

ESTTA Tracking number: **ESTTA185981**

Filing date: **01/11/2008**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

|                                       |   |
|---------------------------------------|---|
| Name                                  | BBK Tobacco & Foods, Inc.   |
| Granted to Date of previous extension | 01/16/2008  |
| Address                               | 3315 W. Buckeye Rd., Ste. 4<br>Phoenix, AZ 85009<br>UNITED STATES |

|                            |   |
|----------------------------|---|
| Correspondence information | BBK Tobacco & Foods, Inc.<br>Attn: Legal Department<br>3315 W. Buckeye Rd., Ste. 4<br>Phoenix, AZ 85009<br>UNITED STATES<br>marks@hbiinternational.com Phone:602-955-6688 |
|----------------------------|---|

**Applicant Information**

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 77132844  | Publication date       | 09/18/2007 |
| Opposition Filing Date | 01/11/2008  | Opposition Period Ends | 01/16/2008 |
| Applicant              | American Weigh Scales, Inc.<br>1836 Ashley River Rd. Suite 320<br>Charleston, SC 29407<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**

|  |
|--|
| Class 009. First Use: 2007/03/01 First Use In Commerce: 2007/03/01<br>All goods and services in the class are opposed, namely: Scales; Weighing equipment, namely, scales and balances |
|--|

**Grounds for Opposition**

|                                      |                            |
|--------------------------------------|----------------------------|
| Deceptiveness                        | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |

**Marks Cited by Opposer as Basis for Opposition**

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 2557357    | Application Date      | 05/05/2000 |
| Registration Date     | 04/02/2002 | Foreign Priority Date | NONE       |
| Word Mark             | IBALANCE   |                       |            |
| Design Mark           |            |                       |            |

|                     |  |
|---------------------|--|
| Description of Mark | NONE   |
| Goods/Services      | Class 009. First use: First Use: 2001/01/15 First Use In Commerce: 2001/01/15 scales namely, scales for weighing gunpowder |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3142258   | Application Date      | 11/16/2005 |
| Registration Date     | 09/12/2006  | Foreign Priority Date | NONE       |
| Word Mark             | NUTRISCALE  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 009. First use: First Use: 2002/06/09 First Use In Commerce: 2002/06/09 Weighing equipment, namely, scales and balances |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2600064  | Application Date      | 02/13/2000 |
| Registration Date     | 07/30/2002   | Foreign Priority Date | NONE       |
| Word Mark             | I.SCALE  |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 009. First use: First Use: 1995/11/11 First Use In Commerce: 1996/01/12 Mechanical scales for weighing letters, not electronically connected to the Internet |                       |            |

|             |  |
|-------------|--|
| Attachments | 78006943#TMSN.gif ( 1 page )( bytes )<br>78755009#TMSN.jpeg ( 1 page )( bytes )<br>75930265#TMSN.gif ( 1 page )( bytes )<br>IMG.pdf ( 25 pages )(1963122 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 USPS Express Mail Post Office to Addressee on this date.

|           |                               |
|-----------|-------------------------------|
| Signature | /Charles Bachmann, President/ |
| Name      | BBK Tobacco & Foods, Inc.     |
| Date      | 01/11/2008                    |

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

BBK Tobacco & Foods, Inc.  
Opposer,  
  
v.  
  
American Weigh Scales, Inc.  
Applicant

Trademark Application  
Mark: NUTRIBALANCE  
Serial No. 77/132,844  
Filed: March 16, 2007  
Published: September 18, 2007  
Opposition No. \_\_\_\_\_

NOTICE OF OPPOSITION

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

Sir:

BBK Tobacco & Foods, Inc., an Arizona corporation, located and doing business at 3315 W. Buckeye Rd., #4, Phoenix, AZ 85009 ("BBK" or "Opposer") believes that it will be damaged by registration by American Weigh Scales, Inc., ("AWS" or "Applicant") of the mark NUTRIBALANCE shown in Application Serial No. 77/132,844.

