutrex.w, NutrexHI.w
Page 3

Mark: NUTREX (word)
NUTREX HAWAII (word)

Before me personally appeared ROBERT JOHN CAPELLI, who acknowledged the foregoing instrument to be a free act and deed and also represented that he is the Vice President Sales and Marketing of Cyanotech Corporation, and is authorized to execute this instrument this 20th day of September in the year 2011.


Jeane Vinson, Notary Public
My Commission expires:

Signed and Sworn To Me On This
20 Day of Sept, 2011
State of Hawaii County of Hawaii
Third Circuit Court Hilo Hawaii
Notary Public #98583 SEAL:

Jeane Vinson
My commission expires 20Nov2014

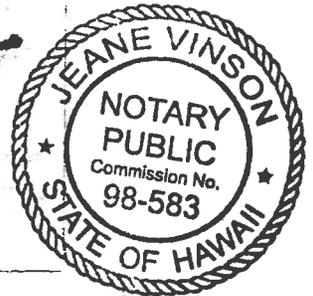


EXHIBIT A

You glow girl!

You look and feel best when you eat well.

Let Organic Spirulina Pacifica from Hawaii nourish your body for a beautiful glow. Nature's richest source of antioxidants and vitamins will boost your energy levels and give you radiant health.

1-800-453-1187
www.nutrex-hawaii.com

Expires 12/31/2001 | Manufacturer's Coupon

SAVE \$2.00

on any Nutrex Hawaii product

**Spirulina Pacifica Tabs, Powder,
Flakes and Hawaiian Energizer**



Retailer: Nutrex will reimburse you the face value of this coupon plus 8¢ handling, provided you and your customer have complied with the terms of this offer. Any other use constitutes fraud. Consumer must pay all applicable taxes. Coupons not properly redeemed will be voided. NO DOUBLING and no reproductions will be accepted. Cash value 1/100¢. Limit one coupon per purchase.

Send coupons to: Universal Marketing, 91 Rylander Blvd. Unit 7-262, Scarborough, ON M1B 5M5



You glow girl!



You look and feel best when you eat well. Let **Organic Spirulina Pacifica** from Hawaii nourish your body for a beautiful glow. Nature's richest source of antioxidants and vitamins will boost your energy levels and give you radiant health.



Expires 12/31/2002 Manufacturer's Coupon

SAVE \$2.00

on any Nutrex Hawaii product
Spirulina Pacifica Tabs, Powder,
Flakes and Hawaiian Energizer

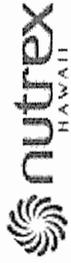


Retailer: Nutrex will reimburse you the face value of this coupon plus 8¢ handling, provided you and your customer have complied with the terms of this offer. Any other use constitutes fraud. Consumer must pay all applicable taxes. Coupons not properly redeemed will be voided. NO DOUBLING and no reproductions will be accepted. Cash value: 1/100¢. Limit one coupon per purchase.

Send coupons to: NUTX/Universal, P.O. Box 222510, Hollywood, FL 33022-2510

Available at Whole Foods, Wild Oats and in natural food stores.

1-800-453-1187
www.nutrex-hawaii.com



Nutrex Hawaii, Inc.
 73-4460 Queen Kaahumanu Hwy
 Suite 102
 Kailua-Kona, HI 96740
 Phone No. (800) 453-1187
 Fax No. (808) 329-4533

INVOICE

Invoice Number: 103452
 Invoice Date: 03/12/02

Page: 1

Bill Costco Wholesale (Waipio)
 To: 94-1331 Ka Uka Boulevard
 (808) 678-6115
 Waipahu, HI 96797

Ship Costco Wholesale (Waipio)
 To: 94-1331 Ka Uka Boulevard
 (808) 678-6115
 Waipahu, HI 96797

Tel: 425 313 8100
 Fax:

Tel: 425 313 8100
 Fax:

Ship Via
 Ship Date 04/10/02
 Due Date 04/11/02

Customer ID 100404
 P.O. Number 017563
 P.O. Date 04/10/02

Terms NET 30

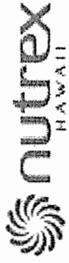
Our Order No.
 SalesPerson Hawaii Sales

Item	Description	Unit	Order Qty	Quantity	Unit Price	Total Price
	Accounts Receivable-Trade	Each	1	1	642.60	642.60

Subtotal: 642.60
 Invoice Discount: 0.00
 Tax: 0.00

Total: 642.60

CURRENCY IN U.S. DOLLARS



INVOICE

Nutrex Hawaii, Inc.
73-4460 Queen Kaahumanu Hwy
Suite 102
Kailua-Kona, HI 96740
Phone No. (800) 453-1187
Fax No. (808) 329-4533

