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Filing date: **02/03/2006**

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

Proceeding	92043143
Party	Plaintiff Agrigenic Food Corporation d/b/a Biotec Foods
Correspondence Address	Robert G. Kavanaugh Agrigenic Food Corporation d/b/a Biotec Foods 5152 Bolsa Avenue, Suite 101 Huntington Beach, CA 92649 robert_kavanaugh@hotmail.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Robert G. Kavanaugh
Filer's e-mail	robert_kavanaugh@hotmail.com
Signature	/Robert G. Kavanaugh/
Date	02/03/2006
Attachments	Coversheet Exhibit 2.pdf (15 pages)

1 **Robert G. Kavanaugh, Pro SE**
2 Agrigenic Food Company
3 5152 Bolsa Avenue, Suite 101
4 Huntington Beach, CA 92649-1047
5 Phone: 714-899-3477
6 Fax: 714-899-0078
7 Email: Robert_Kavanaugh@hotmail.com

8
9 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
10 **BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD**

11
12 In the matter of Trademark Registration No. 2,711,341
13 Registration Date: April 29, 2003
14 For the Mark: "FIBERZYME"

15 Agrigenic Food Corporation, d/b/a)	Proceeding Number 92043143
16 Biotec Foods by Robert G.)	
17 Kavanaugh, as assignee)	Petitioner's Exhibit 2
18 Petitioner)	
19 vs.)	Respondent's Trademark
20 AROMATIC RESEARCH &)	Registration No. 2,711,341 and
21 TECHNOLOGY, LLC)	associated Trademark Application,
22 d/b/a YOUNG LIVING)	Supporting Declaration, Specimens,
23 ESSENTIAL OILS, a Utah)	Drawings and Notice of Publication.
24 corporation)	
25 Respondent)	

26 Pursuant to Trademark Trials and Appeals Board Rule §2.122 (c) which states
27
28 *"Exhibits to pleadings. Except as provided in paragraph (d)(1) of this section, an*
29 *exhibit attached to a pleading is not evidence on behalf of the party to whose*
30 *pleading the exhibit is attached unless identified and introduced in evidence as an*

1 *exhibit during the period for the taking of testimony,”* petitioner respectfully
2 submits this true and correct copy of the document identified below as Petitioner’s
3 Exhibit 2.
4

5 PETITIONER’S EXHIBIT 2 – Respondent’s Trademark Registration No.
6 2,711,341 and the associated Trademark Application, Supporting Declaration,
7 Specimens, drawings and Notice of Publication.
8

9 Dated this 2ndth day of February, 2006
10

11 By: /ROBERT G. KAVANAUGH/
12 Robert G. Kavanaugh, Pro SE
13 As Assignee For Petitioner Agrigenic
14 Food Corporation
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Int. Cl.: 5

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

United States Patent and Trademark Office

Reg. No. 2,711,341

Registered Apr. 29, 2003

**TRADEMARK
PRINCIPAL REGISTER**

FIBERZYME

AROMATIC RESEARCH & TECHNOLOGY, LC.
(UTAH CORPORATION), DBA YOUNG LIV-
ING ESSENTIAL OILS
250 SOUTH MAIN STREET
PAYSON, UT 84651

FIRST USE 7-19-2001; IN COMMERCE 7-19-2001.

SER. NO. 76-445,880, FILED 8-28-2002.

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

MICHAEL SOUDERS, EXAMINING ATTORNEY



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
www.uspto.gov

Jan 15, 2003

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|-------------------------------------|--|
| 1. Serial No.:
76/445,880 | 2. Mark:
FIBERZYME |
| 3. International Class(es):
5 | |
| 4. Publication Date:
Feb 4, 2003 | 5. Applicant:
Aromatic Research & Technology, LC. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202) 512-1800

By direction of the Commissioner.

