

ESTTA Tracking number: **ESTTA345577**

Filing date: **05/04/2010**

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	Almark Products, Inc.		
Entity	Corporation	Citizenship	Florida
Address	104 NE 4th Ave. Delray Beach, FL 33483 UNITED STATES		

Correspondence information	Alan Serinsky President Almark Products, Inc. 104 NE 4th Ave. Delray Beach, FL 33483 UNITED STATES colleen@vitalmaxvitamins.com Phone:561-279-2100
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### Applicant Information

Application No	77878269	Publication date	04/20/2010
Opposition Filing Date	05/04/2010	Opposition Period Ends	05/20/2010
Applicant	ANABOLIC AGENTS LLC SUITE 5 125 BRADLEY ROAD WOODBIDGE, CT 06525 UNITED STATES		

### Goods/Services Affected by Opposition

Class 005. First Use: 2009/10/21 First Use In Commerce: 2009/10/21  
All goods and services in the class are opposed, namely: Dietary and nutritional supplements

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77905139	Application Date	01/05/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TESTOMAX		

Design Mark	<b>TESTOMAX</b>
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2000/12/26 First Use In Commerce: 2000/12/26 Vitamin supplements

U.S. Registration No.	2724420	Application Date	09/03/2002
Registration Date	06/10/2003	Foreign Priority Date	NONE
Word Mark	TESTOMAX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2000/12/26 First Use In Commerce: 2000/12/26 vitamins and dietary supplements		

Attachments	77905139#TMSN.jpeg ( 1 page )( bytes ) Almark Products Testomax Opposition 5.3.10.pdf ( 2 pages )(8144 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	/alan serinsky/
Name	Alan Serinsky
Date	05/04/2010

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

In the matter of trademark application **Serial No77878269**

For the mark **Testromax**

Published in the Official Gazette on **4/20/2010**

Almark Products, Inc.

104 NE 4<sup>th</sup> Ave.

Delray Beach, FL 33483-4531

561-279-2100 (P)

561-279-4279 (F)

**Testomax**

Serial #77905139

International class: 005 (Vitamin Supplements)

Letter of Suspension Emailed: 4/5/2010

v.

Anabolic Agents, LLC.

Suite 5 125 Bradley Road

Woodbridge, CT 06525-2374

203-676-5935 (P)

480-275-3663 (F)

**Testromax**

Serial #77878269

International class: 005 (Dietary and Nutritional Supplements)

Published for opposition: 4/20/2010

NOTICE OF OPPOSITION

Almark Products, Inc.

Florida

104 NE 4<sup>th</sup> Ave.

Delray Beach, FL 33483-4531

The above-identified **opposer** believes that it will be damaged by registration of the mark shown  
in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. **Opposer** feels there would be product name confusion between TESTOMAX (Serial #77905139) and TESTROMAX (Serial #77878269).
2. **Opposer** product name has been used in commerce since December 26, 2000.
3. **Opposer** markets product in the same media and channels.
4. **Opposer** markets to the same demographics of consumers.
5. **Opposers** product is used for the same health benefits.

**By:** /alan serinsky/  
**Alan Serinsky**  
**President, Almark Products**

**Date:** 5/4/2010

## **CERTIFICATE OF SERVICE**

I, **Alan Serinsky**, hereby certify that on **May 4, 2010**, I served copies of a **Letter Of Opposition** on the following parties by way of **Registered US mail**.

**Anabolic Agents, LLC**  
Suite 5 125 Bradley Road  
Woodbridge, CT 06525-2374  
203-676-5935 (P)  
480-275-3663 (F)

5/4/10  
**Date**

/alan serinsky/  
**Signature**