

ESTTA Tracking number: **ESTTA64889**

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 3.1.pdf ( 27 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 )	<b>Proceeding Number 92043143</b>
16 Biotec Foods by Robert G. )	
17 Kavanaugh, as assignee )	<b>Petitioner's Exhibit 3.1</b>
18 Petitioner )	
19 vs. )	<b>Petitioner's Trademark Application</b>
20 AROMATIC RESEARCH & )	<b>for the Mark "FIBERZYME" Serial</b>
21 TECHNOLOGY, LLC )	<b>Number 78391126 and Supporting</b>
22 d/b/a YOUNG LIVING )	<b>Declaration, Specimens, Drawings</b>
23 ESSENTIAL OILS, a Utah )	<b>and Office Actions.</b>
24 corporation )	
25 Respondent )	

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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 3.1 – Petitioner’s Trademark Application for the Mark  
6 “FIBERZYME” Serial Number 78391126 and Supporting Declaration, Specimens,  
7 Drawings and Office Actions.  
8

9 Dated this 2nd<sup>th</sup> 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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22  
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24  
25

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**To:** MR ROBERT G KAVANAUGH ([robert\\_kavanaugh@hotmail.com](mailto:robert_kavanaugh@hotmail.com))  
**Subject:** TRADEMARK APPLICATION NO. 78391126 - FIBERZYME - N/A  
**Sent:** 12/8/05 7:00:05 PM  
**Sent As:** ECOM114@USPTO.GOV  
**Attachments:**

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/391126

**APPLICANT:** MR ROBERT G KAVANAUGH

**\*78391126\***

**CORRESPONDENT ADDRESS:**

Robert G. Kavanaugh  
AGRIGENIC FOOD CORPORATION  
5152 Bolsa Avenue STE 101  
Huntington Beach, CA 92649-1047

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words  
"Box Responses - No Fee."

**MARK:** FIBERZYME

**CORRESPONDENT'S REFERENCE/DOCKET NO:** N/A

**CORRESPONDENT EMAIL ADDRESS:**

[robert\\_kavanaugh@hotmail.com](mailto:robert_kavanaugh@hotmail.com)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 78/391126

**NOTICE OF SUSPENSION**

Action on this application is suspended pending the disposition of:

- Cancellation No(s). of Reg. No. 2711341

If the applicant is a party to the above proceeding, the applicant should advise the Examining Attorney of the outcome of the proceeding when it is terminated.

/Eugenia K. Martin/

Eugenia K. Martin

Examining Attorney

Law Office 114

(571) 272-9458

(571) 273-9114 (fax)

---

**To:** AGRIGENIC FOOD CORPORATION ([robert\\_kavanaugh@hotmail.com](mailto:robert_kavanaugh@hotmail.com))  
**Subject:** TRADEMARK APPLICATION NO. 78391126 - FIBERZYME - N/A  
**Sent:** 10/26/04 11:51:33 AM  
**Sent As:** ECOM114@USPTO.GOV  
**Attachments:** Attachment - 1  
Attachment - 2  
Attachment - 3  
Attachment - 4  
Attachment - 5  
Attachment - 6

---

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/391126

**APPLICANT:** AGRIGENIC FOOD CORPORATION

**\*78391126\***

**CORRESPONDENT ADDRESS:**

Robert G. Kavanaugh  
AGRIGENIC FOOD CORPORATION  
5152 Bolsa Avenue STE 101  
Huntington Beach, CA 92649-1047

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words  
"Box Responses - No Fee."

**MARK:** FIBERZYME

**CORRESPONDENT'S REFERENCE/DOCKET NO:** N/A

**CORRESPONDENT EMAIL ADDRESS:**

[robert\\_kavanaugh@hotmail.com](mailto:robert_kavanaugh@hotmail.com)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 78/391126

## NOTICE OF SUSPENSION

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **78/389958 and 76/560413**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application. See 37 C.F.R. §2.83. A copy of information relevant to this pending application(s) **is attached**. The applicant may request that the application be removed from suspension by presenting arguments related to the potential conflict between the relevant applications or other arguments related to the ground for suspension. The applicant's election to present or not to present arguments at this time will not affect the applicant's right to present arguments later.

- Cancellation No(s). **Reg. No. 2711341**

If the applicant is a party to the above proceeding, the applicant should advise the Examining Attorney of the outcome of the proceeding when it is terminated.

## NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at [www.uspto.gov](http://www.uspto.gov).

/Eugenia K. Martin/

Eugenia K. Martin

Examining Attorney

Law Office 114

(571) 272-9458

(571) 273-9114 (fax)



**Print: Oct 8, 2004**

**76445880**

**DESIGN MARK**

**Serial Number**

76445880

**Status**

CANCELLATION PENDING

**Word Mark**

FIBERZYME

**Standard Character Mark**

No

**Registration Number**

2711341

**Date Registered**

2003/04/29

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Aromatic Research & Technology, LC. DBA Young Living Essential Oils CORPORATION UTAH 250 South Main Street Payson UTAH 84651

**Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: dietary supplements. First Use: 2001/07/19. First Use In Commerce: 2001/07/19.

**Filing Date**

2002/08/28

**Examining Attorney**

SOUDERS, MICHAEL

**Attorney of Record**

Arlir M. Amado, Esq.

# FIBERZYME

**DESIGN MARK**

**Serial Number**

76560413

**Status**

RESPONSE AFTER NON-FINAL ACTION - ENTERED

**Word Mark**

FIBROZYM

**Standard Character Mark**

No

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Marlyn Nutraceuticals, Inc. DBA Naturally Vitamins CORPORATION ARIZONA  
4404 E. Elwood Street Phoenix ARIZONA 85040

**Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S:  
Dietary and nutritional supplements for human consumption.

**Filing Date**

2003/10/24

**Examining Attorney**

EVANKO, PATRICIA

**Attorney of Record**

Kam W. Li

# **FIBROZYM**

**Print: Oct 8, 2004**

**78389958**

**DESIGN MARK**

**Serial Number**

78389958

**Status**

NON-FINAL ACTION - MAILED

**Word Mark**

FIBRIZYME

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Vitamin Research Products, Inc. CORPORATION NEVADA 3579 Highway 50  
East Carson City NEVADA 89701

**Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S:  
Dietary Supplement. First Use: 2004/03/24. First Use In Commerce:  
2004/03/24.

**Filing Date**

2004/03/24

**Examining Attorney**

STINE, DAVID

**Attorney of Record**

Lara Pearson, Esq.

# FIBRIZYME

\*\*\* User:emartin \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	38117	N/A	0	0	T/0:07	*f{"iye"}\$r*[bi,ti]
02	3894	N/A	0	0	0:04	*f{"iye"}b\$r*[bi,ti]
03	2009	N/A	0	0	0:03	*z{"iye"}m*[bi,ti]
04	2143997	N/A	0	0	0:07	2 and 3 nto dead[ld]
05	7	0	7	4	0:01	2 and 3 not dead[ld]
06	3715	N/A	0	0	0:03	*fiber*[bi,ti] or *fibr{v}*[bi,ti]
07	1258	N/A	0	0	0:02	*z{"iy"}me*[bi,ti]
08	1150322	N/A	0	0	0:07	"005"[cc]
09	482	N/A	0	0	0:02	6 and 8 not dead[ld]
10	179795	N/A	0	0	0:08	("005" or a or b or "200")[ic]
11	220	0	220	60	0:01	9 and 10
12	303617	N/A	0	0	0:08	("035" or a or b or "200")[ic]
13	45	0	45	20	0:01	9 and 12 not 11
14	548	N/A	0	0	0:03	7 and 8 not (dead[ld] or 5 or 11 or 13)
15	265	0	265	75	0:01	10 and 14
16	3	0	3	2	0:01	12 and 14 not 15

Session started 10/8/04 3:33:27 PM

Session finished 10/8/04 3:50:09 PM

Total search duration 0 minutes 59 seconds

Session duration 16 minutes 42 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78391126

