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

Proceeding	91235601
Party	Defendant JH MJLL Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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In the Matter of Application Serial No. 86958449 and No. 87294026: NOW FIND GLUTEN FREE, each in International Class 009

Gluten Free Classes, LLC	)	
	)	
Opposer,	)	
	)	Opposition No. 91235601
v.	)	Opposition No. 91237114
	)	
JHMJLL, Inc.	)	
	)	Tracking No: ESTTA802382
Applicant.	)	Tracking No: ESTTA851182
	)	

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**APPLICANT'S MOTION TO DISMISS  
AND MOTION TO SUSPEND PROCEEDINGS  
PENDING DISPOSITION OF MOTION**

Applicant, JHMJLL Inc. (“Applicant” or “JHMJLL”) moves to dismiss the Combined Notices of Opposition (Opposition No. 91235601 and Opposition No. 91237114), filed by Gluten Free Classes, LLC (“Opposer”) on October 9, 2017, on the grounds that the Notices of Opposition each fail to state a claim for which relief can be granted. Finally, Applicant requests that the Trademark Trial and Appeal Board (the “Board”) suspend the proceedings pending disposition of these motions.

**PROCEDURAL HISTORY**

On November 22, 2017, the Board combined Opposition No. 91235601 against U. S. Application #86958449 (The “449 Application”) with Opposition No. 91237114 against U.S. Application #87294026 (The “026 Application”). The Applicant filed on March 30, 2016. Opposer filed its Notice of Opposition on July 17, 2017. Applicant now submits this combined Motion to Dismiss Opposer’s Notice of Opposition for the combined proceedings, lieu of an Answer, because Opposer has failed to allege any facts in support of its claim of likelihood of confusion in each.

**ARGUMENT**

In addition to the 026 and 449 Applications that are the subject of this Opposition, Applicant is the owner of U. S. Registration #5189310, registered April 25, 2017 for the mark NOWFINDGLUTENFREE in IC 044, used in connection with “Providing a web site that features

information about gluten free living and food in the field of health and nutrition and the medical benefits of gluten free living and food.” A printout of U. S. Registration #5189310 downloaded from the USPTO TSDR system is attached as Exhibit A to this Motion to Dismiss. Applicant submits that this registration is nearly identical in overall sound meaning and commercial impression to its two (2) NOW FIND GLUTEN FREE applicatins, which are the subject of the Oppositions.

Applicant is also the owner of U. S. Application #86958449 for the mark NOW FIND GLUTEN FREE (“Gluten Free” disclaimed) in IC 009, used in connection with “Computer application software for mobile phones, namely, software for providing information about food and other product information regarding Gluten Free certified or claimed Gluten Free products.” The 449 Application is the subject of Cancellation # 91235601, currently pending. Additionally, Applicant is also the owner of U. S. Application #87294026 for the mark NOW FIND GLUTEN FREE (“Gluten Free” disclaimed) in IC 009, used in connection with “Downloadable software in the nature of a mobile application for operating systems on mobile devices that present food and other product information for products sold to customers.”

Opposer is the owner of U.S. Trademark Registration Number 4,450,049, registered on December 17, 2013 for the mark “FIND ME GLUTEN FREE” (“Gluten Free” disclaimed) in IC 035, for, among other things, advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others; online advertisements; etc. Opposer admits that the services it offers under the mark are promotional in nature.

As grounds for its opposition to the 026 Application and the 449 Application, Opposer claims priority and likelihood of confusion under Section 2(d). Opposer’s Notice of Opposition does not satisfy the pleading requirements because it fails to plead facts in support of all the essential elements of a claim under Section 2(d).

To state a claim upon which relief can be granted, a plaintiff needs to allege sufficient facts that, if proved, would allow the Board to conclude, or to draw a reasonable inference, that (1) the plaintiff has standing to maintain the proceeding, and (2) a valid ground exists for opposing or cancelling the mark. *Doyle v. Al Johnson’s Swed. Rest. & Butik Inc.*, 101 USPQ2d 1780, 1782 (TTAB 2012) (citing *Young v. AGB Corp.*, 152 F.3d 1377, 47 USPQ2d 1752, 1754 (Fed. Cir. 1998)); see also TBMP §503.02 (2015). Specifically, a complaint “must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Doyle*, 101 USPQ2d at 1782 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). In particular, the claimant must allege well-pleaded factual matter and more than “[t]hreadbare recitals of the elements of a cause of action, supported by mere

conclusory statements.” *Iqbal*, 556 U.S. at 678 (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). The pleading requires a statement that (1) sets forth the elements of the claims plainly and succinctly, and (2) provides the details of the legal basis for recovery. *McDonnell Douglas Corp. v. National Data Corp.*, 228 USPQ 45, 47 (TT AB 1985).

Here, Opposer has failed to allege any facts that demonstrate any likelihood of confusion, which is the legal basis of Opposer’s challenge. In relation to the 449 Application, the Amended Notice of Opposition did little more than swap the incorrectly identified marks in paragraph 11 and paragraph 13, as described in Applicant’s response to the original Notice of Opposition. At best, the Amended Notice of Opposition for both the 449 and the 026 Application is nothing more than “threadbare recitals of the elements of a cause of action.” Simply put, Opposer fails to allege the specific underlying facts necessary to support any of its claims.

**Opposer Has Failed to Allege Any Facts That Support Priority & Likelihood of Confusion.**

To allege a valid ground for opposition under Section 2(d), Opposer need only allege it has valid proprietary rights that are prior to those of Applicant, or that it owns a registration which Applicant has not counterclaimed to cancel, and that Applicant’s mark so resembles Opposer’s mark as to be likely to cause confusion. See Lanham Act § 2(d), 15 U.S.C. § 1052(d); *Otto Roth & Co. v. Universal Foods Corp.*, 640 F.2d 1317, 209 USPQ 40 (CCPA 1981).

In both Oppositions, Opposer has failed to allege the existence of facts that support a claim of likelihood of confusion. In contrast, applicant submits evidence that applicant’s mark currently exists in the marketplace and that consumer confusion is unlikely.

**A. Opposer Has Failed to Allege Any Facts That Show Priority for the Relevant Use.**

Applicant has three (3) trademarks for the phrase “NOW FIND GLUTEN FREE,” including one registered mark. The 449 Application is for “Computer application software for mobile phones, namely, software for providing information about food and other product information regarding Gluten Free certified or claimed Gluten Free products” in Class 009. Opposer’s mark “FIND ME GLUTEN FREE” in IC 035, for, among other things, “Advertising and directory services.” Opposer’s mark establishes priority of use in, at best, Class 035 for advertising services, not Class 009, Computer application software.

