

ESTTA Tracking number: **ESTTA1052093**

Filing date: **04/29/2020**

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	NutraFX, LLC
Granted to Date of previous extension	04/29/2020
Address	8321 219TH STREET SE SUITE A WOODINVILLE, WA 98072 UNITED STATES
Correspondence information	Matthew Moersfelder Attorney Davis Wright Tremaine LLP 920 5th Avenue Seattle, WA 98101 UNITED STATES mmoersfelder@dwt.com, emilyeskew@dwt.com, michaelamalone@dwt.com, chikeeze@dwt.com, seatm@dwt.com no phone number provided

Applicant Information

Application No	88190721	Publication date	12/31/2019
Opposition Filing Date	04/29/2020	Opposition Period Ends	04/29/2020
Applicant	Youngevity International, Inc. 2400 Boswell Road Chula Vista, CA 91914 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 1998/00/00 First Use In Commerce: 1998/00/00

All goods and services in the class are opposed, namely: Dietary and nutritional supplements; Meal replacement shakes adapted for medical use; Weight management shakes adapted for medical use; Dietary supplements for weight loss purposes and metabolic support; Dietary supplements for promoting blood sugar control; Dietary supplements for promoting immune system support; Dietary supplements for promoting cardio and heart support; Dietary supplements for promoting digestive support; Dietary supplements for promoting bone and joint health; Dietary supplements for promoting prostate health; Dietary supplements for promoting brain and memory health; Vitamins; Dietary and nutritional supplements and herbal extracts for improving cognition, increasing energy, promoting rest, sleep and relaxation, enhancing vitality and mood, and boosting energy; Ready-to-eat nutritional food bars adapted for medical use for use as dietary supplements and meal replacements; none of the foregoing containing oils, extracts, ingredients, or derivatives from cannabis, marijuana, or hemp, and none of the foregoing containing cannabidiol or any other substance unlawful under the Controlled Sub-

stances Act or the Federal Food, Drug, and Cosmetic Act
Class 032. First Use: 1998/00/00 First Use In Commerce: 1998/00/00 All goods and services in the class are opposed, namely: Energy drinks; Sports drink mix; Powdered energy drink mixes; none of the foregoing containing oils, extracts, ingredients, or derivatives from cannabis, marijuana, or hemp, and none of the foregoing containing cannabidiol or any other substance unlawful under the Controlled Substances Act or the Federal Food, Drug, and Cosmetic Act

Grounds for Opposition

The mark is merely descriptive	Trademark Act Section 2(e)(1)
The mark is generic	Trademark Act Sections 1, 2 and 45

Attachments	NutraFX - Opposition - Youngevity FX.pdf(144030 bytes) Exhibit A - FX Applicant Website.pdf(1849917 bytes) Exhibit B - FX uses in food industry.pdf(3260914 bytes) Exhibit C - Third Party Registrations with FX.pdf(3240598 bytes) Exhibit D - FX TSDR Opposer Application.pdf(464530 bytes) Exhibit E - FX Suspension Letter.pdf(419121 bytes)
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Signature	/CUE/
Name	Chike Eze
Date	04/29/2020

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

NutraFX, LLC,

Opposer,

v.

Youngevity International, Inc.

Applicant.

Opposition No.: _____

Application No.: 88/190,721

NOTICE OF OPPOSITION


NutraFX, LLC, a Washington state limited liability company, having its principal place of business at 8321 219th Street SE, Suite A Woodinville, Washington (“**Opposer**”), believes it will be harmed by the registration of the word mark shown in U.S. Application No. 88/190,721 because the mark is merely descriptive or generic. As grounds for the opposition, Opposer alleges as follows:

1. Applicant, Youngevity International, Inc., is a California corporation, having its place of business at 2400 Boswell Road Chula Vista, California (“**Applicant**”).
2. Opposer, a dietary and food supplement company, offers a line of health and fitness products for sale to consumers.
3. The term “FX” is commonly used to represent “effects” in the food industry, including the food supplement industry.
4. Applicant uses the term “FX” to mean “effects” on Applicant’s website, as shown in attached Exhibit A.
5. Other companies use the term “FX” to describe a quality, characteristic, function, feature, purpose, or use of their dietary or food supplement goods. Exhibit B, attached herein, shows websites of companies using the term “FX” merely to describe a quality, characteristic, function, feature, purpose, or use of their food supplement goods.

6. Exhibit C, attached herein, shows U.S. Registrations of marks incorporating the term “FX” for food, nutritional or dietary supplement goods.

7. On November 12, 2018, Applicant filed U.S. Application No. 88/190,721 (“**Applicant’s Application**”) seeking registration of the term “FX” *in standard characters* for “Dietary and nutritional supplements; Meal replacement shakes adapted for medical use; Weight management shakes adapted for medical use; Dietary supplements for weight loss purposes and metabolic support; Dietary supplements for promoting blood sugar control; Dietary supplements for promoting immune system support; Dietary supplements for promoting cardio and heart support; Dietary supplements for promoting digestive support; Dietary supplements for promoting bone and joint health; Dietary supplements for promoting prostate health; Dietary supplements for promoting brain and memory health; Vitamins; Dietary and nutritional supplements and herbal extracts for improving cognition, increasing energy, promoting rest, sleep and relaxation, enhancing vitality and mood, and boosting energy; Ready-to-eat nutritional food bars adapted for medical use for use as dietary supplements and meal replacements; none of the foregoing containing oils, extracts, ingredients, or derivatives from cannabis, marijuana, or hemp, and none of the foregoing containing cannabidiol or any other substance unlawful under the Controlled Substances Act or the Federal Food, Drug, and Cosmetic Act” in Class 5 and “Energy drinks; Sports drink mix; Powdered energy drink mixes; none of the foregoing containing oils, extracts, ingredients, or derivatives from cannabis, marijuana, or hemp, and none of the foregoing containing cannabidiol or any other substance unlawful under the Controlled Substances Act or the Federal Food, Drug, and Cosmetic Act” in Class 32 (“**Applicant’s Goods**”).

8. Applicant’s Application was published for opposition on December 31, 2019. Opposer filed this timely Notice of Opposition.