**Drawing Page**

**Date/Time Stamp: 03/25/2004 22:18:0**

**Serial Number:78391126**

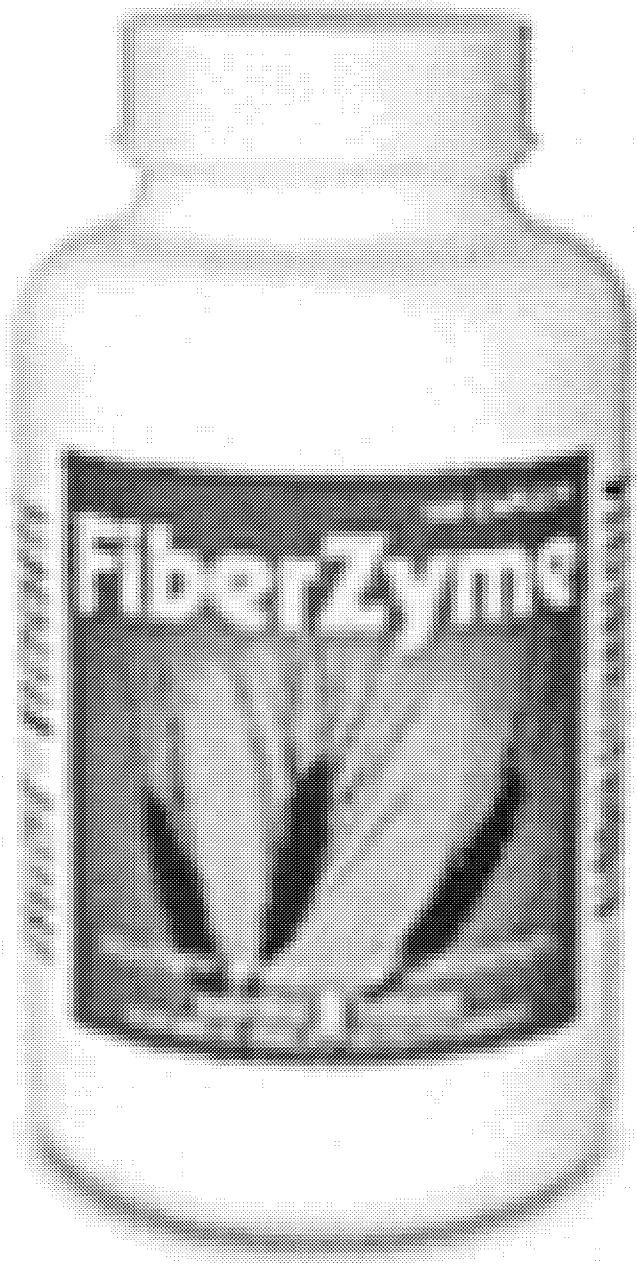


**Mark (USPTO-generated image for standard character**

**Fiberzyme**



# Fiberzyme





## Trademark/Service Mark Application, Principal Register

**Serial Number: 78391126**

**Filing Date: 03/25/2004**

**The table below presents the data as entered.**

Input Field	Entered
<b>MARK SECTION</b>	
MARK	Fiberzyme
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Fiberzyme
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>OWNER SECTION</b>	
NAME	AGRIGENIC FOOD CORPORATION
STREET	5152 Bolsa Avenue STE 101
CITY	Huntington Beach
STATE	CA
ZIP/POSTAL CODE	92649-1047
COUNTRY	USA
PHONE	7148993477
FAX	7148990078
EMAIL	robert_kavanaugh@hotmail.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>LEGAL ENTITY SECTION</b>	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	NEVADA
<b>GOODS AND/OR SERVICES SECTION</b>	
DESCRIPTION	Fiber and antioxidant enzyme complex for use as a dietary supplement
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	01/31/1989