As grounds for opposition, Opposer alleges:

1. AWS filed a trademark application assigned Application Serial No. 77/132,844 in the United States Patent and Trademark Office ("PTO") on March 16, 2007 ("the Application") to register the mark NUTRIBALANCE ("the Applicant's Mark") for use in connection with "Scales" and "Weighing equipment, namely, scales and balances" (the "Applicant's Services").

2. The Application filed by AWS on March 16, 2007 ("the Applicant's Filing Date") was based on AWS' alleged use of the Applicant's Mark with the Applicant's Services on or before March 1, 2007. ("the Applicant's Alleged First Use Date").
3. The Application for the Applicant's Mark was published for opposition in the *Official Gazette* on September 18, 2007. On October 5, 2007 the Opposer timely filed a request for a 30-day extension of time to oppose the Application for Applicant's Mark, which was granted until November 17, 2007. On October 19, 2007 the Opposer timely filed a request for a 60-day extension of time to oppose the Application for Applicant's Mark, which was granted until January 16, 2008.
4. The Opposer is a well-known wholesaler/distributor of scales and other weighing equipment. The weighing equipment, namely, scales and balances produced and distributed by Opposer include a wide range of shapes, sizes, color and designs. ("the Opposer's Goods"). The Opposer provides information about its scales and other weight measurement related goods and services on-line, including sites that are sponsored by Opposer, including but not limited to, [www.hbitech.com](http://www.hbitech.com), [www.myweigh.com](http://www.myweigh.com) and [www.jscale.com](http://www.jscale.com). Websites of third parties also include information about the Opposer's scales and its other weight measurement related goods ("Third Party Websites").

OPPOSER'S IBALANCE® MARK

5. The Opposer is the owner of U.S. Registration Number 2,557,357 for the mark "IBALANCE®" ("the Opposer's IBALANCE® Mark") filed in the PTO on May 5, 2000 ("the Opposer's IBALANCE® Filing Date") based on its current use of the Opposer's IBALANCE® Mark in commerce. The first use in commerce date is listed as January 15, 2001.
6. The Opposer has used the Opposer's IBALANCE® Mark in association with the Opposer's Goods in commerce since at least as early as January 15, 2001 and the Opposer's IBALANCE® Mark is currently in use in commerce with Opposer's Goods.
7. The Opposer's IBALANCE® Filing Date and the Opposer's IBALANCE® First Use Date for the Opposer's IBALANCE® Mark is earlier than the Applicant's Alleged First Use Date for the Applicant's Mark.
8. The Opposer's IBALANCE® Filing Date and the Opposer's IBALANCE® First Use Date for the Opposer's IBALANCE® Mark is earlier than the Applicant's Filing Date for the Applicant's Mark.
9. Priority is not an issue in this case because both the Opposer's IBALANCE® Filing Date and the Opposer's IBALANCE® First Use Date for the Opposer's IBALANCE® Mark precede the Applicant's Filing Date and the Applicant's Alleged First Use Date for the Applicant's Mark.
10. Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's

and registrant's mark. See e.g., *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd* 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §§1207.01(b)(ii) and (b)(iii)

11. The Applicant's Mark NUTRIBALANCE completely contains Opposer's IBALANCE® mark. Clearly, where both marks are used in conjunction with similar and identical goods, a substantial likelihood of confusion must therefore exist. Additionally, if a user types "IBALANCE" into a search engine on Applicant's webpage, [www.americanweigh.com](http://www.americanweigh.com), the Applicant's NUTRIBALANCE scale appears as the only result. If the Applicant's own search engine cannot distinguish between IBALANCE and NUTRIBALANCE, a paying customer cannot be expected to distinguish between the two marks either.
12. In commerce, Opposer's IBALANCE® mark is commonly employed as ibalance or iBalance also. Applicant has utilized their NUTRIBALANCE mark as NutriBalance, Nutribalance and NUTRIBALANCE. Applicant attached a specimen to their Application which displays their proposed

NUTRIBALANCE Mark. See Exhibit A. In the specimen, NUTRIBALANCE is displayed as NUTRIBALANCE and NutriBalance. However, as of January 10, 2008, Applicant displays its NUTRIBALANCE scale as Nutribalance on the webpage [http://www.americanweigh.com/product\\_info.php?products\\_id=595](http://www.americanweigh.com/product_info.php?products_id=595). See Exhibit B. Applicant's NUTRIBALANCE Mark is displayed differently again on the website <http://www.nutribalance5k.com/> and in the NutriBalance-5000 Carb. Guide. See Exhibits C and D, respectively.

