

ESTTA Tracking number: **ESTTA202657**

Filing date: **04/03/2008**

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	Mr. Aaron T Tabor MD		
Entity	Individual	Citizenship	UNITED STATES
Address	726 Morris Road Winston-Salem, NC 27101 UNITED STATES		

Correspondence information	Mr. Aaron T Tabor MD 726 Morris Road Winston-Salem, NC 27101 UNITED STATES drtabor@revivalsoy.com Phone:(336) 722-2337 ext. 1737		
----------------------------	--	--	--

Applicant Information

Application No	77287411	Publication date	03/11/2008
Opposition Filing Date	04/03/2008	Opposition Period Ends	04/10/2008
Applicant	Unicity Properties, Inc. 1201 N. 800 E. Orem, UT 84097 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: (Based on Intent to Use) Dietary and nutritional supplements; Dietary supplemental drinks
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Prior Art plus registered Trademarks. The following are my 3 trademark Serial Numbers: 75381203, 76978488, 76630155. I have marketed and sold dietary and nutritional supplemental drinks and bars under the "Revival" trademark since 1998. In 1999 I added vitamins, minerals and herbs to the product line.

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2208921	Application Date	10/29/1997
Registration Date	12/08/1998	Foreign Priority	NONE

		Date	
Word Mark	REVIVAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1997/05/01 First Use In Commerce: 1997/06/01 Soybean-derived dietary supplement		

U.S. Registration No.	3278425	Application Date	02/01/2005
Registration Date	08/14/2007	Foreign Priority Date	NONE
Word Mark	REVIVAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/08/29 First Use In Commerce: 1995/09/22 Nutritional and dietary supplements which contain vitamins, minerals and herbs; vitamin and mineral preparations for use as ingredients in the food industry Class 030. First use: First Use: 1994/08/29 First Use In Commerce: 1995/09/22 Processed herbs for use in food products and dietary and nutritional supplements		

U.S. Application No.	76630155	Application Date	02/01/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	REVIVAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: Fruit juices and drinking water, containing herbs, vitamins, and minerals		

Attachments	76978488#TMSN.gif (1 page)(bytes) 76630155#TMSN.gif (1 page)(bytes) Pleading in Opposition of REVIV Trademark Application.pdf (1 page)(9093 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 Overnight Courier on this date.

Signature	/att/
Name	Mr. Aaron T Tabor MD
Date	04/03/2008

Basis for Opposition of “REVIV” Trademark Application

1. Prior Art plus registered trademarks - The following are my 3 trademark Serial Numbers: 75381203, 76978488, 76630155. I have marketed and sold dietary and nutritional supplemental drinks and bars under the "Revival" trademark since 1998. In 1999 I added vitamins, minerals and herbs to the product line.
2. “REVIV” is visually and phonetically similar to “REVIVAL” and will be used to market similar goods and services which will cause confusion among consumers and could negatively impact Revival product sales.