

ESTTA Tracking number: **ESTTA495427**

Filing date: **09/19/2012**

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	Melaleuca, Inc.
Granted to Date of previous extension	09/19/2012
Address	3910 S. Yellowstone Hwy. Idaho Falls, ID 83402 UNITED STATES

Attorney information	Krista Weber Powell TraskBritt 230 South 500 East, Suite 300 Salt Lake City, UT 84102 UNITED STATES trademark@traskbritt.com, kwpowell@traskbritt.com, hdburton@traskbritt.com, TLPalfreyman@traskbritt.com, LMondragon@traskbritt.com Phone:801-532-1922
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Applicant Information

Application No	85501086	Publication date	05/22/2012
Opposition Filing Date	09/19/2012	Opposition Period Ends	09/19/2012
Applicant	Healthy Directions, LLC 7811 Montrose Road Potomac, MD 20854 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Vitamins; multi-nutrient dietary and food supplements; nutritional food supplements
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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. Registration No.	1706196	Application Date	06/17/1991
Registration Date	08/11/1992	Foreign Priority Date	NONE
Word Mark	VITALITY PAK		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1989/09/00 First Use In Commerce: 1989/09/00 dietary and nutritional supplements

U.S. Registration No.	2108070	Application Date	01/14/1994
Registration Date	10/28/1997	Foreign Priority Date	NONE

Word Mark VITALITY FOR LIFE

Design Mark

Description of Mark NONE

Goods/Services Class 005. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement
Class 030. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 nutritional fiber [and bran-] based food bars

U.S. Registration No.	2656385	Application Date	01/22/2002
Registration Date	12/03/2002	Foreign Priority Date	NONE

Word Mark VITALITY FOR LIFE

Design Mark 

Description of Mark NONE

Goods/Services Class 005. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 Dietary [and nutritional] supplements; [nutritional drink mix for use as a meal replacement; powdered fiber-based dietary supplement drink mix; and ready to eat nutritional food bars for use as a meal replacement]
Class 030. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 [Ready to eat nutritional fiber based food bars]


U.S. Registration No.	3929755	Application Date	12/03/2009
Registration Date	03/08/2011	Foreign Priority Date	NONE


Word Mark VITALITY COLDWATER OMEGA-3

Design Mark	VITALITY COLDWATER OMEGA-3		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2010/01/04 First Use In Commerce: 2010/01/04 Dietary supplements containing Omega-3 fatty acids		

U.S. Registration No.	4005565	Application Date	12/10/2010
Registration Date	08/02/2011	Foreign Priority Date	NONE
Word Mark	VITALITY 4		
Design Mark	VITALITY 4		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27 Dietary and nutritional supplements		

U.S. Registration No.	4005566	Application Date	12/10/2010
Registration Date	08/02/2011	Foreign Priority Date	NONE
Word Mark	VITALITY 6		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27 Dietary and nutritional supplements

U.S. Registration No.	4015269	Application Date	12/10/2010
Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	VITALITY CALCIUM COMPLETE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/08/21 First Use In Commerce: 2008/08/21 Dietary and nutritional supplements containing calcium		

U.S. Registration No.	4058846	Application Date	12/10/2010
Registration Date	11/22/2011	Foreign Priority Date	NONE
Word Mark	VITALITY TOTAL		

Design Mark	VITALITY TOTAL
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27 Dietary and nutritional supplements

Attachments	76360715#TMSN.gif (1 page)(bytes) 77885651#TMSN.jpeg (1 page)(bytes) 85195482#TMSN.jpeg (1 page)(bytes) 85195486#TMSN.jpeg (1 page)(bytes) 85195477#TMSN.jpeg (1 page)(bytes) 85195492#TMSN.jpeg (1 page)(bytes) 12-09-19 Notice of Opp - DAILY VITALITY.pdf (7 pages)(50195 bytes) Opposition Exh 1 Reg No 1,706,196.pdf (6 pages)(25498 bytes) Opposition Exh 2 Reg No 2,108,070.pdf (6 pages)(24260 bytes) Opposition Exh 3 Reg No 2,656,385.pdf (5 pages)(26803 bytes) Opposition Exh 4 Reg No 3,929,755.pdf (5 pages)(25822 bytes) Opposition Exh 5 Reg No 4,005,565.pdf (4 pages)(25091 bytes) Opposition Exh 6 Reg No 4,005,566.pdf (4 pages)(24988 bytes) Opposition Exh 7 Reg No 4,015,269.pdf (5 pages)(25006 bytes) Opposition Exh 8 Reg No 4,058,846.pdf (4 pages)(24776 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	/Krista Weber Powell/
Name	Krista Weber Powell
Date	09/19/2012