13. These multiple depictions of Applicant's proposed mark make it even more confusingly similar to Opposer's IBALANCE® mark since Opposer's common designations are incorporated into Applicant's mark using the novel display techniques developed by Opposer. Opposer alleges that Applicant is intending to deceive consumers into believing that NUTRIBALANCE products are produced and distributed by the same company that provides them with IBALANCE®, I.SCALE® and NUTRISCALE® products.
14. Even if it is determined that Applicant did not intend to deceive consumers as to the manufacturer or distributor of their NUTRIBALANCE products, the marks are undoubtedly similar and results in substantial confusion.

#### OPPOSER'S NUTRISCALE® MARK

15. The Opposer is the owner of U.S. Registration Number 3,142,258 for the mark "NUTRISCALE®" ("the Opposer's NUTRISCALE® Mark") filed in

the PTO on November 16, 2005 ("the Opposer's NUTRISCALE® Filing Date") based on its current use of the Opposer's NUTRISCALE® Mark in commerce. The first use in commerce date is listed as June 9, 2002.

16. The Opposer has used the Opposer's NUTRISCALE® Mark in association with the Opposer's Goods in commerce since at least as early as June 9, 2002 and the Opposer's NUTRISCALE® Mark is currently in use in commerce with Opposer's Goods.
17. The Opposer's NUTRISCALE® Filing Date and the Opposer's NUTRISCALE® First Use Date for the Opposer's NUTRISCALE® Mark is earlier than the Applicant's Alleged First Use Date for the Applicant's Mark.
18. The Opposer's NUTRISCALE® Filing Date and the Opposer's NUTRISCALE® First Use Date for the Opposer's NUTRISCALE® Mark is earlier than the Applicant's Filing Date for the Applicant's Mark.
19. Priority is not an issue in this case because both the Opposer's NUTRISCALE® Filing Date and the Opposer's NUTRISCALE® First Use Date for the Opposer's NUTRISCALE® Mark precede the Applicant's Filing Date and the Applicant's Alleged First Use Date for the Applicant's Mark.
20. Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. *See e.g., Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd* 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB

(stylized); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Miltron Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §§1207.01(b)(i) and (b)(ii).

21. Taking into account the relevant *Du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. First, the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to origin is likely. *In re National Novice Hockey League, Inc.*, 222 USPQ 638 (TTAB 1984); *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 *et seq.*
22. Applicant's Mark is very similar to Opposer's NUTRISCALE® Mark. NUTRIBALANCE is confusingly similar in sound, appearance and meaning to Opposer's NUTRISCALE® Mark. Here, the word "BALANCE" is intended to represent an instrument for determining weight and not a state of equilibrium or an adjustment of accounts. When one thinks of a balance as an instrument for determining weight, they undeniably will focus on the fact that

the mark is trying to convey the message that the product being used in conjunction with this mark is in fact a scale.

23. The Opposer's Goods and Applicant's Goods are practically identical in this instance.
24. Therefore, NUTRIBALANCE produces the same or confusingly similar connotation that NUTRISCALE® produces when advertising its product. NUTRIBALANCE and NUTRISCALE® both communicate to the purchaser that the product is a scale to be used for nutritional measurement purposes. Consequently, there is a clear and substantial likelihood of confusion between Opponent's NUTRISCALE® mark and Applicant's mark.