9. On March 19, 2019, Opposer filed U.S. Application No. 88/347,215 (“**Opposer’s Application**”), on an intent-to-use basis, seeking registration of the unique design mark  (“**Opposer’s Mark**”) for “Dietary and nutritional supplements containing vitamins, minerals and antioxidants” (“**Opposer’s Goods**”). The TSDR report for Opposer’s Application is attached as Exhibit D.

10. On December 3, 2019, Opposer’s Application was suspended because the USPTO may refuse registration of Opposer’s Mark if Applicant’s Application proceeds to registration, and the suspension letter from the USPTO is attached as Exhibit E.

11. The word mark shown in Applicant’s Application merely describes a quality, characteristic, function, feature, purpose, or use of Applicant’s Goods to relevant consumers.

12. The primary significance of the word mark shown in Applicant’s Application to relevant consumers is a generic term.

13. The word mark shown in Applicant’s Application is not registrable as a trademark in connection with Applicant’s Goods because the term “FX” *in standard characters* is primarily descriptive or generic when used in connection with food products, including Applicant’s Goods.


14. Applicant cannot claim exclusive or proprietary rights to the word mark shown in Applicant’s Application in connection with Applicant’s Goods.

15. The registration of the word mark shown in Applicant’s Application for Applicant’s Goods would interfere with the right of Opposer to use “FX” to describe Opposer’s Goods, and would interfere with the right of other companies to use “FX” to describe their food or dietary supplement goods.

16. Opposer will be harmed by the registration of the word mark shown in Applicant’s Application for Applicant’s Goods.

Therefore, Opposer requests rejection of Applicant's Application for Applicant's Goods.

DATED April 29, 2020

By _____

Matthew E. Moersfelder
Chike Eze
Davis Wright Tremaine LLP
920 Fifth Avenue, Suite 3300
Seattle, Washington 98104
Email: mmoersfelder@dwt.com

Attorneys for Opposer

EXHIBIT A

BETTER HEALTH CHALLENGE - *Start today!*[Health & Nutrition](#) [Home & Family](#) [Food & Beverage](#) [Spa & Beauty](#) [Fashion](#) [Essential Oils](#) [Photo](#) [Services](#) [Events](#)

FX™ Family of Products

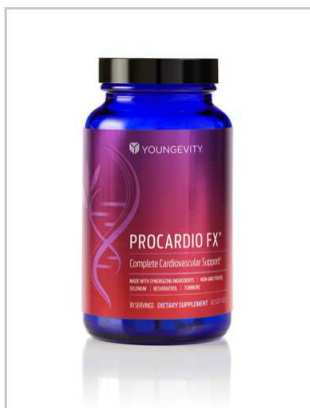
EXPERIENCE THE FX™ OF BETTER HEALTH[Home](#) | [Health & Nutrition](#) | [FX Products](#)

Categories

- Showing 24 of 47 total

Sort by: Relevance ▼ View  

▼ Health & Nutrition

[The BAM! Promotion](#)[90 For Life™](#)[Anti-Aging](#)[Core Nutrition](#)[Healthy Body Paks](#)[Bone - Muscle & Joint Support](#)[Brain - Nervous & Lymphatic Support](#)[Blood Sugar Support](#)[Cardiovascular Support](#)[Cellular Support & Protection](#)[Cleanse & Detox](#)

ProCardio FX™

\$55.99 Retail**\$44.95** Wholesale[ADD TO CART](#)

ProJoint FX™

\$68.99 Retail**\$54.95** Wholesale[ADD TO CART](#)**TOP SELLER**

Beyond Osteo-fx™ Powder

\$55.99 Retail**\$44.95** Wholesale[SINGLE](#) [TWO](#) [THREE](#) [GUSSET](#)[ADD TO CART](#)

EXHIBIT B

Pickup & delivery

Walmart.com



Search Walmart.com



COVID-19: How we're prioritizing safety & shopping needs.

[Learn more](#)



Earn 5% back on Walmart.com

[Learn more](#)

Health / Protein & fitness / Energy & endurance



Muscle FX Focus FX Caffeine with L-Theanine for Smooth Energy + Focus, All Vegan Energy + Endurance Booster, 60 Ct

★★★★★ [6 reviews](#) [MUSCLE FX](#) Walmart # 570223644

\$14.99 \$0.25 / each

Qty:

1

[Add to cart](#)

Free delivery on \$35+ orders
Arrives by Mon, May 4

Pickup not available

[More delivery & pickup options](#)

* Sold & shipped by [Walmart](#) | [Return policy](#)

[Add to list](#)

[Add to registry](#)



[Report incorrect product information](#)



Performance

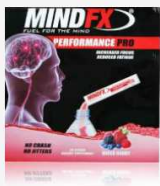
This formula is designed for those that require increased mental focus and alertness but are not preparing for a physically demanding day.

Performance Pro

Our Performance Pro formula is a complete athletic supplement designed to optimize any athletes physical and mental potential. Works great as a pre-workout.

Press

Aldon Baker, trainer to the stars, endorses MindFX, so the MXA wrecking crew gave it a try. The result? We had an increased amount of energy that was noticeable for over an hour (the length of time varied depending on the person). We didn't get headaches or have the typical energy-drink-crash sensation.



Performance Pro Combo Pack

\$54.95

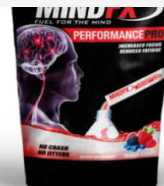
Orange Mango Combo Pack

\$49.95



Mixed Berry Combo Pack

\$49.95



Mixed Berry Pro 20 Pack

\$29.95

There are a number of protein, hydration, and concentration supplements offered to motocross riders, and some seem more helpful than others. With natural elements and a noticeable effect, MindFX has earned a place in both our gear bags and camera bags.



Our Products



Ingredient and complete food systems for nutritional applications. Can be retail ready. Applications: infant formula, nutritional beverages, bars, meals, shakes. [More...](#)



Non-dairy creamer, shortening and fat systems. Applications: beverages, soups/sauces, dressings, bakery and nutritional. [More...](#)



Dry dairy ingredients, spray-dried and/or blended. Applications: beverages, processed cheese, ice cream, yogurt, snacks, meals, soups/sauces, dressings, bakery, confectionery and nutritional. [More...](#)



SPORTS NUTRITION

High protein and lipid combinations, easy incorporation, instant solubility, flavor matching and convenience via ProCoreFX and NutriCoreFX.



