

ESTTA Tracking number: **ESTTA1282981**

Filing date: **05/04/2023**

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 has filed a petition to cancel the registration indicated below.

Petitioner information

Name	A.B.C. Kash Enterprises, Inc.		
Entity	Corporation	Citizenship	California
Address	25908 MCBEAN PARKWAY VALENCIA, CA 91355 UNITED STATES		
Correspondence information	MARSHALL A LERNER ATTORNEY OF RECORD, CA BAR MEMBER KLEINBERG & LERNER, LLP 1875 CENTURY PARK EAST SUITE 1150 LOS ANGELES, CA 90067 UNITED STATES Primary email: mlerner@kleinberglerner.com Secondary email(s): trademarks@kleinberglerner.com, mku- lig@kleinberglerner.com 3105571511		

Registration subject to cancellation

Registration no.	6584828	Registration date	12/07/2021
Register	Principal		
Registrant	AGGA COMMERCE LLC PO BOX 390492 MOUNTAIN VIEW, CA 94043 UNITED STATES		

Goods/services subject to cancellation

Class 005. First Use: Jan 1, 2021 First Use In Commerce: Jan 1, 2021
All goods and services in the class are subject to cancellation, namely: Vitamins; mineral supplements; amino acid and herbal dietary supplements

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Mark cited by petitioner as basis for cancellation

U.S. application no.	97238326	Application date	01/25/2022
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Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	VIVA VITAMINS		
Design mark			
Description of mark	The mark consists of The mark consists of the words "Viva Vitamins" in a stylized format.		
Goods/services	Class 005. First use: First Use: Jul 1, 2004 First Use In Commerce: Jul 1, 2004 Vitamins; Dietary supplements; Nutritional supplements; Vitamin supplements		

Attachments	StatementOfGroundsForCancellationandExhibitsFinal.pdf(1247717 bytes)
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Signature	/Marshall Lerner/
Name	Marshall A Lerner
Date	05/04/2023

Statement Of Grounds For Cancellation

1. A.B.C. Kash enterprises, Inc. (“Petitioner”) submits this Petition to cancel the US Trademark Registration no. 6,584,828 (the “’828 Registration”) on the grounds of prior use and likelihood of confusion.

2. The ‘828 registration covers the mark VIVA LA VITAMINA for “Vitamins; mineral supplements; amino acid and herbal dietary supplements” in Class 5.

3. The ‘828 registration claims a date of first use of January 1, 2021 for the VIVA LA VITAMINA mark.

4. Petitioner is the owner of the trademark VIVA VITAMINS (Stylized) for use in connection with vitamins, dietary supplements, nutritional supplements and vitamin supplements.

5. Petitioner has used the VIVA VITAMINS (Stylized) mark since at least 2004, which is prior to the date of first use for the VIVA LA VITAMINA mark.

6. Petitioner has made continuous use of the VIVA VITAMINS (Stylized) mark since the date of first use.

7. Attached to this Petition and marked as Exhibit 1 are true and correct copies of invoices which Petitioner issued in connection with the sale of goods using the VIVA VITAMINS (Stylized) mark.

8. The invoices of Exhibit 1 range in dates from December 13, 2014 to April 6, 2023. The invoices of Exhibit 1 are not the only sales made by Petitioner. They are only a small sample of Petitioner’s sales, and have been selected to illustrate Petitioner’s continued use of the VIVA VITAMINS (Stylized) mark.

9. It is axiomatic in trademark law that the standard test of ownership is priority of use. To acquire ownership of a trademark it is not enough to have invented the mark first or even to have registered it first; the party claiming ownership must have been the first to actually use the mark in the sale of goods or services.” *Sengoku Works Ltd. v. RMC Int’l. Ltd.*, 96 F.3d 1217, 1219 (9th Cir. 1996).

10. Petitioner made actual use of the VIVA VITAMINS (Stylized) mark prior to any use of the VIVA LA VITAMINA.

11. The marks VIVA VITAMINS (Stylized) and VIVA LA VITAMINA are highly similar in terms of meaning and commercial impression. Further, the wording VITAMINA is highly similar in appearance and sound to VITAMINS, as both begin with VITAMIN. Because this wording is highly similar and VIVA is identical in each mark and the LA in the registered mark has little overall impact on the registered mark’s impression, the marks are overall highly similar in terms of sound and appearance.

12. Petitioner believes it will be damaged by the continued registration of the VIVA LA VITAMINA mark and hereby petitions to cancel the ‘828 Registration.