Opposer has failed to allege a single fact to indicate any use of its mark in connection with any product or service related to Computer application software. Therefore, Opposer has failed to show proprietary rights that are prior to those of Applicant for the goods or services at issue in either the

449 Application or the 026 Application.

**B. Opposer Has Failed to Allege Any Facts Showing Likelihood of Confusion.**

Applicant respectfully submits that upon examination of the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), Applicant's mark is unlikely to cause confusion with Opposer's mark because each conveys a unique and dissimilar overall commercial impression. The *E. I. du Pont de Nemours & Co.* court discussed the factors relevant to a determination of likelihood of confusion which turns on similarity or dissimilarity of the marks and the relatedness of the goods or services. In a given case, not all factors may be relevant or of equal weight, and any one may be the deciding factor. The following factors should be examined on the issue of similarity: (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression; (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use; (3) the similarity or dissimilarity of established, likely-to-continue trade channels; (4) the conditions under which and buyers to whom sales are made, i. e. "impulse" vs. careful, sophisticated purchasing; (5) the fame of the prior mark (sales, advertising, length of use); (6) the number and nature of similar marks in use on similar goods; (7) the nature and extent of any actual confusion; (8) the length of time during and conditions under which there has been concurrent use without evidence of actual confusion; (9) the variety of goods on which a mark is or is not used (house mark, "family" mark, product mark); (10) the market interface between applicant and the owner of a prior mark; (11) the extent to which applicant has a right to exclude others from use of its mark on its goods; (12) the extent of potential confusion, i. e., whether *de minimis* or substantial; and (13) any other established fact probative of the effect of use.

Courts have recognized that "likelihood of confusion" is a moving target and guidance from the Court of Appeals for the Federal Circuit is helpful in articulating the standard: "the basic principle ... is that marks must be compared in their entireties and must be considered in connection with the particular goods or services." *In re National Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985). There is no mechanical test for determining likelihood of confusion. Each case must be decided on its own facts. Applicant submits that in the present case, Opposer's marks are easily distinguishable from Applicant's highly distinctive marks.

1. Similarity in appearance, sound, connotation, and commercial impression

a. *The 449 Application*

The first factor - examination of the similarity of the marks - compares the appearance, sound, connotation and overall commercial impression of the marks at issue. Applicant's mark is dissimilar to Opposer's mark when viewed in their entirety as to appearance, sound, connotation and commercial impression. All relevant facts pertaining to the appearance and connotation must be considered when evaluating the similarity of the marks (*Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1897 (Fed. Cir. 2000)) and the emphasis must be on the point-of-view of the "average purchaser." *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975). Applicant's mark, NOW FIND GLUTEN FREE, has a very distinct authoritative sound. In contrast, FIND ME GLUTEN FREE, rendered as a phrase has a sing-song, rhyme-y sound. These are distinct in sound and appearance.

Similarly, they are distinct in commercial impression. While each mark contains literal elements that suggests finding "gluten-free," the exact nature and scope of goods or services offered from the source, and what will be "found" there, is entirely up to the imagination. Furthermore, each trademark owner provides distinct services. Opposer's services are primarily advertising, marketing and promotions for third-parties. In contrast, applicant's services are directed at informing consumers by "providing a web site that features information about helping people understand what they need to do to become and or stay Gluten Free."

*b. The 026 Application*

In addition to the above, the 026 Application, when examined side-by-side with the Opposer's mark, is immediately distinguishable. Applicant's mark is a highly-stylized composite mark, consisting of a green broken circle around the words "Now Find Gluten Free" in green, with two green leaves in the upper right hand quadrant of the image conjuring the appearance of a fruit or vegetable. In Applicant's mark the words "gluten free" are smaller size font with less significance. Opposer's mark is a simple word mark. Examined side-by-side, the two (2) marks are wholly dissimilar in appearance. Given these obvious distinctions, it is unlikely consumers will be confused. Therefore, the overall appearance, sound, connotation and commercial impression of both of Applicant's marks are distinct from Opposer's mark.

2. Relatedness of the Goods or Services & Trade Channels

With regard to the second and third factors of the likelihood of confusion analysis, relatedness of the goods and similarity in trade channels, it is clear that Applicant's goods and channels of trade are dissimilar from the Opposer's.

The intended use and target customers of Applicant's goods and services differ from Opposer's, so there is no likelihood of confusion. Where there are differences in the purpose or intended use of goods and services, as there are here, confusion is less likely.<sup>1</sup>

Opposer's services are "Advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others; Online advertisements; Online advertising and promotional services; Promoting the goods and services of others by providing a website featuring coupons, rebates, price-comparison information, product reviews, links to the retail websites of others, and discount information; Promoting the goods of others, namely, providing information regarding discounts, coupons, rebates, vouchers and special offers for the goods of others; Providing a searchable online advertising website and informational guide featuring the goods and services of other vendors via the internet in the field of gluten free products, restaurants, and retailers." These services are clearly used by commercial enterprises to communicate with and advertise to consumers. However, Applicant seeks to register its mark for a very consumer-facing information service. To the extent that each service may leverage digital business practices such as communication via a global network of computers, accessible via any number of web browsers, that is simply a fact of how business is conducted today. To the extent the parties share common trade channels, this factor is neutral. Due to the unrelatedness of the goods, services, or trade channels, there is no likelihood of confusion.

### 3. Buyer Sophistication.

The third factor, buyer sophistication, strongly favors Applicant. Consumers who use a high level of care when purchasing products are less likely to be confused by a defendant's use of a competitor's trademark. *AM General Corp. v. Daimler-Chrysler Corp.*, 311 F.3d 796, 827-28 (7th Cir.2002). The choice to eat "Gluten Free" is a decision that has an immediate and direct impact on the health of a consumer. As many as 3 million people in the United States have celiac disease.<sup>2</sup> There is no cure

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<sup>1</sup> See, e.g., *In re Hair Masters Goods, Inc.*, 17 U.S.P.Q. 2d 1335, 1336 (Fed. Cir. 1990) (difference between HAIR MASTERS for hair styling goods and HAIRMASTER for hair tonic sufficient to permit registration of mark); *G.H.Mumm & Cie v. Desnoes & Geddes, Ltd.*, 917 F. 2d 1292, 1295 (Fed. Cir. 1990) (no likelihood of confusion between RED STRIPE for premium champagne and RED STRIPE for beer); *In re Jacques Bernier, Inc.*, 1 U.S.P.Q. 2d 1924, 1925 (T.T.A.B. 1987) (differences between SPORTS CLUB for men's cologne and INTERNATIONAL SPORTS CLUB for men's clothing sufficient to permit registration); *In re Mars, Inc.*, 741 F. 2d 395, 396 (Fed. Cir. 1984) (CANYON for candy bars and CANYON for fresh citrus fruits not confusing); *In re Donnay International, Societe Anonyme*, 31 U.S.P.Q.2d 1953 (T.T.A.B. 1994) (THE GHOST for soccer balls and GHOST for tennis, table tennis, squash and badminton rackets and bags not confusingly similar).