HEALTH AND WELLNESS

High quality protein and nutritional lipids via NutriCoreFX and ProCoreFX.



FUNCTIONAL FOOD & BEVERAGES

Spray-dried healthy fats for nutritional, functional and supplement applications under NutriCoreFX.

Custom Applications



Roll over image to zoom in

- Regen-FX Super Drops is the **ONLY ANTI-AGING LIQUID WEIGHT LOSS** works faster than fat diet pills. Product made in the USA that helps **BURN 100% PURE FAT** that has accumulated as we age while **BALANCING** adrenal hormones **HELPING BOOST ENERGY, STAMINA, PERFORMANCE, LEAN MUSCLE** and Reverse years of aging in days. Boost Your Adrenal System Naturally and Fast To Make YOUR FEEL 18 again. appetite+suppressant
- Have you tried other ANTI-AGING VITAMINS IN CAPSULE form without and WEIGHT LOSS or Increases in Energy or LOVE LIFE? Have other FAT Burners Failed to deliver fast WEIGHT LOSS regardless of your age, sex or activity level? The REGEN-FX secret is our Proprietary LIQUID WEIGHT LOSS AND ANTI-AGING formula that gets absorbed rapidly unlike weight loss pills that lose effectiveness in digestion. If you want FAST WEIGHT LOSS and IMMEDIATE ENERGY ORDER REGEN-FX NOW and Increase Energy NOW.
- Regen- FX Diet Drops pack the most **POTENT WEIGHT LOSS VITAMINS** Appetite Suppressant found in the **AFRICAN MANGO** Combined with **POWERFUL AMINO ACIDS** like L-Ornithine, L-Arginine and L-Glutamine which help **BOOST NITRIC OXIDE** levels which **INCREASE PENILE** and **VAGINAL BLOOD** flow for explosive **PERFORMANCE IN THE BEDROOM**. **BURN FAT WHILE IMPORVING** your LOVE LIFE and Reversing years of aging.
- REGEN-FX uses Clinically **PROVEN** ingredients found in the Aphrodisiac Maca Root which has been studied and shown to be effective at helping **MEN** regain their lost performance. If you are a **MAN** or **WOMAN** over 30 and could use **FAST WEIGHT LOSS**, Increased **ENERGY, STAMINA, PERFORMANCE** and **LEAN MUSCLE** why wouldn't you try **REGEN-FX Start Feeling YOUNG AGAIN**.
- Regen-FX 1 Ounce VIAL is **MORE POWERFUL** and Effective than 6 bottles of other **FAT BURNERS** because it was engineered with the best vitamins for weight loss diet+pills+weight+loss+for+women. Lose **WEIGHT FAST** with just a few **DROPS** of our **PROPRIETARY WEIGHT LOSS FORMULA** while skyrocketing your **ENERGY**. **PROUDLY MADE IN THE USA** in a **CGMP** facility.

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Build your grocery list with Alexa.
"Alexa, add peanut butter to my shopping list." [Learn more about Alexa lists.](#)

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BioSource Labs Complex Diet Drops – Weight Loss Drops for Rapid and Lean Loss, Best...

428

\$65.22



MenoFit Dietary Supplement for Menopause Relief - Natural Weight...

3

\$59.99



Creative Bioscience 1234 Diet Drops for Women & Men - Diet Drops for Weight Managem...

112

\$27.98



Anumed e-drops+B12 Premium Fast Fat Burner| Metabolism & Energy Booster | Control H...

\$84.95



Optimus Weig Root Premium and Healthy V Fat Burne...

\$49.99

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Support ketosis with 3 great-tasting shakes

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1234 Diet Drops by Creative Bioscience

[Shop Creative Bioscience >](#)

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Special offers and product promotions

- Your cost could be **\$0.00** instead of **\$37.99!** Get a **\$70 Amazon Gift Card** instantly upon approval for the **Amazon Prime Rewards Visa Card** [Apply now](#)

Have a question?

Find answers in product info, Q&As, reviews

Type your question or keyword

Product description

Is your LOVE LIFE SUFFERING from Lack of DESIRE or FAST

ENDINGS?

ARE YOU OVER 30? Are you ALWAYS TIRED and have NO ENERGY FOR

THE GYM or to PLAY WITH YOUR KIDS?

SKIN REVELAING YOUR AGE IF SO IT is time to try REGEN-FX Supplement and LIQUID WEIGHT LOSS DROPS and start BURNING PURE FAT faster than diet pills. Natural Non GHG formula ELIMINATING FAT CELLS FOREVER Great Weight Loss Drops for women

Increase Energy with the BEST vitamins for energy available in the USA

Balance Hormone levels WITHOUT DHEA SUPPLEMENTS BOOST LOVE LIFE, Stamina and Duration with EXPLOSIVE FINISHES REPAIR SKIN AGING and Wrinkles Improve Mood and Mental Clarity

REGEN-FX works fast in Men and Women regardless of age. Nuderm Nutraceuticals created the BEST FAT BURNERS FOR Men and WOMEN that REVERSE AGING FAST. If you have tried other diet tab or weight loss programs without success it is time to TRY REGEN-FX .

diet+pills+weight+loss+for+women

Product details

Shipping Weight: 3.2 ounces ([View shipping rates and policies](#))

ASIN: B07GT5GWTJ

Customer Reviews: [61 customer ratings](#)

Amazon Best Sellers Rank: #115,222 in Health & Household ([See Top 100 in Health & Household](#))
#443 in [Fat Burner Supplements](#)

Would you like to [tell us about a lower price?](#)

Related video shorts (0) [Upload your video](#)



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Your name here

Important information

Indications

Ultra Drops is a powerful weight loss supplement. Containing African Mango-a natural ingredient that raises Leptin levels, levels out glucose and speeds up the metabolism, and suppresses the appetite

Legal Disclaimer

Statements regarding dietary supplements have not been evaluated by the FDA and are not intended to diagnose, treat, cure, or prevent any disease or health condition.