Exhibit 1

Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date

Invoice #

12/31/2014

1591

Bill To

Nutrition Zone Bismarck
1801 45th St. South #R
fargo, ND 58103

Ship To

Nutrition Zone Bismarck
551A S 7th Street
Bismarck, ND 58504

P.O. Number

Terms

Ship

1569200613

12/31/2014

Quantity	Item Code	Description	Price Each	Note	Amount
6	1176	Garcinia Cambogia 1000 mg 60% HCA 1176 60 caps	0.00		0.00
12	1176	Garcinia Cambogia 1000 mg 60% HCA 1176 60 caps	8.99		107.88
12	973	Greater Greens Powder 973-10 10 oz	15.99		191.88

Total

\$299.76

Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
1/20/2015	1672

Bill To
Great Earth Celeste & Michael Hughes 2700 University Ave unit 104 West Des Moines, IA 50266

Ship To
Great Earth Celeste & Michael Hughes 2700 University Ave unit 104 West Des Moines, IA 50266

P.O. Number	Terms	Ship
1569264299	credit card	1/20/2015

Quantity	Item Code	Description	Price Each	Note	Amount
1	0	non Viva products	141.83		141.83
1	1301	B-Complex 50 1301 210 tabs	10.99		10.99
1	1606	Be Well 1606 90 tabs	0.00		0.00
4	1606	Be Well 1606 90 tabs	8.99		35.96
1	1571	Carb Arrest 120 1571 120 vcaps	13.99		13.99
2	1650	Cerebro Smart 1650 60 tabs	11.99		23.98
2	1032	Coenzyme Q 10 100 mg 1032 60 sgels	9.99		19.98
3	1023	Coenzyme Q 10 100 mg 1023 120 sgels	17.99		53.97
4	1406	Complete C 1000mg TR 1406 90 tabs	8.99		35.96
1	1400	Complete C 500mg TR 1400 90 tabs	5.99		5.99
1	1401	Complete C 500mg TR 1401 210 tabs	11.99		11.99
3	1500	Complete E-200 1500 90 tabs	8.49		25.47
2	1202	Complete Minerals Ex 1202 90 tabs	6.49		12.98
1	1200	Complete Minerals Reg 1200 90 tabs	4.29		4.29
1	1106	Complete Multi Ex 1106 90 tabs	12.99		12.99

Total

Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
1/20/2015	1672

Bill To
Great Earth Celeste & Michael Hughes 2700 University Ave unit 104 West Des Moines, IA 50266

Ship To
Great Earth Celeste & Michael Hughes 2700 University Ave unit 104 West Des Moines, IA 50266

P.O. Number	Terms	Ship
1569264299	credit card	1/20/2015

Quantity	Item Code	Description	Price Each	Note	Amount
1	1107	Complete Multi Ex 1107 210 tabs	26.99		26.99
1	1104	Complete Multi No Iron No Copper Reg 1104 210 tabs	16.99		16.99
1	1101	Complete Multi Reg 1101 90 tabs	8.49		8.49
3	1010-5552	Evening Primrose Oil 1300 mg 1010 120 sg	13.99		41.97
1	1702	EW Complete Enzymes Ultra 1702 90 tabs	10.99		10.99
1	1720-7281	EW Milk thistle Ext-Plus 175 mg 1720 60 caps	5.99		5.99
1	1027	Omega 3 Ex w/ lemon 1027 100 sg	9.99		9.99
2	1029	Omega 3 ex w lemon 1029 250 sgels	18.49		36.98
6	1641-6591	Super Dophilus 5 bil 1641-6591 60 vcaps	7.99		47.94
3	1642-6592	Super Dophilus 5 bil 1642-6592 120 vcaps	14.99		44.97

Total

25908 McBean Parkway
Valencia, CA 91355

Date	Invoice #
1/20/2015	1672

Bill To
Great Earth Celeste & Michael Hughes 2700 University Ave unit 104 West Des Moines, IA 50266

Ship To
Great Earth Celeste & Michael Hughes 2700 University Ave unit 104 West Des Moines, IA 50266

P.O. Number	Terms	Ship
1569264299	credit card	1/20/2015

[illegible]

	Total	\$720.09
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Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
2/9/2015	1765

Bill To
Earth Wise Charles Pollard 1011 B Northwest Hwy Garland, TX 75041

Ship To
Earth Wise Charles Pollard 1011 B Northwest Hwy Garland, TX 75041

P.O. Number	Terms	Ship
1569323945	credit card	2/9/2015

Quantity	Item Code	Description	Price Each	Note	Amount
2	1176	Garcinia Cambogia 1000 mg 60% HCA 1176 60 caps	0.00		0.00
12	1176	Garcinia Cambogia 1000 mg 60% HCA 1176 60 caps	8.99		107.88
6	964	Joint Care Supreme 964-90 90 caps	15.74		94.44
6	1455	Menopause Support 1455 90 tabs	9.44		56.64
6	966	Prosta-Power Rx 966-60 60 sgels	9.44		56.64
6	1555	Thermo Energy 1555 90 tabs	8.99		53.94