<sup>2</sup> 'Gluten-Free' Now Means What It Says, FDA Consumer bulletin August 5, 2014, <https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm363069.htm>

for celiac disease and the only way to manage the disease is dietary—not eating gluten.<sup>3</sup> Because of this impact on consumer health, use of the phrase Gluten Free on product labeling is regulated by the FDA. Because the presence or absence of gluten can have a material impact on a consumer’s health, such consumers are highly selective.

Celiac-afflicted or not, many consumers associate gluten-free foods with increased energy and weight loss.<sup>4</sup> Market research company Technavio cited a 2013 market survey conducted by Monash University that revealed 78% of those who purchase gluten-free products say they do so for some sort of health reason.<sup>5</sup> As a result, consumers who seek Gluten Free food choices exercise an extremely high degree of care. Given the fact that consumers in the relevant market use a high degree of care, it is likely that such consumers can easily distinguish between Applicant’s marks and Opposer’s mark.

4. Opposer has failed to allege any facts regarding Opposer’s use of the mark.

As noted in *re E. I. du Pont de Nemours & Co*, the fame of the mark in terms of sales, advertising, length of use, etc., is relevant to a determination of confusion. Here, Opposer has not alleged a single fact about use of its mark. Opposer has not alleged any facts that show how Opposer uses the mark in connection with the services. Opposer has not alleged any facts that show how, or if, it advertises the mark or under what conditions consumers would encounter its mark. In short, Opposer has not alleged a single fact that might show any consumer is even aware of its mark.

In contrast, applicant has provided testimony that show applicant’s use of both the word mark and the stylized mark, consumer awareness of the marks, and unsolicited third-party reviews of the products offered under the marks. (Declaration of Justin Lee) Therefore, this factor weighs in favor of Applicant and against a finding likelihood of confusion.

5. The number and nature of similar marks in use on similar goods or services.

The next factor of the likelihood of confusion analysis, the number and nature of similar marks in use on similar goods, weighs substantially in Applicant’s favor. Third-party registrations may establish recognition by the Patent and Trademark Office that a portion common to the marks at issue has a normally understood and well-known meaning as evidenced by registered marks that contain a common feature for the same or closely related goods and where the remaining portions of the marks are sufficient to distinguish the marks as a whole. *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co.*

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<sup>3</sup> Id.

<sup>4</sup> Watrous, Monica, *Three trends driving gluten-free market*, *FoodBusinessNews.net*, Feb. 10, 2016 [http://www.foodbusinessnews.net/articles/news\\_home/Consumer\\_Trends/2016/02/Three\\_trends\\_driving\\_gluten-free.aspx?ID=%7BF0C580B5-8A77-433B-9C95-5B242D26520E%7D&cck=1](http://www.foodbusinessnews.net/articles/news_home/Consumer_Trends/2016/02/Three_trends_driving_gluten-free.aspx?ID=%7BF0C580B5-8A77-433B-9C95-5B242D26520E%7D&cck=1)

<sup>5</sup> Id.



*KGAA v. New Millennium Sports, SLU*, 797 F.3d 1363 (Fed. Cir. 2015), cert. denied, 136 S.Ct. 982 (2016) The inclusion of the common element in each mark may be an insufficient basis on which predicate a holding of confusing similarity.

Applicant submits that there are literally hundreds of similar marks in use for similar goods and services. A search of the TESS system produces significant results. There are at least 366 live applications and/or registrations for trademarks incorporating the words “Gluten Free.” Of those, 308 are for registration on the Principal Register. Of those on the Principal Register, 240 have already been registered. Of the 240 Registrations, 218 incorporate the words “Gluten Free” in the non-punctuated word mark.

Applicant has attached registration certificates for the following:

FOLLOW ME TO GLUTEN FREE! Registration # 4078798, “Providing a website featuring information in the area of Celiac Disease and gluten free food,” in IC 044.

GLUTEN FREE ON A SHOESTRING Registration #5294798, “Providing a website featuring information in the area of gluten free food,” in IC 044.

THE GFB GLUTEN FREE BAR Registration #5020210, “On-line journals, namely, blogs featuring information on health, nutrition, wellness, healthy living and lifestyles, gluten-free recipes and cooking tips, a gluten-free diet, and related information,” in IC 041; and “Providing a website featuring health and nutrition information about gluten-free food and snack products, health, nutrition, wellness, healthy living and lifestyles, gluten-free recipes and cooking tips for health and nutrition, and a gluten-free diet for health and nutrition,” in IC 044.

GO GLUTEN FREE Registration #4555850, “Magazines regarding health, nutrition, diet and cooking, featuring recipes and information in the field of health, nutrition, diet and cooking,” IC 016.

GLUTEN-FREE GIRL Registration #4978968, “Providing a website featuring blogs and non-downloadable publications in the nature of articles in the fields of food, cooking, recipes, lifestyle wellness, ratings and reviews of books in the field of cooking and cookbooks; providing a website featuring non-downloadable videos in the fields of food, cooking, recipes, lifestyle wellness; cooking instruction; entertainment services, namely, wine and food tastings; providing online newsletters in the field of food, cooking, recipes, lifestyle wellness, ratings and reviews of books in the field of cooking and cookbooks via e-mail; providing a website featuring information on ratings and reviews of publications, namely, of books and cookbooks,” in IC 041.

GOOD FOR YOU GLUTEN FREE Registration #4982524, “On-line journals, namely, blogs featuring gluten free recipes, gluten free reviews, and information about living gluten free,” in IC 041.

In addition to addressing consumers of gluten-free products and services, all of these marks are used in connection with services that provide information to those consumers. Notably, many of these overlapping marks are seen side-by-side by consumers in the context of third-party online reviews and in the mobile software application stores (e.g. Apple App Store and Google Play store). Evidence of the impact, if any, that third-party uses have made in the minds of the purchasing public is relevant to the weight of such third-party evidence. *Juice Generation, Inc. v. GS Enterprises LLC*, 115 USPQ2d 1671 (Fed. Cir. 2015).

For example, applicant's product received an unsolicited, independent third-party product review. A review of the Applicant's product, appearing in the same article as Opposer's product, was published on healthline.com in an article entitled *The Best Gluten-Free Living Apps of 2017*.<sup>6</sup> The presence of applicant's mark in the context of an industry-focused, multi-product review is informative on the issue of how consumers are presented with competing marks in a commercial context.

Accordingly, it is evident that customers have become conditioned to recognize that other entities use simple word marks containing the phrase "GLUTEN FREE" for similar services. Such evidence is powerful on its face, even when specifics as to the extent and impact of use of the third parties' marks may not have been proven, where, as here, a considerable number of third parties use similar marks. *Juice Generation*, 115 USPQ2d 1671. In addition, "third party registrations show the sense in which . . . a mark is used in ordinary parlance." 2 McCarthy on Trademarks and Unfair Competition § 11:90 (4th ed. 2015) "Third party registrations are relevant to prove that some segment of the composite marks which both contesting parties use has a normally understood and well-recognized descriptive or suggestive meaning, leading to the conclusion that that segment is relatively weak." *Id.*; see *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 917 (CCPA 1976) (even if "there is no evidence of actual use" of "third-party registrations," such registrations "may be given some weight to show the meaning of a mark in the same way that dictionaries are used"). While applicant does not concede that its mark is weak, applicant submits that due to the wide use of the phrase "GLUTEN FREE," customers will focus less on that aspect of the mark, and more on the distinctive remainder of the mark "NOW FIND."

