

ESTTA Tracking number: **ESTTA210597**

Filing date: **05/12/2008**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Johnson & Johnson		
Entity	Corporation	Citizenship	New Jersey
Address	One Johnson & Johnson Plaza New Brunswick, NJ 08933 UNITED STATES		

Attorney information	Norm D. St. Landau Drinker Biddle & Reath 1500 K Street Washington, DC 20005 UNITED STATES dctrademarks@dbr.com, christen.english@dbr.com Phone:202-354-1332		
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Registration Subject to Cancellation

Registration No	2583424	Registration date	06/18/2002
Registrant	VITACOST.COM, INC. 2049 HIGH RIDGE ROAD BOYNTON BEACH, FL 33426 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2001/02/10 First Use In Commerce: 2001/02/10 All goods and services in the class are cancelled, namely: COMPUTERIZED ON-LINE ORDERING SERVICES IN THE FIELD OF VITAMINS AND NUTRITIONAL SUPPLEMENTS, HEALTH FOODS, SNACK FOODS, AND NUTRITIONAL FOOD PRODUCTS
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Reg. No 2583424 - HEALTHZONE - Petition to Cancel.pdf (4 pages)(97400 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Christen M. English/
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Name	Christen M. English
Date	05/12/2008

ground that Petitioner's marks are likely to be confused with Respondent's Reg. No. 2,583,424 – HEALTHZONE.

3. In 2007, Respondent sold its rights in the HEALTHZONE.COM domain name to Petitioner.

4. On information and belief, Respondent is not using the HEALTHZONE mark in connection with the services identified in Reg. No. 2,583,424, namely, "computerized on-line ordering services in the field of vitamins and nutritional supplements, health foods, snack foods, and nutritional food products."

5. On information and belief, Respondent has abandoned its rights in the HEALTHZONE mark for "computerized on-line ordering services in the field of vitamins and nutritional supplements, health foods, snack foods, and nutritional food products" with an intent not to resume use.

For the reasons set forth in the foregoing paragraphs 1-5, Petitioner believes that it is and will continue to be damaged by Reg. No. 2,583,424 – HEALTHZONE, and therefore, files this petition to cancel it.

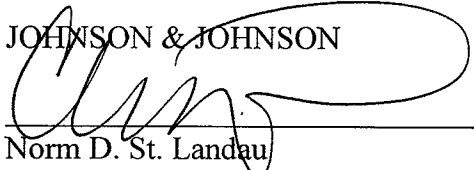
WHEREFORE, Petitioner requests that this cancellation petition be sustained and that Reg. No. 2,583,424 be canceled.

The \$300.00 filing fee has been submitted electronically. Should additional fees be required please charge them to the deposit account of Petitioner's counsel, No. 50-0573.

Respectfully submitted,

JOHNSON & JOHNSON

By:



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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PETITION TO CANCEL** was served on

Respondent this 12th day of May 2008, via first-class mail to:

Stewart L. Gitler
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