	Total	\$369.54
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25908 McBean Parkway
Valencia, CA 91355

Date	Invoice #
2/9/2015	1766

Bill To
Holladay Health & Nutrition/Inside Golds Baron Brooks 5518 South Van Winkle Expressway Salt Lake City, UT 84124

Ship To
Holladay Health & Nutrition/Inside Golds 5518 S Van Winkle Expressway Salt Lake City, UT 84124

P.O. Number	Terms	Ship
1569329761	Net 30	2/9/2015

[illegible]

	Total	\$437.82
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Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
8/21/2015	2498

Bill To
Earth Wise Salem Anabel Preciado 1270 45th AVE NE Salem, OR 97301

Ship To
Earth Wise Salem Anabel Preciado 1270 45th AVE NE Salem, OR 97301

P.O. Number	Terms	Ship
1569848902	credit card	8/21/2015

Quantity	Item Code	Description	Price Each	Note	Amount
2	1225	Cal Mag 600/300 1225 250 tabs	10.99		21.98
6	1407	Complete C 1000mg TR 1407 210 tabs	16.99		101.94
3	1507	Complete E 400 1507 210 tabs	28.99		86.97
3	1106	Complete Multi Ex 1106 90 tabs	12.99		38.97
5	1107	Complete Multi Ex 1107 210 tabs	26.99		134.95
2	1119	CSP pck Extra 1119 90 pck	39.99		79.98
2	120-120	D 3 400 IU 120-120 120	2.53		5.06
2	1718-2091	EW Lutein Plus 20 mg 1718-2091 30 caps	7.49		14.98
2	1649-8643	Joint Support Supreme 1649 180 tabs	17.99		35.98
2	1455	Menopause Support 1455 90 tabs	9.44		18.88
4	1029	Omega 3 EX w/ lemon 1029 250 sgels	18.49		73.96
30	1169 D	Phyto Garlic 1169 90 tabs D	8.99		269.70
3	1220	Super Iron Complex 50 1220 100 tabs	4.99		14.97
2	1165	Turmeric 500mg (95% Curcuminoids) 1165 60 caps	8.99		17.98

Total	\$916.30
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Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
1/22/2016	3066

Bill To
Chamberlin #12 Winter Park 430 N. Orlando Ave. Winter Park, FL 32789

Ship To
Chamberlin #12 Winter Park 430 N. Orlando Ave. Winter Park, FL 32789

P.O. Number	Terms	Ship
1570225278	2% 10 Net 30	1/22/2016

Quantity	Item Code	Description	Price Each	Note	Amount
2	515-100	ACIDOPHILUS capsules 2 BB 515-100 100 caps	5.76		11.52
1	1600 D	BE Calm EX 1600 90 tabs D	10.49		10.49
3	178 D	Bentonite 600 Mg 178-90 90 caps D	5.24		15.72
1	1650	Cerebro Smart 1650 60 tabs	12.99		12.99
1	1032	Coenzyme Q 10 100 mg 1032 60 sgels	9.99		9.99
3	1400	Complete C 500mg TR 1400 90 tabs	5.99		17.97
2	1103	Complete Multi No Iron No Copper Reg 1103 90 tabs	8.49		16.98
1	1118	CSP pck Extra 1118 30 pck	16.49		16.49
2	1116	CSP pck Regular 1116 30 pck	11.49		22.98
2	1044	D 3 5000 IU 1044 100 sg	5.49		10.98
2	900	Emu Oil 100% pure w/ dropper 900 2 oz	8.77		17.54
1	1010-5552	Evening Primrose Oil 1300 mg 1010 120 sg	13.99		13.99
2	1629	Hair 1629 60 tabs	7.49		14.98
1	1649-8643	Joint Support Supreme 1649 180 tabs	17.99		17.99
2	895-100	KLVB-6 HI POTENCY 895-100 100 tabs	6.29		12.58
2	1169 D	Phyto Garlic 1169 90 tabs D	8.99		17.98
1	688	Pre-Natal 688-120 120 tabs	8.99		8.99
1	1617 D	Prostate - New and Improved 1617 60 liq. caps D	8.99		8.99
1	1652	Sleep-Eze 1652 60 tabs	10.99		10.99

Total

\$270.14

25908 McBean Parkway
Valencia, CA 91355

Date	Invoice #
1/25/2016	3072

H&I Bismarck
1801 45th St. South #R
fargo, ND 58103

H&I Bismarck
551A S 7th Street
Bismarck, ND 58504

1/25/2016

Total	\$331.56
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25908 McBean Parkway
Valencia, CA 91355

Date	Invoice #
10/3/2016	3832

Active Nutrition San Francisco
2275 Market St
San Francisco, CA 94114

Active Nutrition San Francisco
2275 Market St
San Francisco, CA 94114

10/3/2016

Total	\$371.76
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Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date