In *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, SLU*, the Board held that in situations where there is evidence that a portion of the respective marks is relatively weak, consumers will look to additional materials to distinguish trademarks. Where "some

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<sup>6</sup> Schaefer, Anna, *The Best Gluten-Free Living Apps of 2017*, healthline.com, July 6, 2017, attached.

segment that is common to both parties' marks may have "a normally understood and well-recognized descriptive or suggestive meaning," this leads to the conclusion that that segment is relatively weak." *Jack Wolfskin*, 797 F.3d 1363. In addition, evidence of third-party use of similar marks on similar goods "can show that customers have been educated to distinguish between different marks on the basis of minute distinctions."

In light of the very large number of third parties using similar sounding marks for similar or related goods and services, Applicant's marks can coexist without causing consumer confusion and without causing confusion with Opposer's trademark. Applicant's evidence demonstrates that consumers are accustomed to seeing similar marks containing the phrase "GLUTEN FREE" in the marketplace and that customers will likely look to additional material within the marks to distinguish the products or services. Despite some similarities, the FIND ME GLUTEN FREE, NOW FIND GLUTEN FREE, FOLLOW ME TO GLUTEN FREE! and GO GLUTEN FREE trademarks are distinguishable. Therefore, both Applicant's 449 and 026 marks are similarly distinguishable from the Opposer's mark, and are thus unlikely to cause consumer confusion.

6. The nature and extent of any actual confusion.

The next factor of the likelihood of confusion analysis, the nature and extent of any actual confusion, weighs substantially in Applicant's favor. Opposer has not alleged any actual consumer confusion. Applicant is not aware of any actual consumer confusion between the parties. (Lee Declaration, Para. 7) Opposer has not alleged any facts from which a court could infer that actual confusion has occurred.

7. Concurrent use without evidence of actual confusion.

The next factor of the likelihood of confusion analysis, the length of time during and conditions under which there has been concurrent use without evidence of actual confusion, favors Applicant and weighs against confusion. Opposer has not alleged any facts about the length or scope of its use of Opposer's mark.

However, there have already been several years of concurrent use. Applicant began using its mark NOWFINDGLUTENFREE, Registration # 5189310, at least as early as May, 6, 2015 for web site that features information about gluten free in class 044. Applicant has been using NOW FIND GLUTEN FREE for "Downloadable software in the nature of a mobile application for operating systems on mobile devices that present food and other product information for products sold to customers," since at least December 7, 2016. Therefore, this factor weighs against finding a likelihood

of confusion.

8. The variety of goods and the existence of a House Mark.

The next factor, the variety of goods and the existence of a House Mark, favors Applicant. Opposer has not alleged any facts about the variety of goods or the existence of a House Mark. Applicant owns and uses a variety of related and similar-sounding trademarks for distinct yet related products. Applicant owns and uses a family of trademarks which includes NOW FIND ORGANIC, Registration No. 5351993 and the following applications: NOW FIND DAIRY FREE, U.S. SER. # 87597604, NOW FIND FOODS, U.S. SER. #87597529, NOW FIND VEGETARIAN, U.S. SER. #87590246, NOW FIND ORGANIC AND NON-GMO, U.S. SER. #87590205, and NOWFIND, U.S. SER. #87078424. As a result, consumers are likely to recognize “NOW FIND” as a house mark for mobile software applications.

9. Evidence related to the market interface between Applicant and Opposer.

The next factor, evidence related to the market interface between applicant and Opposer favors Applicant. Opposer has not alleged any facts about the market interface between the parties. As noted above, Applicant received the unsolicited, independent, third-party review of its product, appearing in the same article as Opposer’s product, in the context of an industry-focused, multi-product review. This independent third-party review demonstrates that the two trademarks can exist side-by-side in a context likely to be seen by an average consumer, without confusion.

10. Opposer’s right to exclude others from use of its mark.

The next factor, the extent to which Opposer has a right to exclude others from use of its mark on its goods, favors Applicant. Opposer has not alleged any facts about its right to exclude others from use of its mark. As noted above, the large presence of overlapping third-party severely limits Opposer’s ability to exclude others from using similar marks.

11. Potential Confusion.

In the present case, as demonstrated by the forgoing, the extent for potential confusion is de minimis. Opposer has not alleged any facts to infer otherwise.

12. Other established fact probative of the effect of use.

Lastly, Applicant submits that the existence of U. S. Registration #5189310, for the mark NOWFINDGLUTENFREE, which is nearly identical in appearance, sound, connotation and overall

commercial impression to both the 449 and the 026 marks at the heart of this opposition, is both relevant and highly probative of the absence of consumer confusion.

### **CONCLUSION**

Applicant respectfully requests that the Opposer's Notice of Opposition be dismissed with prejudice. Opposer has failed to allege any facts from which the Board could infer there is a likelihood of confusion. In contrast, Applicant has submitted testimony and third-party evidence related to the relevant class of consumers of the respective parties' products, the level of sophistication of those consumers, the crowded field of competitors with similar names, and Applicant's successful coexistence in the marketplace.

The Amended Notice of Opposition is now Opposer's second "bite at the apple" against the 449 mark. Yet, it fails for the exact same reason the original Notice of Opposition should have failed: the lack of factual allegations. Opposer's unsubstantiated allegations against both the 449 mark and the 026 mark are without merit and calculated to harass and hinder Applicant, and waste the time and resources of Applicant and the Board. Therefore, Opposer's Amended Notice of Opposition should be dismissed with prejudice.

Respectfully submitted,

[signed] /david m. adler/

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Dated: [DATE]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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In the Matter of Application Serial No. 86958449: NOW FIND GLUTEN FREE  
in International Class 009

Gluten Free Classes, LLC	)	
	)	
Opposer,	)	
	)	Opposition No. <a href="#">91235601</a>
v.	)	
	)	
JHMJLL, Inc.	)	
	)	Tracking No: ESTTA802382
Applicant.	)	

**DECLARATION OF JUSTIN LEE**

The undersigned, Justin Lee, under oath and intending to be bound, hereby states as follows:

1. I am one of the owners and an officer of JHMJLL, the owner of U.S. Application Serial No. 86958449.
2. I have firsthand knowledge of the facts and statements contained herein.
3. The mobile software application known as “NOW FIND GLUTEN FREE” is available in both the Apple App Store and the Google Play store for download on mobile devices.
4. The NOW FIND GLUTEN FREE mobile app has been downloaded at least 1,000 times.
5. Independent third party product reviewers have reviewed my product. A review of the app was published on healthline.com in an article entitled *The Best Gluten-Free Living Apps of 2017*.
6. NOW FIND GLUTEN FREE is part of the NOW FIND family of trademarks which includes applications: NOW FIND DAIRY FREE U.S. SER. # 87597604, NOW FIND FOODS U.S. SER. #87597529, NOW FIND VEGETARIAN U.S. SER. #87590246, NOW FIND ORGANIC AND NON-GMO U.S. SER. #87590205, and NOWFIND U.S. SER. #87078424.
7. I am not aware of any actual consumer confusion between NOW FIND GLUTEN FREE and any other trademark or trade name.