Correspondence Address:

ARLIR M. AMADO, ESQ.
KRAMER & ASSOCIATES, P.C.
2001 JEFFERSON DAVIS HIGHWAY, SUITE 1101
ARLINGTON, VIRGINIA 22202

TMP&I



08-28-2002

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #80

APPLICANT

Aromatic Research & Technology, LC.
d/b/a/ Young Living Essential Oils

ADDRESS

250 South Main Street
Payson, Utah 84651

GOODS/SERVICES

Dietary Supplements

DATE FIRST USE

July 19, 2001

DATE FIRST USE IN COMMERCE

July 19, 2001

FIBERZYME

U.S. Patent & TMOfo/TM



76445880

ATTORNEY:

Arlir M. Amado
KRAMER & ASSOCIATES, P.C.
2001 Jefferson Davis Highway, Suite 1101
Arlington, Virginia 22202
(703) 413-5000

Fiberzyme
Fiberzyme
 Vegetarian complex of fiber
 digesting enzymes that enhances
 absorption of nutrients^o
 Digestive Aid/Dietary Supplement
 180 Capsules

Supplement Facts

Serving Size: 1 capsule
 Servings per container: 180

Amount Per Serving	%DV
Proprietary blend:	510 mg
Cellulase	*
Bee Pollen	*
Tarragon (<i>Artemisia dracunculus</i>) leaf†	*
Ginger (<i>Zingiber officinale</i>) root†	*
Peppermint (<i>Mentha piperita</i>) leaf†	*
Juniper (<i>Juniperus osteosperma</i> and/or <i>J. scopulorum</i>) aerial parts†	*
Fennel (<i>Foeniculum vulgare</i>) seed†	*
Lemongrass (<i>Cymbopogon flexuosus</i>) leaf†	*
Anise (<i>Pimpinella anisum</i>) seed†	*
Patchouli (<i>Pogostemon cablin</i>) flower†	*

* Daily Value (DV) not established.



08-28-2002

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #80

APPLICANT

Aromatic Research & Technology, LC.
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ADDRESS

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FIBERZYME

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ATTORNEY:

Arlir M. Amado
KRAMER & ASSOCIATES, P.C.
2001 Jefferson Davis Highway, Suite 1101
Arlington, Virginia 22202
(703) 413-5000

76445880

TRADEMARK APPLICATION SERIAL NO. _____

**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET**

09/06/2002 SWILSON 00000050 76445880

01 FC:361

325.00 OP

TERRY W. KRAMER*
D. SCOTT JUNEAU
ARLIR M. AMADO*
IRA R. HATTON*



TECHNOLOGY SPECIALISTS
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PAUL OBINIYI
TODD BUTTRAM
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MATTHEW HIERHOLZER, M.S.

TM
\$

REGISTERED PATENT AGENT
THOMAS A. POWERS, PH.D.

LAW CLERK
ANDREAS BALTATZIS
MEMBER BAR OTHER VIRGINIA

PATENT, TRADEMARK, AND COPYRIGHT LAW AND
PROFESSIONAL PATENT RESEARCH SERVICES

CRYSTAL PLAZA ONE
SUITE 1101
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VIRGINIA 22202

PHONE: (703) 413-5000
FAX: (703) 413-5048

WWW.KRAMERIP.COM

August 27, 2002

Att. BOX NEW TRADEMARK APPLICATION

Assistant Commissioner for Trademarks
U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3513

RE: New Trademark Application
Applicant: Aromatic Research & Technology, LC.
d/b/a/ Young Living Essential Oils
For: **FIBERZYME**
Our Ref. No.: YLO 5031

Dear Sir:

Attached please find papers concerning the above-identified trademark comprising:

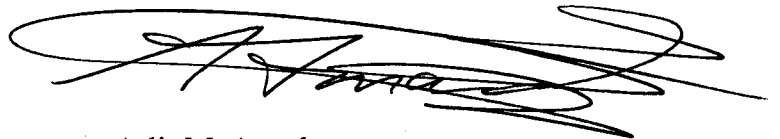
- 1) New Trademark Application comprising the Statement, Power of Attorney and Declaration;
- 2) Drawing Page;
- 3) Specimens; and
- 4) Filing Fee.

New Trademark Application
Attorney Docket Number: YLO 5031
Date: August 27, 2002
Page: Two

Check in the amount of \$325.00 is enclosed for the filing fee. Should the fee submitted herewith prove insufficient, please charge additional fees to our Deposit Account No. 50-0578.

Respectfully submitted,

KRAMER & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read 'A. Amado', with a large, sweeping flourish above the name.