Invoice #

1/31/2017

4157

Bill To

iServe Products
870 N 100 E
STE 107
Lehi, UT 84043

Ship To

iServe Products
870 N 100 E
STE 107
Lehi, UT 84043

P.O. Number

Terms

Ship

credit card

1/31/2017

Quantity	Item Code	Description	Price Each	Note	Amount
24	1615	Natural Cleanse 1615 90 tabs	5.99		143.76
24	1629	Hair 1629 60 tabs	7.49		179.76
24	1101	Complete Multi Reg 1101 90 tabs	8.49		203.76
12	1553	Fat Metabolizer 1553 90 tabs	9.49		113.88
12	1652	Sleep-Eze 1652 60 tabs	10.99		131.88
12	1604	Bone 1604 180 tabs	13.99		167.88
12	1200	Complete Minerals Reg 1200 90 tabs	4.99		59.88
12	1400	Complete C 500mg TR 1400 90 tabs	5.99		71.88
6	1650	Cerebro Smart 1650 60 tabs	12.99		77.94
6	1606	Be Well 1606 90 tabs	8.99		53.94
6	1702	EW Complete Enzymes Ultra 1702 90 tabs	11.99		71.94
6	1165	Turmeric 500mg (95% Curcuminoids) 1165 60 caps	8.99		53.94
6	1610	Cholesterol caps 1610 90 caps	11.49		68.94

Total

\$1,399.38

Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date

Invoice #

1/27/2017

4159

Bill To

Hy-Vee
1403 N Veteran's Pkwy
Bloomington, IL 61704

Ship To

Hy-Vee
1403 N Veteran's Pkwy
Bloomington, IL 61704

P.O. Number

Terms

Ship

Net 30

1/27/2017

Quantity	Item Code	Description	Price Each	Note	Amount
3	833-060	5-HTP TRYPTOPHAN 100 MG 833-060 60 caps	12.06		36.18
3	515-100	ACIDOPHILUS capsules 2 BB 515-100 100 caps	5.76		17.28
4	1224	Cal Mag 600/300 1224 100 tabs	5.49		21.96
4	1044	D 3 5000 IU 1044 100 sg	5.49		21.96
2	900	Emu Oil 100% pure w/ dropper 900 2 oz	8.77		17.54
2	1731-7171 D	Viva Bilberry Ext. Plus 60 MG 1731 60 caps D	7.99		15.98

Total

\$130.90

Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
2/1/2018	5039

Bill To Earth Wise Dennis Galvan 5403 Arapaho Road unit 105 Dallas, TX 75248
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Ship To Earth Wise Dennis Galvan 5403 Arapaho Road unit 105 Dallas, TX 75248
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P.O. Number	Terms	Ship
1572018277	credit card	2/1/2018

Quantity	Item Code	Description	Price Each	Note	Amount
1	1010-5552	Evening Primrose Oil 1300 mg 1010 120 sg	14.99		14.99
3	1029	Omega 3 EX w/ lemon 1029 250 sgels	18.49		55.47
6	1033	D 3 2000 IU 1033 100 sg	4.49		26.94
6	1044	D 3 5000 IU 1044 100 sg	5.99		35.94
3	1106	Complete Multi Ex 1106 90 tabs	12.99		38.97
6	1107	Complete Multi Ex 1107 210 tabs	26.99		161.94
18	1116	CSP pck Regular 1116 30 pck	10.79		194.22
18	1118	CSP pck Extra 1118 30 pck	15.29		275.22
9	1169 D	Phyto Garlic 1169 90 tabs D	8.99		80.91
3	1506	Complete E 400 1506 90 tabs	13.99		41.97
2	1565-6632	L-Carnitine 500 MG 1565/6632 60 tabs	9.49		18.98
2	1569-6522	L-Lysine 1000 MG 1569/6522 100 tabs	6.49		12.98
3	1617	Prostate - New and Improved 1617 60 liq. caps	10.99		32.97
6	1630	Hair 1630 120 tabs	12.99		77.94
3	1702	EW Complete Enzymes Ultra 1702 90 tabs	11.99		35.97
2	1718-2091	EW Lutein Plus 20 mg 1718-2091 30 caps	7.99		15.98
6	1727	EW Ultra Mega Duo Dophilus 30 bil 1727 60 vcaps	20.99		125.94
2	729-500	KELP 225 MCG with Iodine 729-500 500 tabs	10.49		20.98
2	878	DHEA 25 Mg 878-90 90 caps	6.29		12.58
3	913-100	ECHINACEA 400 MG 913-100 100 caps	5.24		15.72
3	921-100	ECHINACEA-GOLDEN SEAL 921-100 100 caps	8.86		26.58
2	944-090	Oregano 150 mg 10:1 concentrate 944-90 90 sg	5.24		10.48
6	964	Joint Care Supreme 964-90 90 caps	15.74		94.44