I have read and understand the foregoing and do hereby swear and affirm under penalty of perjury that the representations contained in this declaration are true. Executed on October 10, 2017.

[signed] /Justin lee/  
Justin Lee



The bakery segment leads the gluten-free packaged food market with 64% market share in 2014.

LONDON — The global gluten-free packaged food market is projected to grow at a compound annual growth rate of approximately 6% between 2015 and 2019, according to a report from Technavio. A factor driving continued momentum in the category is a perception among consumers that gluten-free foods are healthier.

“The gluten-free packaged food market is growing due to an increase in obesity in leading countries across Europe and the Americas,” said Brijesh Kumar Choubey, a lead research analyst for the

food industry at Technavio. “Gluten-free products have turned from being medicated products for gluten intolerant people to a lifestyle choice across all customer segments.”

New product innovation is expected to contribute to growth in the coming years, Technavio said. Pulses have become a popular stand-in for wheat in gluten-free pastas, baked foods and snacks, while appealing to health-savvy shoppers who seek products high in protein and fiber.



Pulses have become a popular stand-in for wheat in gluten-free pastas.

Driven by new product development, the bakery segment leads the gluten-free packaged food market with 64% market share in 2014. Technavio predicts the segment will retain its dominance through the end of 2019, growing at a rate of about 7%.

Technavio identified three emerging trends driving the gluten-free market: health and wellness, demand from millennials and increased marketing activities.

### Health and wellness

Celiac or not, many consumers associate gluten-free foods with increased energy and weight loss. Technavio cited a 2013 market survey conducted by Monash University that revealed 78% of those who purchase gluten-free products say they do so for some sort of health reason.

## **Demand from millennials**

Younger generations, specifically 38% of Generation Z and 32% of millennials, said they are willing to pay a premium for gluten-free products. Bakery products, cookies and snacks are the top gluten-free foods among this consumer group, said Technavio.

## **Marketing driving awareness**

A key driver behind the growing demand for gluten-free packaged foods is an increase in marketing activities from big and small manufacturers alike. An example is Heinz, which in 2014 launched a social media campaign for its gluten-free pasta and sauces, Technavio said.



# United States of America

## United States Patent and Trademark Office

### FOLLOW ME TO GLUTEN FREE!

**Reg. No. 4,078,798**

**Registered Jan. 3, 2012**

**Int. Cls.: 9, 14, 16, 21, 25,  
28, 41 and 44**

KINNIKINNICK FOODS INC. (CANADA CORPORATION)  
10940 - 120 STREET  
EDMONTON, AB, CANADA T5H3P7

FOR: PRE-RECORDED CDS AND DVDS FEATURING COOKING SHOWS AND DEMONSTRATIONS; VIDEO GAME DISKS; DOWNLOADABLE COMPUTER GAME PROGRAMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

**TRADEMARK**

FOR: LAPEL PINS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

**SERVICE MARK**

FOR: PRINTED MATERIALS, NAMELY, PAMPHLETS, BROCHURES AND HANDOUTS FEATURING INFORMATION IN THE AREA OF CELIAC DISEASE AND GLUTEN FREE FOOD; COOKBOOKS; BALL POINT PENS, STICKERS, DECALS, CALENDARS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

**PRINCIPAL REGISTER**

FOR: MUGS AND DRINKING GLASSES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FOR: T-SHIRTS, SWEAT SHIRTS, HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: BOARD GAMES; STUFFED TOY BEARS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FOR: PROVIDING LIVE ENTERTAINMENT IN THE NATURE OF EDUCATIONAL COOKING DEMONSTRATIONS AND COOKING SHOWS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: PROVIDING A WEBSITE FEATURING INFORMATION IN THE AREA OF CELIAC DISEASE AND GLUTEN FREE FOOD, IN CLASS 44 (U.S. CLS. 100 AND 101).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 1,458,046, FILED 11-5-2009, REG. NO. TMA 802,485, DATED 7-19-2011, EXPIRES 7-19-2026.

SER. NO. 85-002,851, FILED 3-31-2010.

CHRISTOPHER BUONGIORNO, EXAMINING ATTORNEY



*David J. Kybas*

Director of the United States Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

gluten free  
on a  
Shoestring

**Reg. No. 5,294,798**

**Registered Sep. 26, 2017**

**Int. Cl.: 43**

**Service Mark**

**Principal Register**

GLUTEN FREE ON A SHOESTRING LLC (NEW YORK LIMITED LIABILITY COMPANY)

P.O. Box 351

Easchester, NY 107095432

CLASS 43: Providing a website featuring information in the field of recipes and cooking

FIRST USE 5-1-2009; IN COMMERCE 5-1-2009

The mark consists of the stylized wording "GLUTEN FREE ON A SHOESTRING" and design. The wording "GLUTEN FREE" appears above the wording "ON A" which is above the wording "SHOESTRING". The stems of the first letter "S" and the letter "G" in the term "SHOESTRING" extend upward, each curving and making two loops and ends each before and after the wording "ON A".

No claim is made to the exclusive right to use the following apart from the mark as shown: "GLUTEN FREE"

SER. NO. 87-320,339, FILED 02-01-2017

MARLENE D BELL, EXAMINING ATTORNEY



Joseph Matol

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office

## **REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

### **Requirements in the First Ten Years\***

#### **What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

### **Requirements in Successive Ten-Year Periods\***

#### **What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**



# United States of America

United States Patent and Trademark Office

## GLUTEN-FREE GIRL

**Reg. No. 4,978,968**

**Registered June 14, 2016**

**Int. Cls.: 30 and 41**

GLUTEN FREE GIRL, LLC (WASHINGTON LIMITED LIABILITY COMPANY)  
9716 SW 214TH PLACE  
VASHON, WA 98070

FOR: FLOUR; FLOUR FOR FOOD; EDIBLE FLOURS; GLUTEN-FREE FLOURS, IN CLASS 30 (U.S. CL. 46).

**TRADEMARK**

FIRST USE 3-31-2015; IN COMMERCE 3-31-2015.