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

MELALEUCA, INC. Opposer, v. HEALTHY DIRECTIONS, LLC Applicant.	Opposition No. (_____) Mark: DAILY VITALITY Int'l Class: 005 Serial No.: 85/501,086 Filed: December 21, 2011
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NOTICE OF OPPOSITION

Opposer, Melaleuca, Inc. (“Melaleuca”) is a corporation organized and existing under the laws of the State of Idaho, with its principal place of business located at 3910 South Yellowstone Highway, Idaho Falls, Idaho 83402-6003. Melaleuca believes that it will be damaged by the registration of the mark appearing in pending Trademark Application Serial No. 85/501,086 (the “subject mark”) of Healthy Directions, LLC (“Applicant”) and hereby opposes the same.

As grounds for the present opposition, Melaleuca alleges, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters, as follows:

1. Melaleuca began using its family of VITALITY marks in interstate commerce in connection with the sale and promotion of its line of VITALITY dietary supplements at least as early as September 1989. Melaleuca has thereafter continuously used VITALITY in advertising, promoting, marketing and selling its dietary supplement products throughout the United States.

2. Since at least as early as September 1989, Melaleuca has used VITALITY, in various forms, in interstate commerce in connection with the sale and promotion of dietary and nutritional supplements.

3. Melaleuca's family of VITALITY marks which has been in use since September 1989, has included at least the following: VITALITY PAK, VITALITY PACK, VITALITY FOR MEN, VITALITY FOR WOMEN, VITALITY MINERAL COMPLEX, VITALITY CALCIUM COMPLETE, VITALITY FOR LIFE, VITALITY, VITALITY 4, VITALITY 6, VITALITY TOTAL, and VITALITY COLDWATER OMEGA-3.

4. Melaleuca's family of VITALITY marks is inherently distinctive as applied to its dietary supplement products.

5. By virtue of Melaleuca's continuous use in commerce of its family of VITALITY marks in connection with its VITALITY line of dietary supplement products, such products have become well and favorably known to the relevant trade and public under the family of VITALITY marks.

6. Melaleuca has invested substantial time, effort and expense in extensive promotion throughout the United States of the goods sold under its VITALITY family of marks. As a result, considerable goodwill has attached to the mark VITALITY to Melaleuca's benefit.

7. The family of VITALITY marks is representative of Melaleuca's reputation for designing and providing high quality products and symbolizes the goodwill of Melaleuca, which is invaluable.

8. In addition to its common law rights, Melaleuca owns U.S. Trademark Registration No. 1,706,196 for the word mark VITALITY PAK in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the

current status and title of the registration is attached hereto as Exhibit 1), for “dietary and nutritional supplements.”

9. Melaleuca owns U.S. Trademark Registration No. 2,108,070 for the word mark VITALITY FOR LIFE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 2), for “dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement.”

10. Melaleuca owns U.S. Trademark Registration No. 2,656,385 for the word plus design mark VITALITY FOR LIFE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 3), for “dietary supplements.”

11. Melaleuca owns U.S. Trademark Registration No. 3,929,755 for the word mark VITALITY COLDWATER OMEGA-3 in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 4), for “Dietary supplements containing Omega-3 fatty acids.”

12. Melaleuca owns U.S. Trademark Registration No. 4,005,565 for the word mark VITALITY 4 in International Class 005 for (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 5), “Dietary and nutritional supplements.”

13. Melaleuca owns U.S. Trademark Registration No. 4,005,566 for the word mark VITALITY 6 in International Class 005 for (a current printout of information from the electronic

database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 6), “Dietary and nutritional supplements.”