Invoice Number: 106136
Invoice Date: 05/28/03

Page: 1

Bill Advantageline/Weborders 0523
To: Agnes Prehn
See detail from OrderPro

Ship Advantageline/Weborders 0523
To: Agnes Prehn
See detail from OrderPro

Tel: 808 331 4117
Fax: 808 329 3597

Tel: 808 331 4117
Fax: 808 329 3597

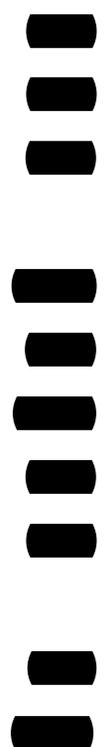
Ship Via Free On Board - Kona, HI
Ship Date 05/27/03
Due Date 05/28/03

Customer ID 100636
P.O. Number
P.O. Date 05/23/03

Our Order No. NSO-302571
SalesPerson Agnes Prehn

Terms MASTERCARD

Item	Description	Unit	Order Qty	Quantity	Unit Price	Total Price
OLD140	TABLET-400X500MG ORGANIC SP	Each	4	4	17.85	71.40
140002	POWDER-16OZ ORGANIC SPIRULINA	Each	2	2	29.32	58.64
OLD140	GELCAP-BIOASTIN 60X4MG	Each	2	2	12.50	25.00
OLD140	GELCAP-BIOASTIN 60X4MG	Each	6	6		
OLD140	GELCAP-BIOASTIN 60X4MG	Each	15	15	24.95	374.25
140018	GELCAP-BIOASTIN XP-60X4MG 500MG	Each	2	2	24.95	49.90
140000	POWDER-5OZ ORGANIC SPIRULINA	Each	16	16	10.52	168.32
140012	TABLET-200X500MG ORGANIC SP	Each	2	2	11.72	23.44
140011	TABLET-100X500MG ORGANIC	Each	3	3	11.79	35.37
140011	TABLET-100X500MG ORGANIC	Each	3	3		
140012	TABLET-200X500MG ORGANIC SP	Each	1	1	19.99	19.99
Transferred to page 2.....						826.31





Nutrex Hawaii, Inc.
 73-4460 Queen Kaahumanu Hwy
 Suite 102
 Kailua-Kona, HI 96740
 Phone No. (800) 453-1187
 Fax No. (808) 329-4533

INVOICE

Invoice Number: 108119
 Invoice Date: 04/29/04
 Page: 1

Bill VOID INVOICE

To: Howard Chiu
 4/F Bangkok Bank Bldg.
 490-492 Nathan Road
 Kowloon, Hong Kong, PH 384-8000

Ship VOID INVOICE

To: Howard Chiu
 4/F Bangkok Bank Bldg.
 490-492 Nathan Road
 Kowloon, Hong Kong, PH 384-8000

Tel:
 Fax:

Ship Via Free On Board - Kona, HI
 Ship Date 04/28/04
 Due Date 05/29/04
 Terms NET 30

Tel:
 Fax:

Customer ID 100196
 P.O. Number 040604ND
 P.O. Date 04/06/04
 Our Order No. NSO-304486
 SalesPerson Agnes Prehn - International P

Item	Description	Unit
140018	GELCAP-BIOASTIN XP-60X4MG 500MG	Each
700001	Freight Charges	Each

Order Qty	Quantity	Unit Price	Total Price
30	30	3.00	90.00
1	1	80.00	80.00

Subtotal: 170.00
 Invoice Discount: 0.00
 Tax: 0.00

Total: 170.00

CURRENCY IN U.S. DOLLARS



INVOICE

Nutrex Hawaii, Inc.
73-4460 Queen Kaahumanu Hwy
Suite 102
Kailua-Kona, HI 96740
Phone No. (800) 453-1187
Fax No. (808) 329-4533

Invoice Number: 109795
Invoice Date: 03/11/05

Page: 1

Bill To: DTE - Honolulu
Mary, Keoki
Phone: (808) 947-7678
2525 S. King St.
Honolulu, HI 96826

Ship To: DTE - Honolulu
Mary, Keoki
Phone: (808) 947-7678
2525 S. King St.
Honolulu, HI 96826

Tel: 808-947-7678
Fax: 808-484-5896

Tel: 808-947-7678
Fax: 808-484-5896

Ship Via: Free On Board - Kona, HI
Ship Date: 03/10/05
Due Date: 04/25/05

Customer ID: 100415
P.O. Number
P.O. Date: 03/10/05
Our Order No. NSO-306303
SalesPerson: Hawaii Sales