**SERVICE MARK**

**PRINCIPAL REGISTER**

FOR: PROVIDING A WEBSITE FEATURING BLOGS AND NON-DOWNLOADABLE PUBLICATIONS IN THE NATURE OF ARTICLES IN THE FIELDS OF FOOD, COOKING, RECIPES, LIFESTYLE WELLNESS, RATINGS AND REVIEWS OF BOOKS IN THE FIELD OF COOKING AND COOKBOOKS; PROVIDING A WEBSITE FEATURING NON-DOWNLOADABLE VIDEOS IN THE FIELDS OF FOOD, COOKING, RECIPES, LIFESTYLE WELLNESS; COOKING INSTRUCTION; ENTERTAINMENT SERVICES, NAMELY, WINE AND FOOD TASTINGS; PROVIDING ONLINE NEWSLETTERS IN THE FIELD OF FOOD, COOKING, RECIPES, LIFESTYLE WELLNESS, RATINGS AND REVIEWS OF BOOKS IN THE FIELD OF COOKING AND COOKBOOKS VIA E-MAIL; PROVIDING A WEBSITE FEATURING INFORMATION ON RATINGS AND REVIEWS OF PUBLICATIONS, NAMELY, OF BOOKS AND COOKBOOKS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-2-2016; IN COMMERCE 3-2-2016.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GLUTEN-FREE", APART FROM THE MARK AS SHOWN.

SN 86-491,080, FILED 12-28-2014.

LOURDES AYALA, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

## GO GLUTEN FREE

**Reg. No. 4,555,850**

**Registered June 24, 2014**

**Int. Cl.: 16**

**TRADEMARK**

**PRINCIPAL REGISTER**

BECKETT MEDIA, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
4635 MCEWEN ROAD  
DALLAS, TX 75244

FOR: MAGAZINE REGARDING HEALTH, NUTRITION, DIET AND COOKING, FEATURING RECIPES AND INFORMATION IN THE FIELD OF HEALTH, NUTRITION, DIET AND COOKING, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 10-15-2013; IN COMMERCE 10-15-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GLUTEN FREE", APART FROM THE MARK AS SHOWN.

SER. NO. 86-117,852, FILED 11-13-2013.

STEVEN R. FINE, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

## Good For You Gluten Free

**Reg. No. 4,982,524**

**Registered June 21, 2016**

**Int. Cl.: 41**

**SERVICE MARK**

**PRINCIPAL REGISTER**

FINKE, JENNIFER S. (UNITED STATES INDIVIDUAL), DBA --  
10207 E LAKE DR.  
ENGLEWOOD, CO 80111

FOR: ON-LINE JOURNALS, NAMELY, BLOGS FEATURING GLUTEN FREE RECIPES,  
GLUTEN FREE REVIEWS, AND INFORMATION ABOUT LIVING GLUTEN FREE, IN CLASS  
41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-12-2014; IN COMMERCE 9-12-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GLUTEN FREE", APART FROM  
THE MARK AS SHOWN.

SER. NO. 86-772,020, FILED 9-29-2015.

FRANK LATTUCA, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

# United States of America

## United States Patent and Trademark Office



**Reg. No. 5,020,210**

**Registered Aug. 16, 2016**

**Int. Cl.: 5, 35, 41, 44**

**Service Mark**

**Trademark**

**Principal Register**

West Thomas Partners, LLC (MICHIGAN LIMITED LIABILITY COMPANY)  
1314 Leonard NW  
Grand Rapids, MI 49504

CLASS 5: gluten-free meal replacement products and snacks, namely, gluten-free nutritional supplement meal replacement energy bars and protein meal replacement bars to accommodate special medical and health needs and conditions; Gluten-free nutritional and protein supplemental energy products and snacks, namely, gluten-free nutritional supplement energy bars, protein supplement powder, and protein supplement bars

FIRST USE 9-1-2010; IN COMMERCE 9-1-2010

CLASS 35: online retail store services featuring gluten-free food products, snacks, and desserts, gluten-free meal replacement products and snacks, and gluten-free nutritional and protein supplement products and snacks

FIRST USE 9-1-2010; IN COMMERCE 9-1-2010

CLASS 41: On-line journals, namely, blogs featuring information on health, nutrition, wellness, healthy living and lifestyles, gluten-free recipes and cooking tips, a gluten-free diet, and related information

FIRST USE 9-1-2010; IN COMMERCE 9-1-2010

CLASS 44: Providing a website featuring health and nutrition information about gluten-free food and snack products, health, nutrition, wellness, healthy living and lifestyles, gluten-free recipes and cooking tips for health and nutrition, and a gluten-free diet for health and nutrition

FIRST USE 9-1-2010; IN COMMERCE 9-1-2010

The mark consists of the word "THE" is placed vertically to the left of the term "GFB" with the words "GLUTEN FREE BAR" placed horizontally above the term "GFB".

No claim is made to the exclusive right to use the following apart from the mark as shown: "GLUTEN FREE BAR" AS TO INTERNATIONAL CLASSES 5 AND 35 AND "GLUTEN FREE" AS TO INTERNATIONAL CLASSES 41 AND 44

SER. NO. 86-639,368, FILED 05-22-2015

LOKSYE GEORG LEE RISO, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

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- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

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**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**





# Review of the 2016 Gluten Free & Allergen Friendly Expo (GFAFE)

May 15, 2016 / Jen (<http://athomewithjen.com/author/xoxojen44/>) / 2 Comments  
(<http://athomewithjen.com/review-of-the-2016-gluten-free-allergen-friendly-expo/#comments>)

Yesterday during an unusually very cold May Saturday I ventured up to the Gluten Free & Allergen Friendly Expo (<http://gfafexpo.com>). This was the 4th time attending and I'm always amazed at how many products there are. My daughter came along with me so it was a great mom/daughter day. One of my most favorite things about the expo is that you get to talk to the founder or creator of the product. So many

## About Jen



Hi! I'm  
Jen,  
Work at  
home  
mom

to 2 wonderful kids

products are made by parents that found a stumbling block when raising their kids with an allergy, found a void and created a product. I find it so interesting to hear their stories.

Read all the way though for a surprise at the bottom!

First a big thanks to our Expo sponsors, San J (<http://san-j.com>) and Send Me Gluten Free (<http://www.shareasale.com/r.cfm?B=646032&U=890799&M=55247&urllink=>).

Without sponsors like this we couldn't have great expos! I would also like to thank these companies for giving us wonderful blogger goodie bags!

San J makes gluten-free soy sauce. We got to hear a wonderful history of the company whose CEO is an eighth generation member of the founding family! They have been around since 1804, check out the full history here (<http://san-j.com/about-us/our-story>). I myself am allergic to soy but I know my family and my niece (who is GF) loves this stuff!



Our other sponsor was Send Me Gluten Free

(<http://www.shareasale.com/r.cfm?B=646032&U=890799&M=55247&urllink=>).