14. Melaleuca owns U.S. Trademark Registration No. 4,015,269 for the word mark VITALITY CALCIUM COMPLETE in International Class 005 for (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 7), “Dietary and nutritional supplements containing calcium.”

15. Melaleuca owns U.S. Trademark Registration No. 4,058,846 for the word mark VITALITY TOTAL in International Class 005 for (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 8), “Dietary and nutritional supplements.”

16. Applicant is the listed owner of the subject mark, Application Serial No. 85/501,086 filed December 21, 2011, for the mark DAILY VITALITY in International Class 005 for the following goods and services: “Vitamins; multi-nutrient dietary and food supplements; nutritional food supplements.”

17. Melaleuca has priority of use in the VITALITY mark. Melaleuca has continuously used the family of VITALITY marks in advertising, promoting, and marketing its dietary supplement products throughout the United States years prior to the date of Applicant’s application to register the subject mark.

18. The subject mark will be or is being used for goods that are closely related to the goods offered by Melaleuca in connection with its family of VITALITY marks.

19. Applicant’s goods would be directed to the same customer segment of the consuming public as Melaleuca’s goods.

20. The subject mark is substantially similar to Melaleuca's family of VITALITY marks in sound, appearance, connotation, and commercial impression.

21. DAILY VITALITY is confusingly similar to Melaleuca's family of VITALITY marks.

22. Applicants' use of the subject mark is likely to cause confusion, mistake, or deception as to the source of origin, sponsorship, or approval of Applicant's goods.

23. Due to the confusingly similar nature of Melaleuca's and Applicant's marks and the similarity of the goods offered under the respective marks, the relevant consuming public and the consuming public generally are likely to believe that Applicants' goods are those of Melaleuca or are in some way connected with, licensed by, or otherwise approved by Melaleuca.

24. Such confusion, mistake and/or deception are likely to damage and injure the purchasing public and Melaleuca.

25. Applicant's application and use of DAILY VITALITY are without the consent or approval of Melaleuca.

26. Based on the foregoing, Melaleuca believes that it will be damaged by the registration of the DAILY VITALITY mark in the United States Patent and Trademark Office.

ACCORDINGLY, Melaleuca prays that the present opposition be sustained and that registration of the subject mark be refused.

DATED this 19th day of September, 2012.

TRASKBRITT, P.C.

Attorneys for Melaleuca, Inc.

/Krista Weber Powell/
H. Dickson Burton
Krista Weber Powell
TRASKBRITT, P.C.
230 South 500 East, Suite 300
P.O. Box 2550
Salt Lake City, Utah 84110
Telephone: 1.801.532.1922
Facsimile: 1.801.531.9168

Enclosures: **Exhibit 1** – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 1,706,196
Exhibit 2 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 2,108,070
Exhibit 3 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 2,656,385
Exhibit 4 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 3,929,755
Exhibit 5 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 4,005,565
Exhibit 6 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 4,005,566
Exhibit 7 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 4,015,269
Exhibit 8 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 4,058,846

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 19th, 2012, I electronically filed the foregoing Notice of Opposition with the United States Patent & Trademark Office Trademark Trial & Appeal Board. A copy of the foregoing was sent via U.S. mail to the following:

Mark B. Harrison
Venable LLP
575 7th Street, NW
Washington, DC 20004

Healthy Directions LLC
7811 Montrose Road
Potomac, MARYLAND 20854



EXHIBIT 1

Generated on: This page was generated by TSDR on 2012-09-19 14:11:28 EST

Mark: VITALITY PAK

US Serial Number: 74177586

Application Filing Date: Jun. 17, 1991

US Registration Number: 1706196

Registration Date: Aug. 11, 1992

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Aug. 12, 2012

Publication Date: May 19, 1992

Mark Information

Mark Literal Elements: VITALITY PAK

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "PAK"

Related Properties Information

International Registration Number: [0820891](#)

International Application(s)/Registration(s) Based on this Property: [Z1230512/0820891](#)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit

of incontestability; and

- Asterisks *.* identify additional (new) wording in the goods/services.

For: dietary and nutritional supplements

International Class: 005 - Primary Class

U.S Class: 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1989

Use in Commerce: Sep. 1989

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Melaleuca, Inc.