#### OPPOSER'S LSCALE® MARK

25. The Opposer is the owner of U.S. Registration Number 2,600,064 for the mark "LSCALE®" ("the Opposer's LSCALE® Mark") filed in the PTO on February 13, 2000 ("the Opposer's LSCALE® Filing Date") based on its current use of the Opposer's LSCALE® Mark in commerce. The first use in commerce date is listed as January 12, 1996.
26. The Opposer has used the Opposer's LSCALE® Mark in association with the Opposer's Goods in commerce since at least as early as January 12, 1996 and the Opposer's LSCALE® Mark is currently in use in commerce with Opposer's Goods.

27. The Opposer's LSCALE® Filing Date and the Opposer's LSCALE® First Use Date for the Opposer's LSCALE® Mark is earlier than the Applicant's Alleged First Use Date for the Applicant's Mark.
28. The Opposer's LSCALE® Filing Date and the Opposer's LSCALE® First Use Date for the Opposer's LSCALE® Mark is earlier than the Applicant's Filing Date for the Applicant's Mark.
29. Priority is not an issue in this case because both the Opposer's LSCALE® Filing Date and the Opposer's LSCALE® First Use Date for the Opposer's LSCALE® Mark precede the Applicant's Filing Date and the Applicant's Alleged First Use Date for the Applicant's Mark.

### CONCLUSION

30. The Applicant's Goods including scales are the same or substantially similar to that of the Opposer's Goods. The Opposer's Goods are advertised and sold on-line on the Opposer's Website, Third Party Websites and third party retail locations.
31. The Applicant's Mark to be used to sell and advertise scales and balances is confusingly similar in spelling and sound to the Opposer's IBALANCE® Mark, Opposer's NUTRISCALE® Mark and Opposer's LSCALE® Mark in regards to scales and balances. The Applicant's registration and use of Applicant's Mark would likely create confusion, mistake or deception in the

minds of prospective purchasers as to the origin or source of the Opposer's Goods associated with the abovementioned scales.

32. The Opposer's Goods and the Applicant's Goods travel in the same channels of trade and are viewed by the same consumers. Applicant's Goods are therefore substantially similar to the Opposer's Goods with which the Opposer's IBALANCE®, Opposer's NUTRISCALE® and Opposer's I.SCALE® Marks are used.
33. Applicant's Mark is simply a combination of elements from Opposer's NUTRISCALE® Mark, IBALANCE® Mark and I.SCALE® Mark. Applicant has used portions of each of these registered trademarks that operate in the same commercial trade channels and are viewed by the same customer base. By creating a mark that is confusingly similar to all of the abovementioned registered trademarks, Applicant is taking advantage of the good will and reputation gained by the time, money and effort exerted by Opposer.
34. Applicant was aware of all of the previously filed trademark applications referenced above by Opposer since Applicant formerly sold some of these individual scales through their catalog and website as an authorized distributor of Opposer. See Exhibit E, attached hereto. Applicant was aware of each of these registered trademarks and combined the three marks to form what is technically a new trademark that is confusingly similar to Opposer's other various trademarks when viewed in their entirety.

35. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Section 2 of the Lanham Act, and Opposer believes that it would be damaged thereby.
36. On information and belief, at the time Applicant filed the Application, Applicant did not have actual use of Applicant's Mark as a trademark with each of Applicant's Goods.
37. Applicant's Application should not be granted because it was not filed based on Applicant's actual use of Applicant's Mark as a trademark with each and every one of Applicant's Goods, and on information and belief, Applicant failed to satisfy the requirements of Trademark Act Section 1(a) and related Trademark Rules and Regulations.
38. On information and belief, the good faith of Applicant's alleged good faith intent to use the Applicant's Mark for scales and balances in commerce is not apparent and Opposer challenges the nature and sufficiency of Applicant's alleged use of Applicant's Mark in commerce under Section 1(a).
39. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Section 2 of the Lanham Act, and Opposer believes that it would be damaged thereby.

40. WHEREFORE, Opposer respectfully request that the registration of the mark shown in Application Serial No. 77/132,844 be refused and that this Opposition be sustained in favor of Opposer.