This is a great monthly service that sends you a box of goodies each month. Who doesn't like to get

and I want to help you get the toxins out of your life. Read more (<http://athomewithjen.com>)

## Young Living Essential Oils



(<http://athomewithjen.com/living-essential-oils-how-to-get-started/>)



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## Follow On



(<http://www.blogmeetsbra.com>)





I received an email before the expo to head to ZEMAS's booth and try their new line of cookies and boy am I glad I did. These cookies are good and actually kinda good for you. I got to briefly speak to the founder while waiting in line and she mentioned it was important to her that if her kids are snacking that they should have some health benefits to them. I also learned that the name ZEMAS is the made of the initials of her 5 kids, how sweet is that! Read the whole history here (<http://zemasfoods.com/about-us/>). After sampling a few of the cookies I ended up buying these chocolate cookies and my daughter talked me into getting these cinnamon muffins, can't wait to try them out. You can get these on amazon (<http://amzn.to/1Otr0nU>), their website (<http://zemasfoods.com/zemas-gluten-free-shop-old/>) and in stores, check out the locater here (<http://zemasfoods.com/where-to-buy/>).



Sweet Ali's (<http://www.sweetalis.com>) – this is a shop that is about a hour from where I live so I don't get there too often, that's why I was grateful they were at the show so I could stock up on a few things. They do have a few things available online (<http://www.sweetalis.com/shop>). Their cupcakes (and cinnamon rolls, pictured below) are to die for! Unfortunately they aren't available in the online store. So if you are ever in the Chicago area you should plan a day to go have one. I do believe they are also at several Mariano's (<http://www.marianos.com>) in the Chicago area.



## Gluten Free Meister

(<https://www.facebook.com/glutenfreemeister/timeline>) – This was a product that I found last year at the expo. I was so happy to find them there again and to find out they are also now on Amazon (<http://amzn.to/1R2S7kc>) now. So I can now buy them more than once a year 😊





Nuun – (<https://nuun.com>) This company caught my eye since their Energy additives contain Vitamin B and my daughter is lacking that. It seem that every good quality Vitamin B pill is quite large and she has trouble swallowing them, so now these make it a bit easier. You can get these on Amazon (<http://amzn.to/1XcZ2hQ>), their site (<https://nuun.com>) and Target.



Now Find Gluten Free (<https://jhmjll.com/our-apps/>) – this is an app that will help you keep track of shopping lists and what you like and dislike with GF items. I will be purchasing the app and reviewing on this more shortly.

I didn't get to spend as much time as I like this year due to the time of the year (to many end of the year school activities). I wasn't able to attend to the speaker sessions (<http://gfafexpo.com/locations/schaumburg-il-2016/#classes>) so I am hoping I can find a few notes online. I'm hoping next year it goes back to being in April instead of May.


And for the best part! I grabbed some goodie for one of you guys. Just enter below for a chance to win this bag of great treats and samples!



IT'S OVER!	276	0/10	
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## Swag Bag Giveaway

This contest is no longer accepting entries.

powered by Rafflecopter 



Don't miss out! Get a PDF of homemade recipes.

Name

Email

Sign up!

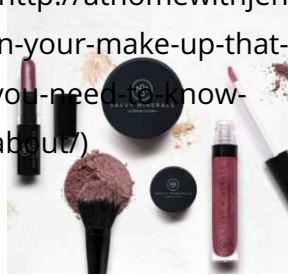
(<http://athomewithjen.com/easy-homemade-fire-starters/>)



### Quick and Easy Homemade Fire Starters

It's mid summer and camping season is in full force here. There is nothing more frustrating than trying to get the campfire started and smoking...

(<http://athomewithjen.com/in-your-make-up-that-you-need-to-know-about/>)



### Dangers In Your Make Up That You Need To Know About

Did you know that so many of our skincare products and makeup contain hormone disruptors, chemicals that cause cancer, and

(<http://athomewithjen.com/living-convention-2017-recap/>)



### Young Living Convention 2017 recap

I started with Young Living Essential Oils about 3 years ago and having been loving the products (oils and supplements)! I started actively teaching and...



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[Privacy](#)

Posted in Gluten Free (<http://athomewithjen.com/category/food/gluten-free/>)



Jen

Hi! I'm Jen, and I love teaching others how to live a toxic-free life. It's time to ditch those chemicals and get back to better wellness.

---

← Join me at the 2016 Gluten Free & Allergen Friendly Expo  
(<http://athomewithjen.com/gfafexpo2016/>)

Getting back to scheduling and eating right! Pressure Cooking Eggs  
→  
(<http://athomewithjen.com/getting-back-scheduling-eating-right-pressure-cooking-eggs/>)

## 2 Comments



**Deep Web (<http://www.deepwebsiteslinks.com>)** on

August 25, 2016 at 6:25 am

This site is going directly into my favorites! Thank you so much for all the links. Great information for people trying to start up a website or two for very little or even free. Great post.

Reply (<http://athomewithjen.com/review-of-the-2016-gluten-free-allergen-friendly-expo/?replytocom=7995#respond>)

**gluten free & allergen friendly expo - GlobalGlutenFree**  
(<https://globalglutenfreeblog.wordpress.com/2016/09/12/gluten-free-allergen-friendly-expo/>) on September 12, 2016 at 11:50 am

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[...] about the recent GFAF Expo she attended, held in Chicago back in May. You can read her full review [here](http://athomewithjen.com/review-of-the-2016-gluten-free-allergen-friendly-expo/?replytocom=8050#respond). She talks about the different exhibits she stopped at and also touches on what each company offers [...]

Reply (<http://athomewithjen.com/review-of-the-2016-gluten-free-allergen-friendly-expo/?replytocom=8050#respond>)

## Leave a Comment

### Comment

### Name (required)

### Email (will not be published) (required)

### Website

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Never disregard professional medical advice or delay seeking medical treatment because of something you have read on this website. This information is not intended to diagnose, treat, or cure any disease.



(<http://www.ebates.com/rf.do?referrerid=1UWfKzCWozuN%2F92qy1o6Zg%3D%3D>)

contact me  
(<http://athomewithjen.com/aboutjen/>,



(<http://www.topmommyblogs.com/>)

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# The Best Gluten-Free Living Apps of the Year

Written by Anna Schaefer on July 6, 2017



*We've selected these apps based on their quality, user reviews, and overall reliability as a source of support for people who avoid gluten or limit their gluten intake. If you want to nominate an app for this list, email us at [nominations@healthline.com](mailto:nominations@healthline.com).*

More and more people in the United States are actively working to limit their gluten intake — and about 1 in 5 Americans include gluten-free foods in their diets according to a [2015 Gallup poll](#).

According to the Celiac Disease Center at the University of Chicago Medicine, more than [3 million Americans](#) have [celiac disease](#). For them, avoiding gluten comes

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**BHB: The Miracle Molecule of the Keto Diet?**



### WOMEN'S HEALTH

**Julianna Hough Is Telling Women to Talk More About Their Periods**



### NUTRITION

**8 Wellness and Superfood Trends to Watch Out For**

out of necessity. For others, it's preference. Whatever your reasons for avoiding gluten, there are apps that can make your diet easier.