Owner Address: 3910 South Yellowstone Highway
Idaho Falls, IDAHO 83402
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: IDAHO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: William Athay

Correspondent

Correspondent Name/Address: Melaleuca, Inc.
3910 S. Yellowstone Hwy.
IDAHO FALLS, IDAHO 83402

UNITED STATES

Phone: 208-522-0700

Fax: 208-534-2063

Correspondent e-mail: jehall@melaleuca.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 10, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 13, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Aug. 12, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	66607
Aug. 12, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Aug. 10, 2012	TEAS SECTION 8 & 9 RECEIVED	
Feb. 06, 2008	CASE FILE IN TICRS	
Jun. 07, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 07, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 03, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 15, 1997	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 25, 1997	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 11, 1992	REGISTERED-PRINCIPAL REGISTER	
May 19, 1992	PUBLISHED FOR OPPOSITION	
Apr. 17, 1992	NOTICE OF PUBLICATION	
Jan. 23, 1992	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 29, 1991	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 10, 1991	NON-FINAL ACTION MAILED	
Sep. 18, 1991	ASSIGNED TO EXAMINER	69197

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 11, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Aug. 12, 2012

Assignment Abstract of Title Information

Summary

Total Assignments: 2

Registrant: Melaleuca, Inc.

Assignment 1 of 2

Conveyance: SECURITY AGREEMENT

Reel/Frame: [1910/0518](#)

Pages: 15

Date Recorded: Mar. 11, 1999

Supporting Documents: [assignment-tm-1910-0518.pdf](#)

Assignor

Name: [MELALEUCA, INC](#)

Execution Date: Dec. 18, 1998

Legal Entity Type: CORPORATION

State or Country Where Organized: IDAHO

Assignee

Name: [BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATIONS](#)

Legal Entity Type: A NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 12TH FLOOR
1455 MARKET STREET

SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: MAYER, BROWN & PLATT

Correspondent Address: DEBORAH SCHAVEY RUFF
P.O. BOX 2828
CHICAGO, IL 60691-2828

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [2981/0994](#) **Pages:** 2

Date Recorded: May 24, 2004

Supporting Documents: [assignment-tm-2981-0994.pdf](#)

Assignor

Name: [SILICON VALLEY BANK](#) **Execution Date:** May 13, 2004

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [OPTIMAL NETWORKS CORP](#)

Legal Entity Type: CORPORATION **State or Country Where Organized:** No Place Where Organized Found

Address: 2454 E CHARLESTON RD
MOUNTAIN VIEW, CALIFORNIA 94043

Correspondent

Correspondent Name: SILICON VALLEY BANK

Correspondent Address: TRISHA SEDILLO
LOAN DOCUMENTATION HA155
3003 TASMAN DR.
SANTA CLARA, CA 95054

Domestic Representative - Not Found

EXHIBIT 2

Generated on: This page was generated by TSDR on 2012-09-19 14:13:49 EST

Mark: VITALITY FOR LIFE

US Serial Number: 74480267

Application Filing Date: Jan. 14, 1994

US Registration Number: 2108070

Registration Date: Oct. 28, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Oct. 31, 2007

Publication Date: Jun. 27, 1995

Mark Information

Mark Literal Elements: VITALITY FOR LIFE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement

International Class: 005 - Primary Class

U.S Class: 018, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 05, 1993

Use in Commerce: Sep. 05, 1993

For: nutritional fiber [and bran-] based food bars

International Class: 030 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 05, 1993

Use in Commerce: Sep. 05, 1993

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: MELALEUCA, INC.

