

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

DR. MATTHIAS RATH,)	Opposition No: 91159918
Opposer,)	Serial No. 76/464423
)	Mark: VITACORP
)	INTERNATIONAL
v.)	Int'l Class: 5 Dietary Supplements
)	Filing Date: October 31, 2002
VITACORP INTERNATIONAL, INC.,)	Published: February 24, 2004
Applicant.)	Trademark Law Office No.: 105
)	Examining Attorney: Frederick Mandir

BOX TTAB NO FEE
 Assistant Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, VA 22202-3513

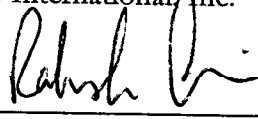
ABANDONMENT OF TRADEMARK APPLICATION

Dear Sir or Madam:

Applicant, Vitacorp International, Inc. (hereinafter referred to as "Applicant") by and through its attorneys Amin Law, LLC, and pursuant to 37 C.F.R. §2.68 hereby expressly abandons the above-identified application despite the fact that likelihood of confusion between the respective marks and products at issue will never occur. Likelihood of confusion will not occur due to many reasons including but not limited to: 1) the marks are significantly different in appearance, spelling, pronunciation, suggestive meanings and connotations, trade dress, labeling, packaging and channels of commerce; 2) the Vitacorp International mark was adopted and has been continuously used in good faith without any intent to deceive or confuse and which has resulted in no instances of actual confusion; and 3) the Opposer's, Dr. Matthias Rath's (hereinafter referred to as "Opposer") alleged marks are weak in scope of protection due to limited use of the VitaCor mark and extensive third-party usage of substantially similar marks. Applicant reserves any and all other rights, remedies and defenses it has in connection with the Vitacorp International mark.

October 13, 2004

Vitacorp International, Inc.

By: 

Rakesh M. Amin
 Attorney for Applicant
 Amin Law, LLC
 217 North Jefferson Street
 Suite 500
 Chicago, Illinois 60661
 Telephone: (312) 327-3382
 Facsimile: (312) 466-0808



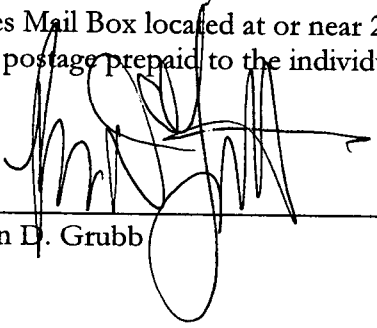
10-14-2004

CERTIFICATE OF EXPRESS MAILING - 37 C.F.R. 1.10

Express Mail Mailing Label Number: ED 162188272 US

Date of Deposit: OCTOBER 13, 2004

I hereby certify that I caused the enclosed "Abandonment of Trademark Application" to be deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202. I further certify that I caused the aforementioned document to be placed in the United States Mail Box located at or near 217 North Jefferson Street, Chicago, Illinois 60661 proper First Class postage prepaid to the individual listed below.



Brian D. Grubb

Mr. Roy S. Gordet, Esq.
Attorney for Opposer
98 Battery Street
Suite 601
San Francisco, CA 94111