Terms: NET 45

Item	Description	Unit	Order Qty	Quantity	Unit Price	Total Price
OLD140	TABLET-400X500MG ORGANIC SP	Each	24	24	14.055	337.32

Price includes a 25% discount

Subtotal: 337.32
Invoice Discount: 0.00
Tax: 0.00

Total: 337.32

CURRENCY IN U.S. DOLLARS



Nutrex Hawaii, Inc.
 73-4460 Queen Kaahumanu Hwy
 Suite 102
 Kailua-Kona, HI 96740
 Phone No. (800) 453-1187
 Fax No. (808) 329-4533

INVOICE

Invoice Number: 111781
 Invoice Date: 03/17/06

Page: 1

Bill To: Altura Distribution
 Javier Scalini
 16692 Burke Lane
 Huntington Beach, CA 92647

Ship To: Altura Distribution
 Javier Scalini
 16692 Burke Lane
 Huntington Beach, CA 92647

Tel: 714-698-0567
 Fax: 714-843-0448

Tel: 714-698-0567
 Fax: 714-843-0448

Ship Via Free On Board - Ontario, CA
 Ship Date 03/16/06
 Due Date 03/17/06

Customer ID 101162
 P.O. Number PO#8997
 P.O. Date 03/14/06
 Our Order No. NSO-308150
 SalesPerson Nutrex US

Terms VISA

Item	Description	Unit	Order Qty	Quantity	Unit Price	Total Price
OLD140	TABLET-400X500MG NATURAL SP	Each	240	240	13.49	3,237.60

Paid in full by Amex 3/14/06

Subtotal: 3,237.60
 Invoice Discount: 0.00
 Tax: 0.00

Total: 3,237.60

CURRENCY IN U.S. DOLLARS



Nutrex Hawaii, Inc.
 73-4460 Queen Kaahumanu Hwy
 Suite 102
 Kailua-Kona, HI 96740
 Phone No. (800) 453-1187
 Fax No. (808) 329-4533

INVOICE

Invoice Number: 115217
 Invoice Date: 11/09/07
 Page: 1

Bill To: Costco Wholesale (Waipio)
 Vendor #34114-00
 P.O. Box 34622
 Seattle, WA 98124

Ship To: Costco Wholesale (Waipio)
 94-1231 Ka Uka Boulevard
 (808) 678-6155
 Waipahu, HI 96797

Tel: 425 313 8100
 Fax:

Tel: 808 678 6115
 Fax:

Ship Via Free On Board - Kona, HI
 Ship Date 11/08/07
 Due Date 12/09/07
 Terms NET 30

Customer ID 100404
 P.O. Number 004851105322
 P.O. Date 11/06/07
 Our Order No. NSO-311412
 SalesPerson Hawaii Sales

Item	Description	Unit	Order Qty	Quantity	Unit Price	Total Price
OLD140	GELCAP-BIOASTIN 60X4MG	Bottle	60	60	11.99	719.40

Subtotal: 719.40
 Invoice Discount: 0.00
 Tax: 0.00

Total: 719.40

CURRENCY IN U.S. DOLLARS



Nutrex Hawaii, Inc.
 73-4460 Queen Kaahumanu Hwy
 Suite 102
 Kailua-Kona, HI 96740
 Phone No. (800) 453-1187
 Fax No. (808) 329-4533

INVOICE

Invoice Number: 115869
 Invoice Date: 01/29/08
 Page: 1

Bill Nutrition World
 To: Joanne Augusto
 2501 S. US 1
 Fort Pierce, FL 34982

Ship Nutrition World
 To: Joanne Augusto
 2501 S. US 1
 Fort Pierce, FL 34982

Tel: 772-464-3598
 Fax:

Tel: 772-464-3598
 Fax:

Ship Via Free On Board - Ontario, CA
 Ship Date 01/28/08
 Due Date 02/08/08

Customer ID 103417
 P.O. Number
 P.O. Date 01/18/08
 Our Order No. NSO-312043
 SalesPerson Nutrex US