Owner Address: 3910 South Yellowstone Highway
Idaho Falls, IDAHO 834026003
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: IDAHO

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: Tyrie Barrott
MELALEUCA INC
3910 S YELLOWSTONE HWY
IDAHO FALLS, IDAHO 83402-6003
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 31, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69934
Oct. 31, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 31, 2007	ASSIGNED TO PARALEGAL	69934
Oct. 19, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 12, 2007	CASE FILE IN TICRS	
Jan. 08, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 27, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 28, 2003	TEAS SECTION 8 & 15 RECEIVED	
Feb. 11, 2002	CANCELLATION TERMINATED NO. 999999	27720
Feb. 11, 2002	CANCELLATION DISMISSED NO. 999999	27720
Jul. 09, 1998	CANCELLATION INSTITUTED NO. 999999	27720
Oct. 28, 1997	REGISTERED-PRINCIPAL REGISTER	
Sep. 09, 1997	OPPOSITION TERMINATED NO. 999999	98741
Sep. 09, 1997	OPPOSITION DISMISSED NO. 999999	98741
Oct. 03, 1995	OPPOSITION INSTITUTED NO. 999999	98741
Jul. 26, 1995	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 27, 1995	PUBLISHED FOR OPPOSITION	
May 26, 1995	NOTICE OF PUBLICATION	
Feb. 06, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 08, 1994	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 08, 1994	NON-FINAL ACTION MAILED	
May 30, 1994	ASSIGNED TO EXAMINER	72150
May 30, 1994	ASSIGNED TO EXAMINER	64390

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Oct. 28, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION **Date in Location:** Oct. 31, 2007

Assignment Abstract of Title Information

Summary

Total Assignments: 1 **Registrant:** MELALEUCA, INC.

Assignment 1 of 1

Conveyance: SECURITY AGREEMENT
Reel/Frame: [1910/0518](#) **Pages:** 15
Date Recorded: Mar. 11, 1999
Supporting Documents: [assignment-tm-1910-0518.pdf](#)

Assignor

Name: [MELALEUCA, INC](#) **Execution Date:** Dec. 18, 1998
Legal Entity Type: CORPORATION **State or Country Where Organized:** IDAHO

Assignee

Name: [BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATIONS](#)
Legal Entity Type: A NATIONAL BANKING ASSOCIATION **State or Country Where Organized:** No Place Where Organized Found
Address: 12TH FLOOR
1455 MARKET STREET

SAN FRANCISCO, CALIFORNIA 94103

Correspondent

**Correspondent
Name:** MAYER, BROWN & PLATT

**Correspondent
Address:** DEBORAH SCHAVEY RUFF
P.O. BOX 2828
CHICAGO, IL 60691-2828

Domestic Representative - Not Found

EXHIBIT 3

Generated on: This page was generated by TSDR on 2012-09-19 14:15:52 EST

Mark: VITALITY FOR LIFE



US Serial Number: 76360715

Application Filing Date: Jan. 22, 2002

US Registration Number: 2656385

Registration Date: Dec. 03, 2002

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 24, 2012

Publication Date: Sep. 10, 2002

Mark Information

Mark Literal Elements: VITALITY FOR LIFE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s):

- 02.01.31 - Men, stylized, including men depicted in caricature form
- 02.01.33 - Stick figures;Grotesque men formed by letters, numbers, punctuation or geometric shapes
- 02.09.05 - Running, humans;Humans, including men, women and children, depicted running
- 02.09.12 - Flying, humans (self-propelled);Humans, including men, women and children, depicted flying (self-propelled)
- 26.01.02 - Circles, plain single line;Plain single line circles
- 26.17.09 - Curved line(s), band(s) or bar(s);Lines, curved;Bands, curved;Bars, curved

Related Properties Information

International Registration Number: [0820887](#)

International
Application(s)/Registration(s) [Z1230513/0820887](#)
Based on this Property:

Claimed Ownership of US
Registrations: [1919209,2108070](#)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary [and nutritional] supplements; [nutritional drink mix for use as a meal replacement; powdered fiber-based dietary supplement drink mix; and ready to eat nutritional food bars for use as a meal replacement]

International Class: 005 - Primary Class **U.S Class:** 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 05, 1993 **Use in Commerce:** Sep. 05, 1993

For: [Ready to eat nutritional fiber based food bars]

International Class: 030 - Primary Class **U.S Class:** 046

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Sep. 05, 1993 **Use in Commerce:** Sep. 05, 1993

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No

Filed 66A: No **Currently 66A:** No
Filed No Basis: No **Currently No Basis:** No

Current Owner(s) Information

Owner Name: Melaleuca, Inc.
Owner Address: 3910 S. Yellowstone Highway
Idaho Falls, IDAHO 83402
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** IDAHO