Total	\$1,428.11
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Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
1/3/2019	5777

Bill To
Earth Wise Nutri Center Pamela Lange 107 W. Quinto Street Santa Barbara, CA 93105 805-886-0821

Ship To
Earth Wise Nutri Center Pamela Lange 107 W. Quinto Street Santa Barbara, CA 93105

P.O. Number	Terms	Ship
1572654630	Net 30	1/3/2019

Quantity	Item Code	Description	Price Each	Note	Amount
1	0	non Viva products	191.61		191.61
5	811-250	Amino Feast 800 Mg 811-250 250 caps	14.99		74.95
8	1300	B-Complex 50 1300 90 tabs	5.99		47.92
3	1604	Bone 1604 180 tabs	13.99		41.97
1	861-100	CHLOROPHYLL 100 MG 861-100 2-PIECE CAP	7.99		7.99
6	1610	Cholesterol caps 1610 90 caps	11.99		71.94
3	1032	Coenzyme Q 10 100 mg 1032 60 sgels	8.99		26.97
6	1401	Complete C 500mg TR 1401 210 tabs	12.99		77.94
3	1107	Complete Multi Ex 1107 210 tabs	26.99		80.97
7	1102	Complete Multi Reg 1102 210 tabs	16.99		118.93
12	968	Corti-Edge 968-60 60 tabs	10.49		125.88
12	1118	CSP pck Extra 1118 30 pck	16.99		203.88
4	121-120	D 3 1000 IU 121-120 120 tab	3.99		15.96
3	1044	D 3 5000 IU 1044 100 sg	5.99		17.97
12	1151	Immune Source Multiplex 1151 90 tabs	11.99		143.88
3	1569-6522	L-Lysine 1000 MG 1569/6522 100 tabs	6.49		19.47
8	1567-6622	L-Lysine 500 MG 1567/6622 100 tabs	4.49		35.92
6	1617	Prostate - New and Improved 1617 60 liq. caps	10.99		65.94
4	1652	Sleep-Eze 1652 60 tabs	10.99		43.96
2	1038-6262	Super Selenium 200 mcg 1038-6262 120 tabs	7.99		15.98

Total	\$1,430.03
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Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
6/21/2019	6117

Bill To Great Earth Craig & Lois Hebert 24211 Hawthorne Blvd Torrance, CA 90505 310-534-8494
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Ship To Great Earth Craig & Lois Hebert 24211 Hawthorne Blvd Torrance, CA 90505
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P.O. Number	Terms	Ship
1572924296	credit card	6/21/2019

Quantity	Item Code	Description	Price Each	Note	Amount
1	225-060	BIOTIN 5000 MCG 225-60 60 caps	5.99		5.99
2	1224	Cal Mag 600/300 1224 100 tabs	5.99		11.98
2	1225	Cal Mag 600/300 1225 250 tabs	11.99		23.98
2	1032	Coenzyme Q 10 100 mg 1032 60 sgels	8.99		17.98
3	1406	Complete C 1000mg TR 1406 90 tabs	8.99		26.97
6	1407	Complete C 1000mg TR 1407 210 tabs	18.99		113.94
1	1400	Complete C 500mg TR 1400 90 tabs	5.99		5.99
6	1702	EW Complete Enzymes Ultra 1702 90 tabs	11.99		71.94
6	1203	Complete Minerals Ex 1203 210 tabs	12.99		77.94
1	1208	Complete Minerals No Iron No Copper Ex 1208 90 tabs	6.99		6.99
1	1209	Complete Minerals No Iron No Copper Ex 1209 210 tabs	12.99		12.99
6	1106	Complete Multi Ex 1106 90 tabs	12.99		77.94
6	1107	Complete Multi Ex 1107 210 tabs	26.99		161.94
1	1108	Complete Multi No Iron No Copper Ex 1108 90 tabs	12.99		12.99
1	1103	Complete Multi No Iron No Copper Reg 1103 90 tabs	8.49		8.49
2	1101	Complete Multi Reg 1101 90 tabs	8.49		16.98
6	1118	CSP pck Extra 1118 30 pck	16.99		101.94
1	1044	D 3 5000 IU 1044 100 sg	5.99		5.99
1	1716-6921	EW Alpha Lipoic Acid 250mg 1716 60 vcaps	10.99		10.99
1	1732	EW Inflammation Relief 1732 90 caps	15.99		15.99
2	1554	Fat Metabolizer 1554 210 tabs	19.99		39.98
2	1644-8892	Glucose Support 1644 60 caps	11.99		23.98
2	1630	Hair 1630 120 tabs	12.99		25.98
2	1632	Joints Ultra 1632 210 tabs	23.99		47.98
3	1617	Prostate - New and Improved 1617 60 liq. caps	10.99		32.97
2	1652	Sleep-Eze 1652 60 tabs	10.99		21.98