Terms PRE-PAY

Item	Description	Unit	Order Qty	Quantity	Unit Price	Total Price
150000	GELCAP-CARDIOASTIN 60X4MG MD FO Bottle	Bottle	6	6	17.99167	107.95
OLD150	GELCAP-JOINTASTIN 120X3MG MD FO Bottle	Bottle	6	6	17.99167	107.95
150002	GELCAP-DERMAASTIN 60X4MG MD FO Bottle	Bottle	6	6	17.99167	107.95
150003	GELCAP-BIOASTIN SUPREME 60X6MG Bottle	Bottle	6	6	13.49167	80.95
500023	ASTAXANTHIN BOOK	Each	12	12		
500001	SPIRULINA BOOK REPLACES ITEM#802 Each	Each	12	12		

please include 25 md tri-folds and inserts

1/18/08 PAID IN FULL BY CC

Subtotal: 404.80
 Invoice Discount: 0.00
 Tax: 0.00

Total: 404.80

CURRENCY IN U.S. DOLLARS



Nutrex Hawaii, Inc.
 73-4460 Queen Kaahumanu Hwy
 Suite 102
 Kailua-Kona, HI 96740
 Phone No. (800) 453-1187
 Fax No. (808) 329-4533

INVOICE

Invoice Number: 121762
 Invoice Date: 12/21/09

Page: 1

Bill Lizzie's Herb Shop
 To: 500 Pineview Rd. Suite # 115
 Kernersville, NC 27284

Ship Lizzie's Herb Shop
 To: 500 Pineview Rd. Suite # 115
 Kernersville, NC 27284

Tel: 336-996-4030
 Fax:

Tel: 336-996-4030
 Fax:

Ship Via Free On Board - Ontario, CA
 Ship Date 12/21/09
 Due Date 12/21/09

Customer ID 103463
 P.O. Number
 P.O. Date 12/18/09
 Our Order No. NSO-317839
 SalesPerson Nutrex US

Terms PRE-PAY

Item	Description	Unit	Order Qty	Quantity	Unit Price	Total Price
OLD150	VEGGIE CAP-JOINTASTIN 120X3MG MD Bottle	Bottle	10	10	19.192	191.92
150003	VEGGIE-BIOASTIN SUPREME 60X6MG	Bottle	8	8	14.3925	115.14
140010	TABLET-200X500MG NATURAL SP	Each	6	6	9.59167	57.55
OLD140	TABLET-400X500MG NATURAL SP	Each	3	3	15.83333	47.50

Paid in Full & Faxed to SD_SK

Subtotal: 412.11
 Invoice Discount: 0.00
 Tax: 0.00

Total: 412.11

CURRENCY IN U.S. DOLLARS



Nutrex Hawaii, Inc.
 73-4460 Queen Kaahumanu Hwy
 Suite 102
 Kailua-Kona, HI 96740
 Phone No. (800) 453-1187
 Fax No. (808) 329-4533

INVOICE

Invoice Number: 124436
 Invoice Date: 10/11/10
 Page: 1

Bill Amazon.com
 To: Accounts Payable
 Inventory
 PO Box 80987
 Seattle, WA 98108
 U.S.A.

Ship Amazon.com
 To: 1600 East Newlands Dr.
 Fernley, NV 89408
 U.S.A.

Tel:
 Fax:

Tel:
 Fax:

Ship Via Free On Board - Ontario, CA
 Ship Date 10/11/10
 Due Date 12/10/10
 Terms 2%10, Net 60

Customer ID 103742
 P.O. Number P6319912
 P.O. Date 10/11/10
 Our Order No. NSO-320547
 SalesPerson Mainland Etailers

Item	Description	Unit	Order Qty	Quantity	Unit Price	Total Price
140027	GELCAP-BIOASTIN 120X4MG	Bottle	12	12	23.99	287.88

Subtotal: 287.88
 Invoice Discount: 0.00
 Tax: 0.00
 Total: 287.88

CURRENCY IN U.S. DOLLARS



INVOICE

Nutrex Hawaii, Inc.
73-4460 Queen Kaahumanu Hwy
Suite 102
Kailua-Kona, HI 96740
Phone No. (800) 453-1187
Fax No. (808) 329-4533

Invoice Number: 126888
Invoice Date: 05/04/11

Page: 1

Bill To: IHerb, Inc. - Moreno Valley
Brett Philipson
17825 Indian Street
Moreno Valley, CA 92551
U.S.A.

Ship To: IHerb, Inc. - Moreno Valley
Brett Philipson
17825 Indian Street
Moreno Valley, CA 92551
U.S.A.