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: MELALEUCA, INC.
3910 S. Yellowstone Highway
Idaho Falls, IDAHO 83402
UNITED STATES

Phone: 208-522-0700 **Fax:** 208-534-2063

Correspondent e-mail: jehall@melaleuca.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 24, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
May 24, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
May 24, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68502
May 24, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
May 15, 2012	TEAS SECTION 8 & 9 RECEIVED	

May 15, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 09, 2009	REGISTERED - SEC. 15 ACKNOWLEDGED	76533
Jan. 09, 2009	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED	76533
Nov. 26, 2008	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Dec. 01, 2008	ASSIGNED TO PARALEGAL	76533
Nov. 26, 2008	TEAS SECTION 8 & 15 RECEIVED	
Jul. 16, 2008	CASE FILE IN TICRS	
Dec. 03, 2002	REGISTERED-PRINCIPAL REGISTER	
Sep. 10, 2002	PUBLISHED FOR OPPOSITION	
Aug. 21, 2002	NOTICE OF PUBLICATION	
Jun. 15, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 30, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 03, 2002	PAPER RECEIVED	
Apr. 23, 2002	NON-FINAL ACTION MAILED	
Apr. 04, 2002	ASSIGNED TO EXAMINER	76725

Maintenance Filings or Post Registration Information

Affidavit of Continued Use:	Section 8 - Accepted
Affidavit of Incontestability:	Section 15 - Accepted
Renewal Date:	Dec. 03, 2012
Change in Registration:	Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: May 24, 2012

EXHIBIT 4

Generated on: This page was generated by TSDR on 2012-09-19 14:17:27 EST

Mark: VITALITY COLDWATER OMEGA-3

VITALITY COLDWATER OMEGA-3

US Serial Number:	77885651	Application Filing Date:	Dec. 03, 2009
US Registration Number:	3929755	Registration Date:	Mar. 08, 2011
Register:	Principal		
Mark Type:	Trademark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Mar. 08, 2011		
Publication Date:	Nov. 09, 2010	Notice of Allowance Date:	Jan. 04, 2011

Mark Information

Mark Literal Elements:	VITALITY COLDWATER OMEGA-3
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK
Disclaimer:	"OMEGA-3" AND "COLDWATER"

Related Properties Information

Claimed Ownership of US Registrations: [3096604,3107829,3272075](#),and others

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary supplements containing Omega-3 fatty acids

International Class: 005 - Primary Class

U.S Class: 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 04, 2010

Use in Commerce: Jan. 04, 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Melaleuca, Inc.

Owner Address: Attn: Legal Department
3910 S. Yellowstone Hwy.
Idaho Falls, IDAHO 83402
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: IDAHO

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

MELALEUCA, INC.
MELALEUCA, INC.

Correspondent Name/Address: 3910 S YELLOWSTONE HWY
IDAHO FALLS, IDAHO 83402-6003
UNITED STATES

Phone: 208-522-0700

Fax: 208-534-2063

Correspondent e-mail: jehall@melaleuca.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 08, 2011	REGISTERED-PRINCIPAL REGISTER	
Feb. 02, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 01, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Jan. 28, 2011	ASSIGNED TO LIE	68171
Jan. 28, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 27, 2011	STATEMENT OF USE PROCESSING COMPLETE	76874
Jan. 04, 2011	USE AMENDMENT FILED	76874
Jan. 27, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Jan. 04, 2011	TEAS STATEMENT OF USE RECEIVED	
Jan. 04, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 09, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 09, 2010	PUBLISHED FOR OPPOSITION	
Oct. 03, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Sep. 28, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 28, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 28, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 28, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 28, 2010	EXAMINERS AMENDMENT -WRITTEN	62126
Sep. 28, 2010	PREVIOUS ALLOWANCE COUNT WITHDRAWN	