FIRST USE IN COMMERCE DATE	01/31/1989
SPECIMEN FILE NAME(S)	\\ticters\EXPORT9\IMAGEOUT9\783\911\78391126\xml1\AP P0003.JPG
SPECIMEN DESCRIPTION	Graphic image of labelled FiberZyme bottle.
<b>ADDITIONAL STATEMENTS SECTION</b>	
SECTION 2(f), IN PART	Fiberzyme has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.
SECTION 2(f), IN PART BASED ON EVIDENCE	Fiberzyme has become distinctive of the goods/services, as demonstrated by the attached evidence.
EVIDENCE FILE NAME(S)	\\ticters\EXPORT9\IMAGEOUT9\783\911\78391126\xml1\AP P0004.JPG
	\\ticters\EXPORT9\IMAGEOUT9\783\911\78391126\xml1\AP P0005.JPG
	\\ticters\EXPORT9\IMAGEOUT9\783\911\78391126\xml1\AP P0006.JPG
	\\ticters\EXPORT9\IMAGEOUT9\783\911\78391126\xml1\AP P0007.JPG
	\\ticters\EXPORT9\IMAGEOUT9\783\911\78391126\xml1\AP P0008.JPG
	\\ticters\EXPORT9\IMAGEOUT9\783\911\78391126\xml1\AP P0009.JPG
	\\ticters\EXPORT9\IMAGEOUT9\783\911\78391126\xml1\AP P0010.JPG
MISCELLANEOUS STATEMENT	NOTE TO EXAMINER: Agrigenic Food Corporation filed (via mail) a Petition to Cancel trademark Registration No. 2711341 [Fiberzyme]with the Trademark Trial and Appeals Board contemporaneously to this application. No reference number has yet been assigned. The mark, "Fiberzyme" was originally owned by Biotec Foods-Hawaii, Ltd., a Hawaii Corporation, and has been in continuous use in interstate commerce since at least January, 1989. Agrigenic Food Corporation (hereinafter AGRIGENICS) claims common law trademark ownership interests in addition to successor status pursuant to 37 CFR 2.38 for the common law "Fiberzyme" trademark. [Incorporating petitioner's trademark image referenced and attached pursuant to 37 CFR 2.36, the petitioner's "Fiberzyme" trademark image is available as attached to application serial number 75102584 originally filed by the petitioner on May 10, 1996, but abandoned prior to registration, due to a question of ownership of the trademark which would later be addressed by the Hawaii State and Federal Court(s) as further explained below.] The ownership of the "Fiberzyme" mark and exclusive right to use that mark was the subject of a Hawaii First Circuit Court proceeding which resulted in the mark being transferred to the petitioner by Court Order. [See First Circuit Court for the State of Hawaii documents at Exhibits.] Subsequent to the conclusion of that proceeding, a Federal Trademark Infringement lawsuit--which had been filed in the United States District Court for the Central District of California [SA CV 99-2283 CAS]--resolved the ownership of the disputed mark(s) including "Fiberzyme." On November 22, 1999, the court

entered default judgment in favor of Agrigenic (the petitioner) and declaring, inter alia, that Agrigenic was the owner of the trademark "Fiberzyme." [See US District Court Order and Hawaii State Court Orders attached to this application.] During the civil prosecution over the ownership rights to the (common law) "Fiberzyme" trademark, the petitioner's trademark remained in continuous use in interstate commerce. The mark has been in continuous use by Agrigenic and/or its predecessor-in-interest since at least January 1989. Extensive advertising of the "Fiberzyme" mark by direct mail marketing, in industry magazines and at industry tradeshows, in addition to internet websites has resulted in the "Fiberzyme" trade mark becoming and continuing to be distinctive and generally recognized throughout the dietary supplement industry, including distributors, health food retailers and consumers as the distinctive name for the petitioner's Biotec Foods brand of dietary supplements that combine our special antioxidant enzyme precursors with a fiber complex.

**SIGNATURE SECTION**

SIGNATURE	/Robert Kavanaugh/
SIGNATORY NAME	Robert Kavanaugh
SIGNATORY DATE	03/25/2004
SIGNATORY POSITION	President

**PAYMENT SECTION**

NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335

**CORRESPONDENCE SECTION**

NAME	Robert G. Kavanaugh
FIRM NAME	AGRIGENIC FOOD CORPORATION
STREET	5152 Bolsa Avenue STE 101
CITY	Huntington Beach
STATE	CA
ZIP/POSTAL CODE	92649-1047
COUNTRY	USA
EMAIL	robert_kavanaugh@hotmail.com
AUTHORIZED EMAIL COMMUNICATION	Yes

**FILING INFORMATION**

SUBMIT DATE	Thu Mar 25 22:21:16 EST 2004
TEAS STAMP	USPTO/BAS-6795246219-2004 0325222116488718-78301126

-2003d6849f742069f8b4f9d3  
b67e97a456-ET-619-2004032  
5221800320114

**Trademark/Service Mark Application, Principal Register**

**Serial Number: 78391126**

**Filing Date: 03/25/2004**

**To the Commissioner for Trademarks:**

**MARK:** (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of Fiberzyme.

The applicant, AGRIGENIC FOOD CORPORATION, a corporation of NEVADA, residing at 5152 Bolsa Avenue STE 101, Huntington Beach, CA, USA, 92649-1047, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class \_\_\_\_\_: Fiber and antioxidant enzyme complex for use as a dietary supplement

In International Class \_\_\_\_\_, the mark was first used at least as early as 01/31/1989, and first used in commerce at least as early as 01/31/1989, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Graphic image of labelled FiberZyme bottle..