Dated: January 11, 2008

Respectfully Submitted,

BBK Tobacco & Foods, Inc.

By: 

CHARLES BACHMANN  
President, BBK Tobacco & Foods,  
Inc.  
3315 W. Buckeye Rd., Ste. 4  
Phoenix, Arizona 85009  
Telephone: 1-800-420-4372  
Facsimile: 1-800-568-2553

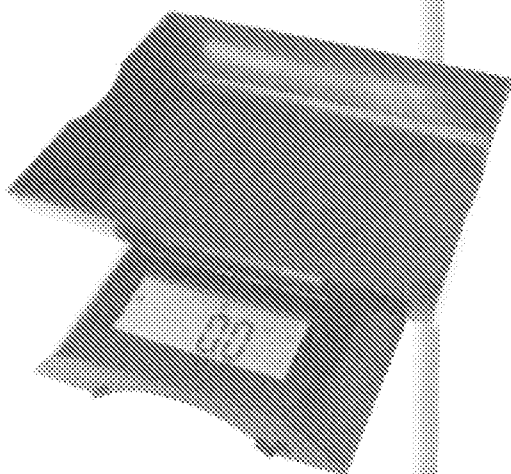
# EXHIBIT A



## NUTRIBALANCE

The NutriBalance-5000 is the ultimate kitchen scale. This scale allows for easy calculation of nutritional data for 999 different types of food. Sure to complement any modern or traditional kitchen setting. Includes bowl. See ad on page.

| Model   | Regular Price | Case Price |
|---------|---------------|------------|
| NB-5000 | \$22.99       | \$20.99    |



## X-1500

The X-1500 compact scale features a large green back-lit touchscreen LCD for great visibility. The protective cover comes off and can be used as an expansion tray. Includes AC-adaptor for your convenience.

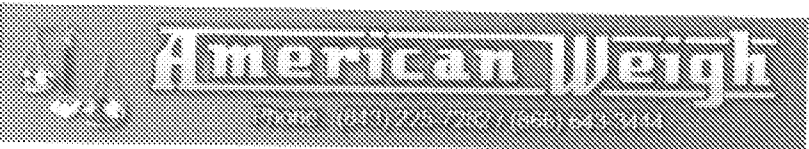
| Model  | Regular Price | Case Price |
|--------|---------------|------------|
| X-1500 | \$27.99       | \$25.85    |

### Using The NutriBalance

Nutritional scales like the NutriBalance allow for the calculation of nutritional data based on weight. Here is how it works:

1. Place the food you want to know the nutritional information for onto the platform.
2. Enter the food's 3-digit food code (ie 546 for salted peanuts)
3. Now press the button of the nutritional value you wish to know.