Sep. 17, 2010	WITHDRAWN FROM PUB - OG REVIEW QUERY	60756
Sep. 08, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Sep. 08, 2010	ASSIGNED TO LIE	68552
Aug. 25, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 25, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 25, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 25, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 25, 2010	EXAMINERS AMENDMENT -WRITTEN	62126
Feb. 25, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 25, 2010	NON-FINAL ACTION E-MAILED	6325
Feb. 25, 2010	NON-FINAL ACTION WRITTEN	62126
Feb. 19, 2010	ASSIGNED TO EXAMINER	62126
Dec. 12, 2009	NOTICE OF PSEUDO MARK MAILED	
Dec. 11, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 07, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Feb. 01, 2011

EXHIBIT 5

Generated on: This page was generated by TSDR on 2012-09-19 14:18:50 EST

Mark: VITALITY 4

VITALITY 4

US Serial Number:	85195482	Application Filing Date:	Dec. 10, 2010
US Registration Number:	4005565	Registration Date:	Aug. 02, 2011
Filed as TEAS Plus:	Yes	Currently TEAS Plus:	Yes
Register:	Principal		
Mark Type:	Trademark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Aug. 02, 2011		
Publication Date:	May 17, 2011		

Mark Information

Mark Literal Elements:	VITALITY 4
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK
Disclaimer:	"4"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements
International Class: 005 - Primary Class **U.S Class:** 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Aug. 27, 2008 **Use in Commerce:** Aug. 27, 2008

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Melaleuca, Inc.
Owner Address: Attn: Legal Department
3910 S. Yellowstone Hwy.
Idaho Falls, IDAHO 83402
UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** IDAHO

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: MELALEUCA, INC.
MELALEUCA, INC.
3910 S YELLOWSTONE HWY
IDAHO FALLS, IDAHO 83402-6003
UNITED STATES

Phone: 208-522-0700

Fax: 208-534-2063

Correspondent e-mail: jehall@melaleuca.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 02, 2011	REGISTERED-PRINCIPAL REGISTER	
May 17, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 17, 2011	PUBLISHED FOR OPPOSITION	
Apr. 09, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 09, 2011	ASSIGNED TO LIE	70138
Mar. 28, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 15, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 15, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 15, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 15, 2011	NON-FINAL ACTION E-MAILED	6325
Mar. 15, 2011	NON-FINAL ACTION WRITTEN	72503
Mar. 14, 2011	ASSIGNED TO EXAMINER	72503
Dec. 16, 2010	NOTICE OF PSEUDO MARK MAILED	
Dec. 15, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 14, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 02, 2011

EXHIBIT 6

Generated on: This page was generated by TSDR on 2012-09-19 14:20:11 EST

Mark: VITALITY 6

VITALITY 6

US Serial Number:	85195486	Application Filing Date:	Dec. 10, 2010
US Registration Number:	4005566	Registration Date:	Aug. 02, 2011
Filed as TEAS Plus:	Yes	Currently TEAS Plus:	Yes
Register:	Principal		
Mark Type:	Trademark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Aug. 02, 2011		
Publication Date:	May 17, 2011		

Mark Information

Mark Literal Elements:	VITALITY 6
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK
Disclaimer:	"6"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements
International Class: 005 - Primary Class **U.S Class:** 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Aug. 27, 2008 **Use in Commerce:** Aug. 27, 2008

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Melaleuca, Inc.
Owner Address: Attn: Legal Department
3910 S. Yellowstone Hwy.
Idaho Falls, IDAHO 83402
UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** IDAHO

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: MELALEUCA, INC.
MELALEUCA, INC.
3910 S YELLOWSTONE HWY
IDAHO FALLS, IDAHO 83402-6003
UNITED STATES

Phone: 208-522-0700

Fax: 208-534-2063

Correspondent e-mail: jehall@melaleuca.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 02, 2011	REGISTERED-PRINCIPAL REGISTER	
May 17, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 17, 2011	PUBLISHED FOR OPPOSITION	
Apr. 09, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 09, 2011	ASSIGNED TO LIE	70138
Mar. 28, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 15, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 15, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 15, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 15, 2011	NON-FINAL ACTION E-MAILED	6325
Mar. 15, 2011	NON-FINAL ACTION WRITTEN	72503
Mar. 14, 2011	ASSIGNED TO EXAMINER	72503
Dec. 16, 2010	NOTICE OF PSEUDO MARK MAILED	
Dec. 15, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 14, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 02, 2011