Tel: 951-616-3600
Fax: 626-338-1326

Tel: 951-616-3600
Fax: 626-338-1326

Ship Via Free On Board - Ontario, CA
Ship Date 05/04/11
Due Date 06/03/11

Customer ID 103787
P.O. Number 149271
P.O. Date 05/02/11
Our Order No. NSO-323022
SalesPerson Mainland

Terms NET 30

Item	Description	Unit	Order Qty	Quantity	Unit Price	Total Price
140015	TABLET-400X500MG NATURAL SP	Each	288	288	12.61399	3,632.83
140027	GELCAP-BIOASTIN 120X4MG	Bottle	360	360	15.2915	5,504.94

Subtotal: 9,137.77
Invoice Discount: 0.00
Tax: 0.00

Total: 9,137.77

CURRENCY IN U.S. DOLLARS

Nutrex Hawaii

Organic Hawaiian Spirulina

BioAstin - Astaxanthin



Nutrex Hawaii Inc.
73-4460 Queen Kaahumanu Hwy #102
Kailua-Kona, HI 96740
Tel: (800) 453-1187
Fax: (800) 329-4533

	UPC Code	Item #'s		Wholesale	Sugg. Retail	Case Weight	Case Dimensions	Cs Cu
Spirulina Powder								
5 oz.	7 32894 01023 9	140000			\$17.99	10.5	8.5 x 11.25 x 5.75	0.33
16 oz.	7 32894 01026 0	140002			\$49.99	25.5	14 x 18 x 8.5	1.24
5 lbs.	7 32894 01028 4	140004			\$219.99	17.0	10.5 x 10.5 x 11.5	0.73
Spirulina Crystal Flakes								
7 oz.	7 32894 04001 4	140008			\$24.99	17.5	14 x 18 x 8.5	1.24
5 lbs.	7 32894 05800 2	140009			\$249.99	19.0	14.5 x 14.5 x 15	1.83
Cold Pressed 500 mg. Tablets								
100 tabs.	7 32894 01001 7	140011			\$11.99	5.3	7 x 9.5 x 4.5	0.17
200 tabs.	7 32894 01002 4	140012			\$19.99	7.2	8 x 10 x 5	0.23
400 tabs.	7 32894 01004 8	140013			\$29.99	13	18.5 X 11 X 5.5	0.33
BioAstin	7 32894 03508 9	140017			\$24.99	2.5	9 x7 x 4	0.09

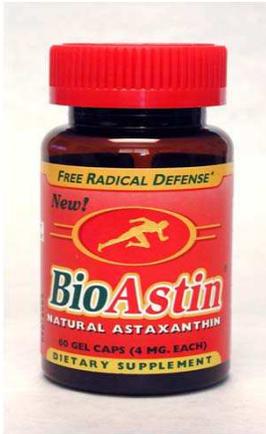
Effective date January 1, 2003

Suggested retail 40% margin on all products except 1 lb and 5 lb sizes, 33%

Regular case sizes 12 each; 5lb powder 3 each

Potency 3 years from date of manufacture.

Spirulina Pacifica is certified organically grown and processed in accordance with the California Organic Food Law of 1990.



Nutrex Hawaii

All Natural Hawaiian Spirulina

BioAstin - Astaxanthin



Nutrex Hawaii Inc.
73-4460 Queen Kaahumanu Hwy #102
Kailua-Kona, HI 96740
Tel: (800) 453-1187 Fax: (800) 329-4533

	UPC Code	Item #'s		Wholesale	Sugg. Retail	Case Weight	Case Dimensions	Cs Cu
Spirulina Powder								
5 oz.	7 32894 01023 9	140001			\$17.99	10.5	8.5 x 11.25 x 5.75	0.33
16 oz.	7 32894 01026 0	140003			\$49.99	25.5	14 x 18 x 8.5	1.24
5 lbs.	7 32894 01028 4	140005			\$219.99	17.0	10.5 x 10.5 x 11.5	0.73
Spirulina Crystal Flakes								
7 oz.	7 32894 04001 4	140008			\$24.99	17.5	14 x 18 x 8.5	1.24
5 lbs.	7 32894 05800 2	140009			\$249.99	19.0	14.5 x 14.5 x 15	1.83
Cold Pressed 500 mg. Tablets								
100 tabs.	7 32894 01001 7	140006			\$11.99	5.3	7 x 9.5 x 4.5	0.17
200 tabs.	7 32894 01002 4	140010			\$19.99	7.2	8 x 10 x 5	0.23
400 tabs.	7 32894 01004 8	140015			\$29.99	13	18.5 X 11 X 5.5	0.33
BioAstin	7 32894 03508 9	140017			\$24.99	2.5	9 x7 x 4	0.09

Effective date January 1, 2006

Suggested retail 40% margin on all products except 1 lb and 5 lb sizes, 33%

Regular case sizes 12 each; 5lb powder 3 each

Potency 3 years from date of manufacture.

Spirulina Pacifica is certified Kosher and pesticide and herbicide free.