Ingredients

African Mango Complex 200mg, African Mango Extract, L-Ornithine, L-Carnitine, L-Glutamine, L-Glutamine, Maca, Niacin, Pyguem, Africanaum, Beta Ateiline, Rhodiola, Astragalus, inactive ingredients: Water, 20% USP Grade alcohol

Directions

10 drops 3 times per day

Compare with similar items



This item Regen-FX Weight Loss Drops Destroys Fat Cells Resistant To Exercise Diet Weight Loss Liquid Works Fast Is The Best Fat Burner for Women Men. Reverse Aging Boost Energy Mood



BSkinny Global
Transformation Weight Loss Drops - Diet's Protocol Brochure - Packaged in an Informative Box - 2 Ounces



BioHarmony Advanced - with 2X Fat Burning Nutrients Burn Fat and Lose Weight. One Bottle 2 FL.Oz



Keto Diet Drops with BHB Exogenous Ketones - Dietary Supplement Made in USA - Fat Burner & Appetite Suppressant for Women & Men - Keto Liquid with Better Absorption than Keto Pills - Keto Weight Loss

	Add to Cart	Add to Cart	Add to Cart	Add to Cart
Customer Rating	(61)	(5035)	(5)	(580)
Price	\$37 ⁹⁹	\$47 ¹⁹	\$34 ⁹⁷	\$18 ⁸⁹
Sold By	Nu-Derm Products	BSkinny Global	Supplement For All	Keto Nature

Customer questions & answers

Have a question? Search for answers

- 0 votes

Question: [Anyone see weight come off yet? I'm so excited to use this!](#)

Answer: I've lost about 2 pounds per week. It is a great appetite suppressant.
By Southern girl 74 on January 18, 2019
[See more answers \(1\)](#)
- 0 votes

Question: [How many drops in a bottle?](#)

Answer: Hello,
There are approximately 900 drops in the container.
Thank you
By Nu-Derm Products [SELLER](#) on December 18, 2018
[See more answers \(2\)](#)
- 0 votes

Question: [How do these rapid weight loss drops compare to weight loss pills?](#)

Answer: Thank you for the question. The weight loss drops are generally better absorbed than pills. Making them a great option for those who dont like to take pills.
By Nu-Derm Products [SELLER](#) on October 16, 2019

Customer reviews

4 out of 5

61 customer ratings

5 star	57%
4 star	11%
3 star	17%
2 star	3%
1 star	12%

[How does Amazon calculate star ratings?](#)

By feature

Easy to use	4.7
Flavor	4.5
Value for money	4.1

[See more](#)

Review this product

Share your thoughts with other customers

[Write a customer review](#)

Read reviews that mention

<u>weight loss</u>	<u>throughout the day</u>	<u>liquid weight</u>	<u>make me sick</u>			
<u>loss drops</u>	<u>energy</u>	<u>appetite</u>	<u>results</u>	<u>exercise</u>	<u>taking</u>	
<u>noticed</u>	<u>regen-fx</u>	<u>eating</u>	<u>excited</u>	<u>lost</u>	<u>pounds</u>	<u>diet</u>

[Top Reviews](#)



John little

Doesn't make you sick

Reviewed in the United States on September 28, 2018

Verified Purchase

I used to take Zhou HGH supplements and they made me sick. I love Daddys liquid weight loss drops work relatively fast and they do not make my stomach sick since it is a liquid. My skin looks great and my energy is higher than it is ever been.

13 people found this helpful

[Helpful](#)

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gmom4

Not to be taken with dairy products

Reviewed in the United States on June 25, 2019

Verified Purchase

I loved the product. Of course, anything you take takes time to show results. But I was faithfully taking it 3x a day. One day, I took it for breakfast and then I ate my cereal. And within minutes of

finishing my bowl, I felt itchy in my breast area. Then I felt my lips getting swollen. Couldn't see too good either...my eyes starting swelling!!!! I wish that I could get the pic to show... I'll probably have to send it thru my phone. When I tell you that I was the Black version of the AVATAR, LOL...I am not lying. I literally had the UNICORN HORN on the left side of my forehead. I had no bridge to my nose, yoooo, I looked like Martin after the fight with Tommy Hearn...LOL... The only thing that kept me from spending the night in the ER was that my breathing was not affected...THANK GOD!!! I was a mess!!! So, if I was any of you, I wouldn't take any milk with it. I was fine with it, eating oatmeal, sandwiches, HALAL platters, etc. Just when I had that bowl of cereal, the ELEPHANT MAN'S WOMAN was created. I don't recall seeing anything on the specs about not taking it with milk by the way. So now I have to find something else and start all over. I hope that this helps somebody out.....

4 people found this helpful

Helpful

Comment

Report abuse



maige_matthews

Gn unconscious will to workout!!!

Reviewed in the United States on March 28, 2019

Verified Purchase

I'm just here to tell you people that this works! But you must keep up and healthy-balanced diet and regimen of exercise, because there's no getting around that.

I receive little to no cravings, I sometimes have to remember to eat. I'm now easy dissuaded from eating, if I get into a good book, into a good conversation with my friends, I just simply forget to eat! It's amazing!

I received an unconscious tendency to move faster than I usually do (ex.: while at the supermarket, on the way to & from the car in the parking lot, preparing dinner for the family, or even a simple walk around the block to the neighbors house)

5 people found this helpful

Helpful

Comment

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Vnani

So excited to be using this and NO jitters!!

Reviewed in the United States on October 19, 2018

Verified Purchase

I've done research on this type of product for months now. I just wanted to make sure I was getting the best for me and my money.. Through my research, I've looked at a ton of products. But I always come back to this one. I'm so excited to be using this product. I've only been using it for 3 days, but I will definitely update you all on my progress. I haven't felt any side effects so far and the taste is not bad at all. Not to mention this should last about 2 months! Great price is a plus!!

12 people found this helpful

Helpful

Comment

Report abuse



Creeb72

Blast the fat away!!

Reviewed in the United States on November 8, 2018

Verified Purchase

This stuff melts fat like butter in a hot frying pan!

6 people found this helpful

Helpful

Comment

Report abuse



XXK

Love. This. Stuff.