EXHIBIT 7

Generated on: This page was generated by TSDR on 2012-09-19 14:21:20 EST

Mark: VITALITY CALCIUM COMPLETE

VITALITY CALCIUM COMPLETE

US Serial Number:	85195477	Application Filing Date:	Dec. 10, 2010
US Registration Number:	4015269	Registration Date:	Aug. 23, 2011
Filed as TEAS Plus:	Yes	Currently TEAS Plus:	Yes
Register:	Principal		
Mark Type:	Trademark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Aug. 23, 2011		
Publication Date:	Jun. 07, 2011		

Mark Information

Mark Literal Elements:	VITALITY CALCIUM COMPLETE
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK
Disclaimer:	"CALCIUM COMPLETE"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements containing calcium
International Class: 005 - Primary Class **U.S Class:** 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Aug. 21, 2008 **Use in Commerce:** Aug. 21, 2008

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Melaleuca, Inc.
Owner Address: Attn: Legal Dept.
3910 S. Yellowstone Hwy.
Idaho Falls, IDAHO 83402
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** IDAHO

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: MELALEUCA, INC.
MELALEUCA, INC.
3910 S YELLOWSTONE HWY
IDAHO FALLS, IDAHO 83402-6003
UNITED STATES

Phone: 208-522-0700

Fax: 208-534-2063

Correspondent e-mail: jehall@melaleuca.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 23, 2011	REGISTERED-PRINCIPAL REGISTER	
Jun. 07, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 07, 2011	PUBLISHED FOR OPPOSITION	
Apr. 29, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 28, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 28, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 28, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 28, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 28, 2011	EXAMINERS AMENDMENT -WRITTEN	72503
Apr. 26, 2011	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Apr. 22, 2011	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
Apr. 09, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 09, 2011	ASSIGNED TO LIE	70138
Mar. 28, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 15, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 15, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 15, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 15, 2011	NON-FINAL ACTION E-MAILED	6325
Mar. 15, 2011	NON-FINAL ACTION WRITTEN	72503
Mar. 14, 2011	ASSIGNED TO EXAMINER	72503
Dec. 15, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

Dec. 14, 2010 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE
SECTION **Date in Location:** Aug. 23, 2011

EXHIBIT 8

Generated on: This page was generated by TSDR on 2012-09-19 14:23:00 EST

Mark: VITALITY TOTAL

VITALITY TOTAL

US Serial Number:	85195492	Application Filing Date:	Dec. 10, 2010
US Registration Number:	4058846	Registration Date:	Nov. 22, 2011
Filed as TEAS Plus:	Yes	Currently TEAS Plus:	Yes
Register:	Principal		
Mark Type:	Trademark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Nov. 22, 2011		
Publication Date:	Sep. 06, 2011		

Mark Information

Mark Literal Elements:	VITALITY TOTAL
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK
Disclaimer:	"TOTAL"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements
International Class: 005 - Primary Class **U.S Class:** 006, 018, 044, 046, 051, 052
Class Status: ACTIVE
Basis: 1(a)
First Use: Aug. 27, 2008 **Use in Commerce:** Aug. 27, 2008

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Melaleuca, Inc.
Owner Address: Attn: Legal Department
3910 S. Yellowstone Hwy.
Idaho Falls, IDAHO 83402
UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** IDAHO

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: MELALEUCA, INC.
MELALEUCA, INC.
3910 S YELLOWSTONE HWY
IDAHO FALLS, IDAHO 83402-6003
UNITED STATES

Phone: 208-522-0700

Fax: 208-534-2063

Correspondent e-mail: jehall@melaleuca.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 22, 2011	REGISTERED-PRINCIPAL REGISTER	
Sep. 06, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 06, 2011	PUBLISHED FOR OPPOSITION	
Jul. 29, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 15, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 15, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 15, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 15, 2011	NON-FINAL ACTION E-MAILED	6325
Mar. 15, 2011	NON-FINAL ACTION WRITTEN	72503
Mar. 14, 2011	ASSIGNED TO EXAMINER	72503
Dec. 15, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 14, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 22, 2011