Total

25908 McBean Parkway
Valencia, CA 91355

Date	Invoice #
6/21/2019	6117

Great Earth
Craig & Lois Hebert
24211 Hawthorne Blvd
Torrance, CA 90505
310-534-8494

Great Earth
Craig & Lois Hebert
24211 Hawthorne Blvd
Torrance, CA 90505

6/21/2019

Total	\$995.79
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Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
11/19/2019	6406

Bill To
JME Nutrition LLC Kingman 1949 E Beverly Ave STE 1 Kingman, AZ 86409 Juan 702-469-2652

Ship To
JME Nutrition LLC Kingman 1949 E Beverly Ave STE 1 Kingman, AZ 86409

P.O. Number	Terms	Ship
1573141104	Net 30	11/19/2019

Quantity	Item Code	Description	Price Each	Note	Amount
6	1736	EW BP Blend 1736 90 caps	7.49		44.94
1	1736	EW BP Blend 1736 90 caps	0.00		0.00
3	520	Charcoal (Activated) 260 mg 520-100 100 cap	5.99		17.97
12	1702	EW Complete Enzymes Ultra 1702 90 tabs	11.99		143.88
2	1702	EW Complete Enzymes Ultra 1702 90 tabs	0.00		0.00
12	1118	CSP pck Extra 1118 30 pck	16.99		203.88
2	1118	CSP pck Extra 1118 30 pck	0.00		0.00
18	1116	CSP pck Regular 1116 30 pck	11.99		215.82
3	1116	CSP pck Regular 1116 30 pck	0.00		0.00
6	1009-5551	Evening Primrose Oil 1300 mg 1009 60 sg	7.99		47.94
1	1009-5551	Evening Primrose Oil 1300 mg 1009 60 sg	0.00		0.00
6	973	Greater Greens Powder 973-10 10 oz	17.99		107.94
1	973	Greater Greens Powder 973-10 10 oz	0.00		0.00
12	1615	Natural Cleanse 1615 90 tabs	6.49		77.88
2	1615	Natural Cleanse 1615 90 tabs	0.00		0.00
18	1555	Thermo Energy 1555 90 tabs	10.99		197.82
3	1555	Thermo Energy 1555 90 tabs	0.00		0.00
3	1165	Turmeric 500mg (95% Curcuminoids) 1165 60 caps	8.99		26.97

Total	\$1,085.04
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Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
2/5/2020	6544

Bill To
Stay Healthy Marge Roman 840 S. Rancho Suite 14 Las Vegas, NV 89106

Ship To
Stay Healthy Marge Roman 840 S. Rancho Suite 14 Las Vegas, NV 89106

P.O. Number	Terms	Ship
1573247591	credit card	2/5/2020

Quantity	Item Code	Description	Price Each	Note	Amount
4	1106	Complete Multi Ex 1106 90 tabs	12.99		51.96
6	1107	Complete Multi Ex 1107 210 tabs	26.99		161.94
1	1108	Complete Multi No Iron No Copper Ex 1108 90 tabs	12.99		12.99
4	1109	Complete Multi No Iron No Copper Ex 1109 210 tabs	26.99		107.96
1	1507	Complete E 400 1507 210 tabs	28.99		28.99
12	1553	Fat Metabolizer 1553 90 tabs	10.99		131.88
12	1554	Fat Metabolizer 1554 210 tabs	19.99		239.88
6	1632	Joints Ultra 1632 210 tabs	23.99		143.94
6	1625	Eye 1625 90 tabs	11.99		71.94

Total	\$951.48
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Viva Vitamins

25908 McBean Parkway
Valencia, CA 91355

Invoice

Date	Invoice #
4/28/2021	7447

Bill To
Vitamin Hub Las Vegas Alma Gutierrez 2208 S. Nellis Blvd., Suite 2A Las Vegas, NV 89104 cell:702-955-3349

Ship To
Vitamin Hub Luis Velvalle 2208 S Nellis Blvd, Suite 2A Las vegas, NV 89104 cell702-640-81291 702-331-1448wk