Reviewed in the United States on January 22, 2019

Verified Purchase

I just got this product and after a few uses I've noticed my appetite is definitely subsided a lot. I enjoy it. Especially when I run to food for comfort. I feel much more energized. And my thoughts are clear. This doesn't make me sick to my stomach like other products. I will update in later weeks!!

6 people found this helpful

Helpful

Comment

Report abuse

Honest Opinion

LOVE IT!

Reviewed in the United States on December 10, 2018

Verified Purchase

I am happy with this purchase. Since it's in liquid form, almost odorless and tasteless, I can definitely take this supplement for as long as I live. Mixes quite well in any liquid, hot or cold. I'll add to this comment in a few weeks/months should I see something positive worth sharing.

4 people found this helpful

Helpful

Comment

Report abuse

Marisa Morse

Not bad!

Reviewed in the United States on November 11, 2018

Verified Purchase

I've noticed I'm less hungry and have a lot more energy since I started using these drops!

4 people found this helpful

Helpful

Comment

Report abuse

[See all reviews from the United States](#)

Pages with related products. See and discover other items: [Best lose weight creams for stomach](#)

Disclaimer: While we work to ensure that product information is correct, on occasion manufacturers may alter their ingredient lists. Actual product packaging and materials may contain more and/or different information than that shown on our Web site. We recommend that you do not solely rely on the information presented and that you always read labels, warnings, and directions before using or consuming a product. For additional information about a product, please contact the manufacturer. Content on this site is for reference purposes and is not intended to substitute for advice given by a physician, pharmacist, or other licensed health-care professional. You should not use this information as self-diagnosis or for treating a health problem or disease. Contact your health-care provider immediately if you suspect that you have a medical problem. Information and statements regarding dietary supplements have not been evaluated by the Food and Drug Administration and are not intended to diagnose, treat, cure, or prevent any disease or health condition. Amazon.com assumes no liability for inaccuracies or misstatements about products.

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- Advertise Your Products
- Self-Publish with Us
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Amazon Payment Products

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- Amazon.com Store Card
- Amazon Business Card
- Amazon.com Corporate Credit Line
- Shop with Points
- Credit Card Marketplace
- Reload Your Balance
- Amazon Currency Converter

Let Us Help You

- Your Account
- Your Orders
- Shipping Rates & Policies
- Amazon Prime
- Returns & Replacements
- Manage Your Content and Devices
- Amazon Assistant
- Help

English

United States

Amazon Music Stream millions of songs	Amazon Advertising Find, attract, and engage customers	Amazon Drive Cloud storage from Amazon	6pm Score deals on fashion brands	AbeBooks Books, art & collectibles	ACX Audiobook Publishing Made Easy	Alexa Actionable Analytics for the Web
Sell on Amazon Start a Selling Account	Amazon Business Everything For Your Business	Amazon Fresh Groceries & More Right To Your Door	AmazonGlobal Ship Orders Internationally	Home Services Handpicked Pros Happiness Guarantee	Amazon Ignite Sell your original Digital Educational Resources	Amazon Rapids Fun stories for kids on the go
Amazon Web Services Scalable Cloud Computing Services	Audible Listen to Books & Original Audio Performances	Book Depository Books With Free Delivery Worldwide	Box Office Mojo Find Movie Box Office Data	ComiXology Thousands of Digital Comics	CreateSpace Indie Print Publishing Made Easy	DPRview Digital Photography
East Dane Designer Men's Fashion	Fabric Sewing, Quilting & Knitting	Goodreads Book reviews & recommendations	IMDb Movies, TV & Celebrities	IMDbPro Get Info Entertainment Professionals Need	Kindle Direct Publishing Indie Digital Publishing Made Easy	Prime Now FREE 2-hour Delivery on Everyday Items
Amazon Photos Unlimited Photo Storage Free With Prime	Prime Video Direct Video Distribution Made Easy	Shopbop Designer Fashion Brands	Amazon Warehouse Great Deals on Quality Used Products	Whole Foods Market America's Healthiest Grocery Store	Woot! Deals and Shenanigans	Zappos Shoes & Clothing
Ring Smart Home Security Systems	eero WiFi Stream 4K Video in Every Room	Neighbors App Real-Time Crime & Safety Alerts	Amazon Subscription Boxes Top subscription boxes – right to your door	PillPack Pharmacy Simplified	Amazon Renewed Like-new products you can trust	Amazon Second Chance Pass it on, trade it in, give it a second life

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EXHIBIT C

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,118,463

United States Patent and Trademark Office

Registered Dec. 2, 1997

**TRADEMARK
PRINCIPAL REGISTER**

BODY FX

**FIRST FITNESS INTERNATIONAL, INC.
(TEXAS CORPORATION)
15944 MIDWAY ROAD
DALLAS, TX 75244**

**FIRST USE 10-3-1996; IN COMMERCE
10-3-1996.**

SN 75-119,884, FILED 6-17-1996.

**FOR: NUTRITIONAL POWDERED DRINK
MIXES FOR USE AS MEAL REPLACEMENTS,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).**

**HOWARD B. LEVINE, EXAMINING ATTOR-
NEY**

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,218,579

United States Patent and Trademark Office

Registered Jan. 19, 1999

**TRADEMARK
PRINCIPAL REGISTER**

COLD-FX

HERBTECH INC. (CANADA CORPORATION)
#308, 8625- 112 STREET
EDMONTON, AB T6G 1K8, CANADA

FOR: ALL NATURAL HEALTH FOOD SUPPLEMENTS, NAMELY, HEALTH FOOD SUPPLEMENTS FROM HERBAL, ANIMAL AND FISH SOURCES WHICH ARE IN THE FORM OF GROUND OR DRY PRODUCT, IN SOLU-

TION OR AS AN EXTRACT OF HERBAL, ANIMAL OR FISH SOURCES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 9-30-1996; IN COMMERCE 10-31-1996.

SER. NO. 75-369,585, FILED 10-6-1997.