Specimen - 1

Fiberzyme has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

Fiberzyme has become distinctive of the goods/services, as demonstrated by the attached evidence.

The applicant submits the following evidence to support the §2(f) in part claim:

- §2(f) evidence - 1
- §2(f) evidence - 2
- §2(f) evidence - 3
- §2(f) evidence - 4
- §2(f) evidence - 5
- §2(f) evidence - 6
- §2(f) evidence - 7

NOTE TO EXAMINER: Agrigenic Food Corporation filed (via mail) a Petition to Cancel trademark Registration No. 2711341 [Fiberzyme] with the Trademark Trial and Appeals Board contemporaneously to this application. No reference number has yet been assigned. The mark, "Fiberzyme" was originally owned by Biotec Foods-Hawaii, Ltd., a Hawaii Corporation, and has been in continuous use in interstate commerce since at least January, 1989. Agrigenic Food Corporation (hereinafter AGRIGENICS) claims common law trademark ownership interests in addition to successor status pursuant to 37 CFR 2.38 for the common law "Fiberzyme" trademark. [Incorporating petitioner's trademark image referenced and attached pursuant to 37 CFR 2.36, the petitioner's "Fiberzyme" trademark image is available as attached to application serial number 75102584 originally

filed by the petitioner on May 10, 1996, but abandoned prior to registration, due to a question of ownership of the trademark which would later be addressed by the Hawaii State and Federal Court(s) as further explained below.] The ownership of the "Fiberzyme" mark and exclusive right to use that mark was the subject of a Hawaii First Circuit Court proceeding which resulted in the mark being transferred to the petitioner by Court Order. [See First Circuit Court for the State of Hawaii documents at Exhibits.] Subsequent to the conclusion of that proceeding, a Federal Trademark Infringement lawsuit--which had been filed in the United States District Court for the Central District of California [SA CV 99-2283 CAS]--resolved the ownership of the disputed mark(s) including "Fiberzyme." On November 22, 1999, the court entered default judgment in favor of Agrigenic (the petitioner) and declaring, inter alia, that Agrigenic was the owner of the trademark "Fiberzyme." [See US District Court Order and Hawaii State Court Orders attached to this application.] During the civil prosecution over the ownership rights to the (common law) "Fiberzyme" trademark, the petitioner's trademark remained in continuous use in interstate commerce. The mark has been in continuous use by Agrigenic and/or its predecessor-in-interest since at least January 1989. Extensive advertising of the "Fiberzyme" mark by direct mail marketing, in industry magazines and at industry tradeshow, in addition to internet websites has resulted in the "Fiberzyme" trade mark becoming and continuing to be distinctive and generally recognized throughout the dietary supplement industry, including distributors, health food retailers and consumers as the distinctive name for the petitioner's Biotec Foods brand of dietary supplements that combine our special antioxidant enzyme precursors with a fiber complex.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: robert\_kavanaugh@hotmail.com. A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(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 the mark in commerce, either in the 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 that all statements made on information and belief are believed to be true.

Signature: /Robert Kavanaugh/ Date: 03/25/2004

Signatory's Name: Robert Kavanaugh

Signatory's Position: President

Mailing Address:

Robert G. Kavanaugh

5152 Bolsa Avenue STE 101

Huntington Beach, CA 92649-1047

RAM Sale Number: 619

RAM Accounting Date: 03/26/2004

Serial Number: 78391126

Internet Transmission Date: Thu Mar 25 22:21:16 EST 2004

TEAS Stamp: USPTO/BAS-6795246219-2004032522211648871

8-78391126-2003d6849f742069f8b4f9d3b67e9

7a456-ET-619-20040325221800320114



# Fiberzyme



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 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 3.1 – Petitioner's Trademark**  
18 **Application for the Mark "FIBERZYME" Serial Number 78391126 and**  
19 **Supporting Declaration, Specimens, Drawings and Office Actions** pursuant to  
20 37 C.F.R. §2.119 by depositing it in the United States Mail in a sealed envelope  
21 with the 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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