# EXHIBIT B



Home > Catalog > \$50 to \$100 > Scales

My Account | Cart Contents | Checkout

- Home
- Categories
- \$100.00 & up (912)
- \$50 to \$100 (19)
- \$50.00 & LHS (81)
- 1/1000 Ounces
- Scales (164)
  - 1/10th Gram
  - Scales (100)
    - Analytical
    - Balances (22)
      - Bench Scales (16)
      - Bathroom Scales (13)
      - Bench Scales (65)
      - Block Scales (8)
      - Body Fat Scales (2)
      - Carburetor
    - Weights (11)
      - Carb Scales (66)
      - CP Scales (6)
      - Checkweighing
    - Scales (31)
      - Compact Bench
    - Scales (86)
      - Counting Scales (163)
      - Crate Scales (13)
      - Desk Scales (20)
      - Diamond Scales (23)
      - Diamond Testers (2)
      - Dish Scales (12)
      - Dropper Scales (16)
      - Force/Load Scales (31)
      - Electronic Scales (396)
      - Explosion Proof
    - Scales (9)
      - Fishing Scales (9)
      - Flour Scales (11)
      - Food Scales (42)
      - Gram Scales (91)
      - Gram Scales (165)
      - Surge/Weather Scales (31)
      - Hanging Scales (53)
      - Industrial Scales (132)
      - Intrinsically Safe
    - Scales (9)
      - Jewelry Scales (47)
      - Kitchen Scales (17)
      - Legal for Trade
    - Scales (92)
      - Loadback Scales
      - Load Cells (6)
      - Medical Scales (61)
      - Medical Scales (19)
      - Micro Scales (2)
      - Miligram Scales (41)
      - Moisture Analyzers (3)
      - Pallet Jack Scales (3)
      - Pallet Scales (2)
      - Net Scales (2)
      - Pharmacy Scales (11)
      - Pinewood Derby
    - Scales (2)
      - Printer Scales -> (131)
      - Portable Gas
    - Scales (11)
      - Postal Scales (20)
      - Precision
    - Balances (100)
      - Price Comparing
    - Scales (8)
      - Race Car Scales (2)
      - Repealing Scales (6)
      - Scale Accessories (16)
      - Scale Bases (1)
      - Scale Indicators (11)
      - Scale Printers (2)
      - Scale Repairs
      - Shipping Scales (17)
      - Talking Scales (2)
      - Used Scales (18)
      - Waterproof Scales (10)
      - All Products (853)

## American Weigh NB-5000 Nutribalance Nutritional Scale 5000x1g (NB-5000)

\$59.95

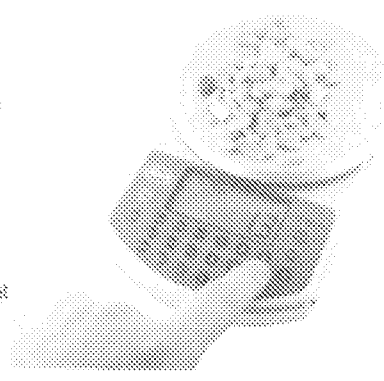
**American Weigh Scales, Inc**  
Model: NB-5000



The Nutribalance 5000 from American Weigh is perfect for determining the nutritional values for the foods you eat every day. The Nutribalance is lightweight and doesn't take up a lot of space, so it won't clutter up your counter top. Just use the convenient touch-key panel to enter the foods 3-digit code, and you are ready to go! Once the code has been entered, you can use one of the nutritional keys to view that corresponding nutritional value. Calculate calories, salt, protein, fat, carbohydrates, cholesterol, and fiber values, all at the press of a button.

### Features:

- Calculates nutritional values at the press of a button
- Easy to use touch-key panel.
- Large Easy to Read LCD
- Weighs in lb,oz, kg, g, oz
- 10 Year Warranty
- Contains data on over 999 different food items.



### Quick Find

Use keywords to find the product you are looking for.  
**Advanced Search**

### Information

- Wholesale / Company
- Ordering Information
- Custom Build Scales
- Site Map
- Weight Converter
- Links
- Scale Info Database
- Product Warranties
- Product Manuals
- Shipping & Returns
- Privacy Notice
- Terms of Use
- Contact Us

**Best Listed** [View More](#)

### Shopping Cart

0 items

### Manufacturer Info

- American Weigh Scales homepage
- Other products

### Notifications

Notify me if updates to **American Weigh NB-5000 Nutribalance Nutritional Scale 5000x1g**

### Tell A Friend

Tell someone you know about this product.

### Sponsors



### Currencies

US Dollar

Manufacturers

Please Select

What's New?



NB-5000 Series  
Shipping/POS Scale  
425P  
\$499.00

Capacity 110.5oz / 5kg / 5000g / 170.4oz  
Readability 0.1oz / 0.001kg / 1g / 0.1oz  
Scale Dimensions 8.5 x 9.0 x 1.2  
Platform Dimensions 6" Diameter  
Warranty 10 Year Limited Warranty  
Power 1 x 9V (included)

This product was added to our catalog on Wednesday 03 May, 2007.