CAROLINE WOOD, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

MASSBOLIC FX

Reg. No. 4,202,264

Registered Sep. 4, 2012

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

MUSCLE FX LLC (FLORIDA LIMITED LIABILITY COMPANY), DBA MUSCLE FX
2221 NE 164TH ST.#1267
MIAMI, FL 33160

FOR: CALCIUM SUPPLEMENTS; CASEIN DIETARY SUPPLEMENTS; DIETARY AND NUTRITIONAL SUPPLEMENTS; DIETARY AND NUTRITIONAL SUPPLEMENTS FOR ENDURANCE SPORTS; DIETARY AND NUTRITIONAL SUPPLEMENTS USED FOR WEIGHT LOSS; DIETARY FOOD SUPPLEMENTS; DIETARY SUPPLEMENT DRINK MIXES; DIETARY SUPPLEMENTAL DRINKS; DIETARY SUPPLEMENTAL DRINKS IN THE NATURE OF VITAMIN AND MINERAL BEVERAGES; DIETARY SUPPLEMENTS; DIETARY SUPPLEMENTS IN THE NATURE OF WEIGHT LOSS POWDERS; FOOD SUPPLEMENTS; HEALTH FOOD SUPPLEMENTS; LIQUID NUTRITIONAL SUPPLEMENT; LIQUID PROTEIN SUPPLEMENTS; MINERAL FOOD SUPPLEMENTS; MINERAL NUTRITIONAL SUPPLEMENTS; NUTRITIONAL AND DIETARY SUPPLEMENTS FORMED AND PACKAGED AS BARS; NUTRITIONAL SUPPLEMENT ENERGY BARS; NUTRITIONAL SUPPLEMENT IN THE NATURE OF A NUTRIENT-DENSE, PROTEIN-BASED DRINK MIX; NUTRITIONAL SUPPLEMENT SHAKES; NUTRITIONAL SUPPLEMENTS; POWDERED FRUIT-FLAVORED DIETARY SUPPLEMENT DRINK MIX; POWDERED NUTRITIONAL SUPPLEMENT CONCENTRATE; POWDERED NUTRITIONAL SUPPLEMENT DRINK MIX; PROTEIN DIETARY SUPPLEMENTS; PROTEIN SUPPLEMENTS; SOY PROTEIN FOR USE AS A NUTRITIONAL SUPPLEMENT IN VARIOUS POWDERED AND READY-TO-DRINK BEVERAGES; VEGAN PROTEIN FOR USE AS A NUTRITIONAL SUPPLEMENT IN READY-TO-DRINK BEVERAGES; VITAMIN AND MINERAL SUPPLEMENTS; VITAMIN SUPPLEMENTS; WEIGHT MANAGEMENT SUPPLEMENTS; WHEAT FOR USE AS A DIETARY SUPPLEMENT; WHEY PROTEIN SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).



FIRST USE 1-27-2012; IN COMMERCE 1-27-2012.

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

SER. NO. 85-527,836, FILED 1-28-2012.

SEAN CROWLEY, EXAMINING ATTORNEY

David J. Kyros

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.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***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 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>.

United States of America

United States Patent and Trademark Office

ScorchFx

Reg. No. 5,147,837

Registered Feb. 21, 2017

Int. Cl.: 5

Trademark

Principal Register

Kavagore Investment Group LLC (FLORIDA LIMITED LIABILITY COMPANY), AKA
BIOWAR NUTRITION ,
9900 W. Sample Road #300
Coral Springs, FL 33065

CLASS 5: Dietary and nutritional supplements

FIRST USE 11-9-2015; IN COMMERCE 11-9-2015

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

SER. NO. 86-840,494, FILED 12-06-2015
JOHN SALVADOR MIRANDA, EXAMINING ATTORNEY



Michelle K. Lee

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

KETO-FX

Reg. No. 5,552,119

Registered Aug. 28, 2018

Int. Cl.: 5

Trademark

Principal Register

Nutracap Labs, LLC (GEORGIA LIMITED LIABILITY COMPANY)
6015 Unity Drive, Suite B
Norcross, GEORGIA 30071

CLASS 5: Dietary supplements

FIRST USE 4-1-2017; IN COMMERCE 4-1-2017

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

SER. NO. 87-533,033, FILED 07-18-2017



Andrei Iancu

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

GASTRA-FX

Reg. No. 4,103,518

Registered Feb. 28, 2012

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

OMEGA ALPHA PHARMACEUTICALS INC. (CANADA CORPORATION)
795 PHARMACY AVENUE
SCARBOROUGH, ONTARIO, CANADA M1L3K2

FOR: HERBAL SUPPLEMENTS CONTAINING A COMBINATION OF MARSHMALLOW ROOT, SLIPPERY ELM, LICORICE ROOT, GINGER ROOT AND L-GLUTAMINE; HERBAL SUPPLEMENTS FOR THE TREATMENT OF STOMACH CONDITIONS IN EQUINE; HERBAL SUPPLEMENTS FOR THE TREATMENT OF ULCERS IN EQUINE; HERBAL SUPPLEMENTS FOR SOOTHING STOMACH ULCERS AND HEALING THE GUT IN EQUINE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 5-15-2003; IN COMMERCE 11-4-2004.

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

SER. NO. 77-954,714, FILED 3-9-2010.

LESLEY LAMOTHE, EXAMINING ATTORNEY



David J. Kyfos

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.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***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 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>.

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 3,612,433

United States Patent and Trademark Office

Registered Apr. 28, 2009

**TRADEMARK
PRINCIPAL REGISTER**

NITRO FX

ENLIVEN INTERNATIONAL (NEVADA CORPORATION)
1425 W RED LEDGE RD
WASHINGTON, UT 84780

FOR: LIQUID NUTRITIONAL SUPPLEMENT,
DIETARY SUPPLEMENT, IN CLASS 5 (U.S. CLS. 6,
18, 44, 46, 51 AND 52).

FIRST USE 9-1-2001; IN COMMERCE 9-1-2001.

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

SER. NO. 78-459,506, FILED 7-30-2004.

WARREN L. OLANDRIA, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 3,139,102

United States Patent and Trademark Office

Registered Sep. 5, 2006

**TRADEMARK
PRINCIPAL REGISTER**

Triple FX

ROYAL BODYCARE INC. (NEVADA CORPORATION)
2301 CROWN COURT
IRVING, TX 75038

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

FOR: DIETARY SUPPLEMENTAL DRINKS; POWDERED NUTRITIONAL SUPPLEMENT DRINK MIX, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SER. NO. 78-731,066, FILED 10-11-2005.