P.O. Number	Terms	Ship
1574003813	credit card	4/28/2021

Quantity	Item Code	Description	Price Each	Note	Amount
6	1101	Complete Multi Reg 1101 90 tabs	8.99		53.94
2	1102	Complete Multi Reg 1102 210 tabs	17.99		35.98
4	1106	Complete Multi Ex 1106 90 tabs	13.99		55.96
6	1116	CSP pck Regular 1116 30 pck	11.99		71.94
8	1200	Complete Minerals Reg 1200 90 tabs	5.49		43.92
6	1306	B-Complex 100 1306 90 tabs	9.99		59.94
10	1553	Fat Metabolizer 1553 90 tabs	10.99		109.90
2	1555	Thermo Energy 1555 90 tabs	0.00		0.00
24	1555	Thermo Energy 1555 90 tabs	9.99		239.76
4	1606	Be Well 1606 90 tabs	10.99		43.96
4	1629	Hair 1629 60 tabs	7.49		29.96
4	1631	Joints Ultra 1631 90 tabs	11.99		47.96
1	1632	Joints Ultra 1632 210 tabs	23.99		23.99
2	1633	PMA Positive Mental Attitude 60 cap	7.99		15.98
8	1702	EW Complete Enzymes Ultra 1702 90 tabs	12.49		99.92
8	1732	EW Inflammation Relief 1732 90 caps	15.99		127.92
4	1737	EW Circulation Blend 1737 90 caps	7.99		31.96
8	1738	EW Liver Blend 1738 90 caps	7.99		63.92
2	878	DHEA 25 Mg 878-90 90 caps	6.99		13.98
1	973	Greater Greens Powder 973-10 10 oz	18.49		18.49
1	1176	Garcinia Cambogia 1000 mg 60% HCA 1176 60 caps	0.00		0.00
6	1176	Garcinia Cambogia 1000 mg 60% HCA 1176 60 caps	7.99		47.94
2	1650	Cerebro Smart 1650 60 tabs	12.99		25.98
4	1132	Complete Multi Reg 30 tab 1132	4.49		17.96
10	1003	Blender Bottle Shaker Cups 28 oz 1004 1 cup	4.99		49.90

Total	\$1,331.16
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Viva Vitamins

25908 McBean Parkway
Valencia, Ca 91355

Invoice

Date

Invoice #

12/5/2021

7854

Bill To

Earth Bar
8365 Santa Monica Blvd.
West Hollywood, CA 90069
323-650-0181
jeremy@earthbar.com

Ship To

Earth Bar
8365 Santa Monica Blvd.
West Hollywood, CA 90069

P.O. Number

Terms

Ship

1574337507

credit card

12/5/2021

Quantity	Item Code	Description	Price Each	Note	Amount
4	1101	Complete Multi Reg 1101 90 tabs	12.00		48.00
6	1106	Complete Multi Ex 1106 90 tabs	18.00		108.00
12	1116	CSP pck Regular 1116 30 pck	15.00		180.00
8	1118	CSP pck Extra 1118 30 pck	22.50		180.00
2	1202	Complete Minerals Ex 1202 90 tabs	10.00		20.00
2	1400	Complete C 500mg TR 1400 90 tabs	8.50		17.00
3	1401	Complete C 500mg TR 1401 210 tabs	17.00		51.00
2	1406	Complete C 1000mg TR 1406 90 tabs	12.50		25.00
4	1407	Complete C 1000mg TR 1407 210 tabs	25.00		100.00
1	1507	Complete E 400 1507 210 tabs	35.00		35.00

Total

\$764.00

Viva Vitamins

25908 McBean Parkway
Valencia, Ca 91355

Invoice

Date	Invoice #
12/20/2021	7876

Bill To

Great Earth
Charley Sorah
2872 East Imperial Highway
Brea, CA 92821
814-528-2958

Ship To

Great Earth
Charley Sorah
2872 East Imperial Highway
Brea, CA 92821

P.O. Number	Terms	Ship
1574357247	credit card	12/20/2021

Quantity	Item Code	Description	Price Each	Note	Amount
2	1010-5552	Evening Primrose Oil 1300 mg 1010 120 sg	22.00		44.00
2	1036-6202	Potassium 99 MG 1036 250 tabs	10.00		20.00
1	1047-6162	Super Magnesium 375 MG 1047 250 tabs	0.00		0.00
3	1047-6162	Super Magnesium 375 MG 1047 250 tabs	14.00		42.00
1	1106	Complete Multi Ex 1106 90 tabs	0.00		0.00
1	1107	Complete Multi Ex 1107 210 tabs	0.00		0.00
3	1107	Complete Multi Ex 1107 210 tabs	36.00		108.00
3	1106	Complete Multi Ex 1106 90 tabs	18.00		54.00
2	1116	CSP pck Regular 1116 30 pck	0.00		0.00
6	1116	CSP pck Regular 1116 30 pck	15.00		90.00
1	1151	Immune Source Multiplex 1151 90 tabs	0.00		0.00
3	1151	Immune Source Multiplex 1151 90 tabs	15.00		45.00
1	1203	Complete Minerals Ex 1203 210 tabs	0.00		0.00
3	1203	Complete Minerals Ex 1203 210 tabs	17.50		52.50
1	1400	Complete C 500mg TR 1400 90 tabs	0.00		0.00
3	1400	Complete C 500mg TR 1400 90 tabs	8.50		25.50
1	1401	Complete C 500mg TR 1401 210 tabs	0.00		0.00
3	1401	Complete C 500mg TR 1401 210 tabs	17.00		51.00
1	1406	Complete C 1000mg TR 1406 90 tabs	0.00		0.00
3	1406	Complete C 1000mg TR 1406 90 tabs	12.50		37.50
1	1554	Fat Metabolizer 1554 210 tabs	0.00		0.00
3	1554	Fat Metabolizer 1554 210 tabs	27.50		82.50
1	1555	Thermo Energy 1555 90 tabs	0.00		0.00
3	1555	Thermo Energy 1555 90 tabs	15.00		45.00
1	1606	Be Well 1606 90 tabs	0.00		0.00
3	1606	Be Well 1606 90 tabs	15.00		45.00
1	1610	Cholesterol caps 1610 90 caps	0.00		0.00
3	1610	Cholesterol caps 1610 90 caps	15.00		45.00
3	1617	Prostate - New and Improved 1617 60 caps	15.00		45.00
1	1625	Eye 1625 90 tabs	0.00		0.00
3	1625	Eye 1625 90 tabs	16.00		48.00