## Find Me Gluten Free



[iPhone](#) rating: ★★★★★

[Android](#) rating: ★★★★★



DIABETES

**New Device Could Help  
People with Diabetes Lose  
Weight**

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Price: Free

When you're out and about or traveling, it can be difficult to know where to grab a gluten-free bite. Find Me Gluten Free was designed to solve this very problem. Think of it as a Yelp for gluten-free dining. It's complete with user-sources reviews and an interactive map. It's a great resource when you want to know what gluten-free-friendly restaurants are in your area.

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## Gluten Free Food Finder



[Android](#) rating: ★★★★★☆

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Price: Free

Gluten isn't always labeled as such on food ingredients lists. Knowing all of the words to scan for on a label can be difficult. This app seeks to eliminate the head-scratching by giving you a clear answer quickly. Simply scan the food's barcode and it'll tell you immediately whether it has gluten or not. The app's data is crowdsourced, so you can also add foods and update current listings.

## The Gluten Free Scanner - Barcode Scanner



iPhone rating: ★★★★★

Price: Free

For someone with celiac disease or gluten sensitivity, misjudging a food's ingredients can lead to hours of pain and discomfort. With this app,

you can rest easy knowing what you're eating is safe. Simply scan the barcode and get immediate information on whether or not your foods contain gluten.

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## Is That Gluten-Free?



iPhone rating: ★★★★★☆

Price: \$7.99

This app takes identifying gluten-free foods one step further. Not only can you get immediate feedback on whether or not a certain product contains gluten, but you can also get the manufacturer's contact information, search by ingredient, add your own foods, or link out to external websites for more information. The maker of this app says there are over 35,000 gluten-free foods in their app. You don't need connectivity to access once you download.

## Gluten-Free Allergy-Free Marketplace



iPhone rating: ★★★★★☆

Price: Free

Developed by the Celiac Disease Foundation, this app is a wonderful directory for finding the best gluten-free or allergen-free products. You can search

by product type, brand name, or category. You'll even find coupons for your favorite gluten-free products.



# Cookpad



iPhone rating: ★★★★★

Price: Free

Planning a meal can be tricky when you can't include gluten in the mix. This recipe app is a great resource for mealtime planning. You can search thousands of recipes by ingredient or dietary restriction. Once you've tried a recipe, upload your own photo to add to the app's database.

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## Celiac Disease Diet &



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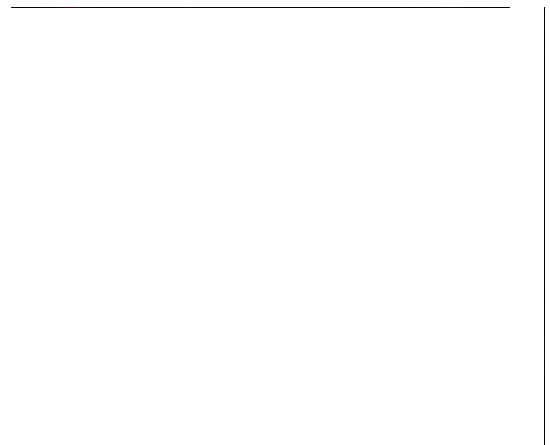


iPhone rating: ★★★★★☆

Price: Free

This is an app with everything you've ever wanted to know about celiac disease. You can learn about symptoms, diagnostics, and off-limit foods. It's a great basic resource for people new to the world of eating gluten-free. It'd also be a wise choice for the friends and family of folks with celiac disease to download.

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# Coeliac Australia

iPhone rating: ★★★★★☆

Android rating: ★★★★★☆



Price: iPhone, \$10.14 and  
Android, Free

Whether you're in Australia,  
New Zealand, or  
somewhere else entirely,  
Coeliac Australia is a great  
tool for learning what food  
ingredients are safe for  
people with celiac disease

and which aren't. You'll find an extensive list of common  
Australian food ingredients along with a simple key for  
identifying the presence of gluten.

## Food Maestro



iPhone rating: ★★★★★☆

Price: Free

Food Maestro wasn't  
specifically created for folks  
on a gluten-free diet, but it  
caters to them just as much  
as any other specialty diet.

The app is like having  
thousands of food labels in your back pocket. Quickly  
search for products based on the inclusion of gluten or  
look up a food in the store to determine if it can safely  
be added to your cart. You can customize searches to  
be gluten-free, vegetarian, low-sugar, dairy-free, and  
much more.

## Now Find Gluten Free

iPhone rating: ★★★★★☆

Android rating: ★★★★★★

Price: Free

This app isn't only a great one for determining if a



certain food includes gluten. It's an all-around useful tool to have in the kitchen and the grocery store. Source your recipes before you leave the house to buy your ingredients and easily locate food products safe for eating on a gluten-free diet. You can create a

list of favorites by clicking "like." You can create a shopping list, too.

## Gluten Free Restaurants Guide



[Android](#) rating: ★★★★★☆

Price: Free

If you have celiac disease, heading out to a restaurant has to be a strategic decision — not all businesses cater to folks with special dietary needs.

This app from CeliHack can help. It identifies restaurants in your area with gluten-free menu options. The recommendations in the app come directly from others with celiac disease, so you know they're reliable.

## Gluten Free Restaurant Items: Fast Food Diet Guide

[iPhone](#) rating: ★★★★★☆

Price: \$1.99



Fast food makes dining out easy and cheap, but it's complicated when you have dietary restrictions. This app is a great tool if you want to hit the drive-thru but aren't sure which menu items are gluten-free. It contains menus from more than 150 fast-food

restaurants, including all of the popular favorites.

## mySymptoms Food Diary & Symptom Tracker



iPhone rating: ★★★★★

Price: \$2.99

When you have a condition that affects your digestive health, it pays to track your food consumption and symptoms. This app is a great tool for helping

identify which foods might be setting you off, making it easier to control your symptoms and your health.

[Article resources](#)

FEEDBACK:

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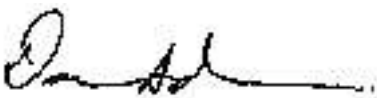
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**CERTIFICATE OF SERVICE**

David M. Adler, an attorney, certifies that pursuant to 28 U.S.C. 1746, under penalties of perjury, he caused a copy of the **APPLICANT'S MOTION TO DISMISS AND MOTION TO SUSPEND PROCEEDINGS PENDING DISPOSITION OF MOTION** to be served upon:

Counsel for Opposer  
Vangelis Economou  
P.O. Box A - 3220  
Chicago, IL 60690-3220  
Van@EconomouIP.com

via email to the address(es) above on December 27, 2017.



By: \_\_\_\_\_  
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