FIRST USE 1-8-2005; IN COMMERCE 1-8-2005.

ANGELA M. MICHELI, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

REAL FX

Reg. No. 3,755,119 QUERCEGEN PHARMA LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Mar. 2, 2010 SUITE 2-400
275 GROVE STREET
NEWTON, MA 02466

Int. Cl.: 5

FOR: NUTRITIONAL SUPPLEMENTS, VITAMINS, DIETARY SUPPLEMENTS, DIETARY SUPPLEMENTS FOR HUMAN CONSUMPTION, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

**TRADEMARK
PRINCIPAL REGISTER**

FIRST USE 12-0-2007; IN COMMERCE 12-0-2007.

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

SN 77-211,370, FILED 6-20-2007.

LESLIE RICHARDS, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

MUSCLE FX

Reg. No. 3,758,604 MUSCLE FX LLC (FLORIDA LIMITED LIABILITY COMPANY), DBA MUSCLE FX,
Registered Mar. 9, 2010 2221 NE 16TH ST#1267
NORTH MIAMI BEACH
MIAMI, FL 33160

Int. Cl.: 5

**TRADEMARK
PRINCIPAL REGISTER**

FOR: AMINO ACIDS FOR NUTRITIONAL PURPOSES; DIETARY AND NUTRITIONAL SUPPLEMENTS; DIETARY FOOD SUPPLEMENTS; DIETARY SUPPLEMENTS; FOOD SUPPLEMENTS; LECITHIN FOR USE AS A DIETARY SUPPLEMENT; MEAL REPLACEMENT AND DIETARY SUPPLEMENT DRINK MIXES; NUTRITIONAL SUPPLEMENTS; POWDERED FRUIT-FLAVORED DIETARY SUPPLEMENT DRINK MIX; POWDERED NUTRITIONAL SUPPLEMENT DRINK MIX; PROTEIN SUPPLEMENTS; SOY PROTEIN FOR USE AS A NUTRITIONAL SUPPLEMENT IN VARIOUS POWDERED AND READY-TO-DRINK BEVERAGES; VITAMIN AND MINERAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 2-1-2009; IN COMMERCE 2-1-2009.

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

THE COLOR(S) GREY, BLACK, RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF GREY IS A BACKGROUND COLOUR, MUSCLE IN A BLACK COLOUR, FX IN A RED COLOUR.

SN 77-564,276, FILED 9-8-2008.

TARA PATE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

WHEY FX

Reg. No. 3,913,683

Registered Feb. 1, 2011

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

MUSCLE FX LLC (FLORIDA LIMITED LIABILITY COMPANY), DBA MUSCLE FX
NORTH MIAMI BEACH
2221 NE 164TH ST.#1267
MIAMI, FL 33160

FOR: WHEY PROTEIN SUPPLEMENTS; NUTRITIONAL SUPPLEMENTS CONTAINING
WHEY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 1-20-2009; IN COMMERCE 2-1-2009.

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 "WHEY", APART FROM THE
MARK AS SHOWN.

SER. NO. 85-061,658, FILED 6-14-2010.

MICHAEL TANNER, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

HYDROBOLIC FX

Reg. No. 3,946,239

Registered Apr. 12, 2011

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

MUSCLE FX LLC (FLORIDA LIMITED LIABILITY COMPANY), DBA MUSCLE FX,
2221 NE 164TH ST.#1267
NORTH MIAMI BEACH
MIAMI, FL 33160

FOR: AROMATIZED BEVERAGES BASED ON FRUIT, PROTEIN, CORDIAL, SUGAR AND OTHER FLUID NUTRIENTS, NAMELY, MEAL REPLACEMENT DRINKS FOR USE AS A FOOD FILLERS; AROMATIZED BEVERAGES BASED ON FRUIT, PROTEIN, CORDIAL, SUGAR AND OTHER FLUID NUTRIENTS, NAMELY, WEIGHT MANAGEMENT POWDERS FOR USE AS A FOOD FILLERS; CALCIUM SUPPLEMENTS; DIETARY AND NUTRITIONAL SUPPLEMENTS; DIETARY DRINK MIX FOR USE AS A MEAL REPLACEMENT; DIETARY FIBER AS AN ADDITIVE FOR FOOD PRODUCTS; DIETARY FOOD SUPPLEMENTS; DIETARY SUPPLEMENTAL DRINKS; DIETARY SUPPLEMENTAL DRINKS IN THE NATURE OF VITAMIN AND MINERAL BEVERAGES; DIETARY SUPPLEMENTS; DIETARY SUPPLEMENTS FOR CONTROLLING CHOLESTEROL; DIETARY SUPPLEMENTS FOR HUMAN CONSUMPTION; DIETARY SUPPLEMENTS FOR PETS IN THE NATURE OF A POWDERED DRINK MIX; DIETARY SUPPLEMENTS IN THE NATURE OF WEIGHT LOSS POWDERS; FOOD SUPPLEMENTS; HEALTH FOOD SUPPLEMENTS; HERBAL SUPPLEMENTS; LECITHIN FOR USE AS A DIETARY SUPPLEMENT; LIQUID NUTRITIONAL SUPPLEMENT; MEAL REPLACEMENT AND DIETARY SUPPLEMENT DRINK MIXES; MINERAL FOOD SUPPLEMENTS; MINERAL NUTRITIONAL SUPPLEMENTS; MINERAL SUPPLEMENTS; NATURAL HERBAL SUPPLEMENTS; NUTRACEUTICALS FOR USE AS A DIETARY SUPPLEMENT; NUTRITIONAL ADDITIVES FOR MEDICAL PURPOSES FOR USE IN FOODS AND DIETARY SUPPLEMENTS FOR HUMAN CONSUMPTION; NUTRITIONAL ADDITIVES FOR MEDICAL PURPOSES USED IN FOODS AND DIETARY SUPPLEMENTS FOR HUMAN CONSUMPTION; NUTRITIONAL AND DIETARY SUPPLEMENTS FORMED AND PACKAGED AS BARS; NUTRITIONAL FOOD BARS FOR USE AS A MEAL REPLACEMENT; NUTRITIONAL SUPPLEMENT IN THE NATURE OF A NUTRIENT-DENSE, PROTEIN-BASED DRINK MIX; NUTRITIONAL SUPPLEMENTS; POWDERED FRUIT-FLAVORED DIETARY SUPPLEMENT DRINK MIX; POWDERED NUTRITIONAL SUPPLEMENT DRINK MIX; PROTEIN SUPPLEMENTS; SOY PROTEIN FOR USE AS A NUTRITIONAL SUPPLEMENT IN VARIOUS POWDERED AND READY-TO-DRINK BEVERAGES; VITAMIN AND MINERAL SUPPLEMENTS; VITAMIN SUPPLEMENTS; WEIGHT MANAGEMENT SUPPLEMENTS; WHEY PROTEIN SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 7-9-2010; IN COMMERCE 7-9-2010.