Customers who bought this product also purchased



American Weigh AMW-610-5K  
Kitchen Bowl Scale 11.8 x 8.1oz



American Weigh AMW-13  
Digital Scale 1.35/5kg - 10000



American Weigh MiniD-3000  
Digital Pocket Scale 300x0.1g



American Weigh UP-100 Pocket  
Scale 100 x 0.01g

Product ID: NB-5000-1000

Product ID: NB-5000-1000


Copyright © 2007 by American Weigh

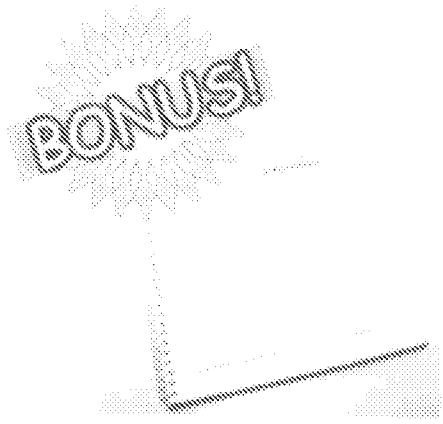
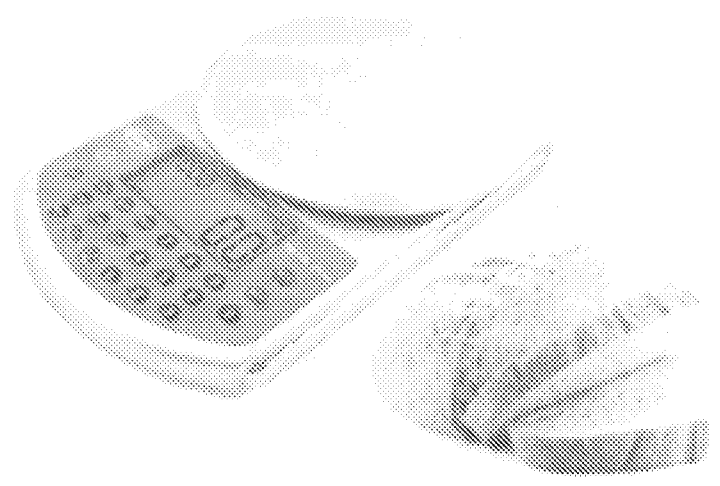
# EXHIBIT C

# NutriBalance

**Nutritional Data At The Press Of A Button!**

- Calculates calories, carbs, protein, and fat
- Contains nutritional data for 777 different foods
- Easy to Use!
- Backlit LCD with display screen
- Free website updates for accuracy and food items combined with this scale
- Includes Carbs, Fat, Protein, Cal, Carbohydrates, Cholesterol, and Fibre

**LEARN MORE** 

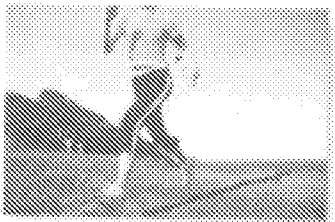


**DOWNLOAD AN ADDITIONAL CARE CODE MANUAL CONTAINING CODES FOR OVER 7,000 FOODS**

[CLICK HERE](#)



Provided by Friends With Diabetes. All data is based on the USDA Food and Nutritional Database.



Copyright © 2007. All Rights Reserved. Site Design by Ashurban Weight Scales

# EXHIBIT D

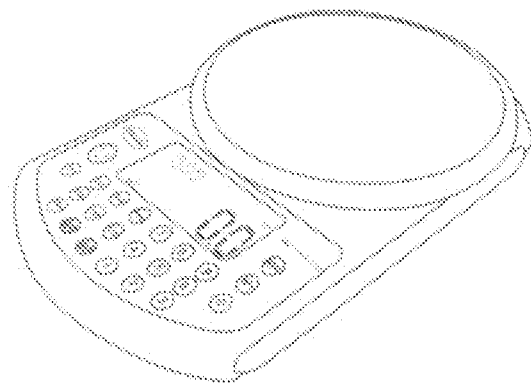
# *NutriBalance-5000*

*Nutritional Scale*

## **Carb. Guide**

---

Contains over 7000 additional  
food codes for carbohydrates!