Arlir M. Amado

TWK:AMA:nsa
Enclosure
(703) 413-5000

TRADEMARK

THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICATION FOR TRADEMARK REGISTRATION
PRINCIPAL REGISTER**

APPLICANT	:	Aromatic Research & Technology, LC. d/b/a/ Young Living Essential Oils
ADDRESS	:	250 South Main Street Payson, Utah 84651
STATE OF INCORPORATION	:	Utah
MARK	:	FIBERZYME
CLASS	:	Int. 005
ATTORNEY DOCKET NO.	:	YLO 5031

Assistant Commissioner for Trademarks
Box Trademark Application
2900 Crystal Drive
Arlington, Virginia 22202-3513

The above-identified Applicant requests registration of the trademark shown in the accompanying drawing for use in association with: dietary supplements; and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Trademark Act of July 5, 1946.

Applicant is using the mark in commerce on or in connection with the above-identified goods. Three specimens showing the mark as used in commerce are submitted with this application.

The mark was first used on or in connection with the above-identified goods on July 19, 2001; was first so used in interstate commerce on July 19, 2001; and is now in use in such commerce by applicant.

The mark is used by applying it to the goods, containers for the goods, promotional materials and/or other literature of applicant.

POWER OF ATTORNEYS

Applicant hereby appoints Terry W. Kramer, a member of the bar of the District of Columbia, D. Scott Juneau, a member of the bar of the Commonwealth of Virginia, Arlir M. Amado, a member of the bar of Florida, Ira R. Hatton, a member of the bar of Maryland, all having an address at KRAMER & ASSOCIATES, P.C., 2001 Jefferson Davis Highway, Suite 1101, Arlington, Virginia 22202, as its attorneys, with the power of substitution and revocation to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, to receive the Certificate of Registration, and to represent it in all proceedings affecting the mark which may arise in the Patent and Trademark Office after the registration has been granted.

Address all correspondence to:

Arlir M. Amado, Esq.
KRAMER & ASSOCIATES, P.C.
2001 Jefferson Davis Highway, Suite 1101
Arlington, Virginia 22202

Direct all telephone calls to:

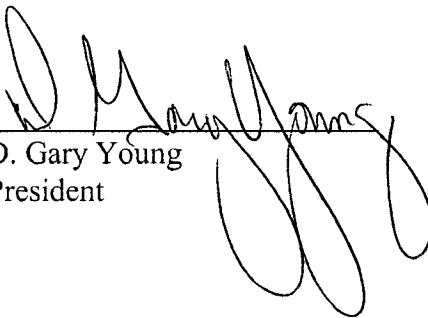
Arlir M. Amado
Phone: (703) 413-5000
Direct: (703) 413-3024

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of said application or any registration issuing thereon, declares that he/she is properly authorized to execute this application on behalf of said applicant; he/she believes said applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. §105(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

AROMATIC RESEARCH & TECHNOLOGY, LC.
D/B/A YOUNG LIVING ESSENTIAL OILS

Dated 8/14/08 _____

By  _____
D. Gary Young
President

1 Robert G. Kavanaugh, Pro SE
2 Agrigenic Food Company
3 5152 Bolsa Avenue, Suite 101
4 Huntington Beach, CA 92649-1047
5 Phone: 714-899-3477
6 Fax: 714-899-0078
7 Email: Robert_Kavanaugh@hotmail.com

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9 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
10 **BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD**
11

12 In the matter of Trademark Registration No. 2,711,341
13 Registration Date: April 29, 2003
14 For the Mark: "FIBERZYME"

15 I, the undersigned, certify and declare that I am over the age of 18 years, employed
16 in the County of Orange, State of California. On February 2nd, 2006, I served a
17 true copy of **Petitioner's Exhibit 2 - Respondent's Trademark Registration No.**
18 **2,711,341 and associated Trademark Application, Supporting Declaration,**
19 **Specimens, Drawings and Notice of Publication** pursuant to 37 C.F.R.
20 §2.119 by depositing it in the United States Mail in a sealed envelope with the
21 priority mail, first-class postage thereon fully prepaid with to the following
22 recipient(s):

23 John C Stringham
24 Workman Nydegger
25 60 East South Temple, 1000 Eagle Gate TW
Salt Lake City, UT 84111
jstringham@wnlaw.com

Place of Mailing:
Arise Direct Marketing, Inc.
5152 Bolsa Avenue STE 101
Huntington Beach, CA 92649-1047
County of Orange, California

1 Executed on this 2nd day of February, 2006 at Huntington Beach, County of
2 Orange, California

3 I hereby certify under the penalty of perjury that the foregoing is true and correct.
4

5 /ROBERT G. KAVANAUGH/
6 Robert G. Kavanaugh
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