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

SN 85-061,648, FILED 6-14-2010.

MICHAEL TANNER, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

EXHIBIT D

Generated on: This page was generated by TSDR on 2020-04-29 10:52:57 EDT

Mark: FX



US Serial Number: 88347215

Application Filing Date: Mar. 19, 2019

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 03, 2019

Mark Information

Mark Literal Elements: FX

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of gold stylized block letters "FX".

Color Drawing: Yes

Color(s) Claimed: The color(s) gold is/are claimed as a feature of the mark.

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 vitamins, minerals and antioxidants

International Class(es): 005 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: Yes

Currently Use: No

Filed ITU: No

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: NUTRAFX, LLC

Owner Address: 8321 219th Street SE, Suite A
Woodinville, WASHINGTON UNITED STATES 98072

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country WASHINGTON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Matthew E. Moersfelder

Docket Number: 111594-T17

Attorney Primary seatm@dw.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Matthew E. Moersfelder
Name/Address: DAVIS WRIGHT TREMAINE, LLP
920 FIFTH AVENUE, SUITE 3300
SEATTLE, WASHINGTON UNITED STATES 98104-1610

Phone: 206-757-8014

Fax: 2067577014

Correspondent e-mail: seatm@dw.com mmoersfelder@dw.com emilyes@dw.com
kew@dw.com michaelamalone@dw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 03, 2019	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Dec. 03, 2019	LETTER OF SUSPENSION E-MAILED	6332
Dec. 03, 2019	SUSPENSION LETTER WRITTEN	94478
Nov. 25, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	70884
Nov. 25, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	70884
Nov. 22, 2019	ASSIGNED TO LIE	70884
Nov. 18, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 17, 2019	LETTER OF PROTEST EVIDENCE REVIEWED-NO FURTHER ACTION TAKEN	94478
Jul. 17, 2019	LETTER OF PROTEST ACCEPTED	
May 30, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 30, 2019	NON-FINAL ACTION E-MAILED	6325
May 30, 2019	NON-FINAL ACTION WRITTEN	94478
May 29, 2019	ASSIGNED TO EXAMINER	94478
Apr. 07, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 22, 2019	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BICE, DANIEL TRAVIS

Law Office LAW OFFICE 128
Assigned:

File Location

Current Location: TMO LAW OFFICE 128 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Dec. 03, 2019

EXHIBIT E

To: NUTRAFX, LLC (seatm@dwt.com)
Subject: U.S. Trademark Application Serial No. 88347215 - FX - 111594-T17
Sent: December 03, 2019 10:42:12 AM
Sent As: ecom128@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application
Serial No.
88347215

Mark: FX

Correspondence
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Applicant:
NUTRAFX, LLC

Reference/Docket
No. 111594-T17

Correspondence
Email Address:

seatm@dwt.com

SUSPENSION NOTICE
No Response Required

Issue date: **December 03, 2019**

The application is suspended for the reason specified below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The pending application below has an earlier filing date or effective filing date than applicant's application. If the mark in the application below registers, the USPTO may refuse registration of applicant's mark under Section 2(d) because of a likelihood of confusion with the registered mark. 15 U.S.C. §1052(d); *see* 37 C.F.R. §2.83; TMEP §§1208.02(c). Action on this application is suspended until the prior-filed application below either registers or abandons. 37 C.F.R. §2.83(c). Information relevant to the application below was sent previously.

- U.S. Application Serial No. 88190721

REFUSAL AND REQUIREMENT RESOLVED. The following refusal and requirement are obviated or withdrawn:

- REFUSAL – SECTIONS 1 AND 45 – SPECIMEN UNREADABLE
- REQUIREMENT – MARK DESCRIPTION INCOMPLETE

See TMEP §713.02.

Suspension process. The USPTO will periodically check this application to determine if it should remain suspended. *See* TMEP §716.04. As needed, the trademark examining attorney will issue a letter to applicant to inquire about the status of the reason for the suspension. TMEP §716.05.

No response required. Applicant may [file a response](#), but is not required to do so.

/Daniel Travis Bice/
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Trademark Examining Attorney
Law Office 128
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To: NUTRAFX, LLC (seatm@dwt.com)
Subject: U.S. Trademark Application Serial No. 88347215 - FX - 111594-T17
Sent: December 03, 2019 10:42:13 AM
Sent As: ecom128@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE_

Office Action (Official Letter) has issued
on **December 03, 2019** for
U.S. Trademark Application Serial No. 88347215

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter. Please follow the steps below.

- (1) [Read the official letter](#). No response is necessary.
- (2) **Direct questions** about the contents of the Office action to the assigned attorney below.

/Daniel Travis Bice/
D. Travis Bice
Trademark Examining Attorney
Law Office 128
Telephone: (571) 272-3385
Email: Daniel.Bice@USPTO.gov

Direct questions about navigating USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the [Trademark Assistance Center \(TAC\)](#).

GENERAL GUIDANCE

- [Check the status](#) of your application periodically in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- [Update your correspondence email address](#), if needed, to ensure you receive important USPTO notices about your application.
- [Beware of misleading notices sent by private companies about your application](#). Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices – most of which require fees. All **official USPTO correspondence** will only be **emailed from the domain “@uspto.gov.”**