**How To Use This Manual:**

This manual provides a cross-reference of carbohydrate codes for the NutriBalance nutritional scale, based on the USDA National Nutrient Database Release 18. When using this manual, **only the Carb function of the NutriBalance should be used**. All other nutritional buttons such as Fiber, Prot, etc will not display accurate information.

1. To find the Carb Code for a food item, simply use the Acrobat Search function (Ctrl+F or Ctrl+Shift+F). Enter the name of the food item in the Search Field and hit Enter. Give the search time to complete.

2. Once you find your food item in the manual, select your code from the "Code to use" column, or the Code (Fiber Method) column.

3. Place the food item onto the weighing platform and enter the code using the keypad. Now press the Carb button.

**NOTE:** The NutriBalance requires 3-digit input for the code to be accepted. Therefore, if the "Code to use" is 3, you should enter 003, etc.

# EXHIBIT E



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## Scale Manuals

### iBalance 500 & 1200 1/10th gram Dial Postal Scales

Search for:



Quantity in Basket: none  
 Code: iBalance  
 Price: \$69.95

Sign in

Select Model:  i500 Black \$69.95

Affiliate from: gk

i500 Power Supply \$9.95

Scale under left on

i500 Calibration Weight \$9.95

Scale from right on

i1200 Calibration Weight kit \$19.95

Scale from left on

Postal and Mail Scales

Medium and Large Scales

Digital Scales

Professional Scales

Health Care Scales

1, 4, 10, 20 Liter Scales

Process Scales

Shipping & Postal Scales

Dial & Food Scales

Guaranteed Spares

China Scales

Parts (Screws) Scales

Body Fat Scales

Hand Scales

Clipboard

Reference

Printouts

FAQs/Help

MX Scales

Printer

2000 Series Scales

Low & High Limits

1000 Series Scales

China Based Scales

Business Scales

Italy & Europe

Mid Weight Scales

Tenite Scales

Diamond Series

Quantity: 1

The i500 is a commercial portable table top scale. It is designed for ease of use in standard applications. The LCD screen is extra large and backlit for super-easy readability. This comes in very handy when you need to show a customer how much an item weighs. The large, backlit screen is readable from a distance of up to 100 feet. The i500 has a 500 gram capacity and weighs in 0.1 gram increments. The tray is removable and machine washable for food or lab use. The i500 auto-backlight turns on automatically whenever the scale is actively weighing. 6 AA batteries (included) ensure extra long usability. This scale also comes with an interchangeable metal tray. The i500 uses a true 5000 division load cell. The i1200 uses a true 12000 division load cell. These commercial grade sensors make this scale incredibly accurate and durable. There is NO other 500 gram scale for this price range that has a true 5000 division sensor. The others use 2500 division sensors that are "multiplied". Scale professionals know that when accuracy and durability counts - multipliers simply won't cut it! The i series also has an integrated Thermistor to compensate for temperature changes and auto zero tracking. The i500 is available in black, clear, and blue. The i1200 is available in black only. AC/DC power supply and 500g or 1200g calibration weight kits sold separately. [CLICK](#)

Tell A Friend

PLEASE to view the user manual and warranty information.

Model number: 1800 Capacity 500g Division 0.1g (0.005oz / 0.005oz / 0.05dwt)

Model number: 11200 Capacity 1200g Division 0.1g (0.01oz / 0.01oz / 0.1dwt)

Platter / Tray 148 140mm (5 7/8" x 5 1/2")

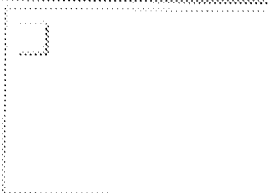
Net/gross weight 460/650g

Package Standard carton: 22.5 x 15.5 x 4.8(cm)

Operating Temperature 0-40c (32-104F)

Power source 6 AA Size Batteries or AC/DC

Adapter 9V/100mA (optional)



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consumer protection guarantee.