Total

Viva Vitamins

25908 McBean Parkway
Valencia, Ca 91355

Invoice

Date	Invoice #
12/20/2021	7876

Bill To
Great Earth Charley Sorah 2872 East Imperial Highway Brea, CA 92821 814-528-2958

Ship To
Great Earth Charley Sorah 2872 East Imperial Highway Brea, CA 92821

P.O. Number	Terms	Ship
1574357247	credit card	12/20/2021

Quantity	Item Code	Description	Price Each	Note	Amount
3	1716-6921	EW Alpha Lipoic Acid 250mg 1716 60 vcaps	12.50		37.50
2	1718-2091	EW Lutein Plus 20 mg 1718-2091 30 caps	0.00		0.00
6	1718-2091	EW Lutein Plus 20 mg 1718-2091 30 caps	10.00		60.00
1	1732	EW Inflammation Relief 1732 90 caps	0.00		0.00
3	1732	EW Inflammation Relief 1732 90 caps	20.00		60.00
2	1172	Red Yeast Rice 600mg 120vcap	13.50		27.00
1	1650	Cerebro Smart 1650 60 tabs	0.00		0.00
3	1650	Cerebro Smart 1650 60 tabs	15.00		45.00
2	1724-6832	EW Resveratrol 200 mg 1724 60 caps	17.50		35.00
1	1653	Relaaax 1653 60 caps	0.00		0.00
3	1653	Relaaax 1653 60 caps	12.00		36.00
2	1564-5341	Phos Serine Complex 500 MG 1564/5341 30 sgels	14.00		28.00
1	credit	10% off Non promo	-23.65		-23.65

Total	\$1,184.85
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Viva Vitamins

25908 McBean Parkway
Valencia, Ca 91355

Invoice

Date

Invoice #

2/20/2022

7995

Bill To

Earth Bar
8365 Santa Monica Blvd.
West Hollywood, CA 90069
323-650-0181
jeremy@earthbar.com

Ship To

Earth Bar
8365 Santa Monica Blvd.
West Hollywood, CA 90069

P.O. Number

Terms

Ship

1574444991

credit card

2/20/2022

Quantity	Item Code	Description	Price Each	Note	Amount
4	1101	Complete Multi Reg 1101 90 tabs	12.00		48.00
2	1102	Complete Multi Reg 1102 210 tabs	24.00		48.00
4	1107	Complete Multi Ex 1107 210 tabs	36.00		144.00
4	1118	CSP pck Extra 1118 30 pck	22.50		90.00
2	1225	Cal Mag 600/300 1225 250 tabs	15.00		30.00
6	1407	Complete C 1000mg TR 1407 210 tabs	25.00		150.00
2	1506	Complete E 400 1506 90 tabs	17.50		35.00
1	1625	Eye 1625 90 tabs	0.00		0.00

Total

\$545.00

Viva Vitamins

25908 McBean Parkway
Valencia, Ca 91355

Invoice

Date	Invoice #
3/15/2022	8035

Bill To
San Diego Nutrition Center Chula MEMO LOPEZ PO Box 462264 Escondido, CA 92046 sdnutritioncenter@gmail.com

Ship To
San Diego Nutrition Center MEMO LOPEZ 344 East H St Suite 1401 Chula Vista, CA 91910

P.O. Number	Terms	Ship
1574475232	credit card	3/15/2022

Quantity	Item Code	Description	Price Each	Note	Amount
12	1026	Omega 3 RS w/ lemon 1026 100 sgels	7.50		90.00
12	1027	Omega 3 EX w/ lemon 1027 100 sg	12.00		144.00
12	1028	Omega 3 RS w/ lemon 1028 250 sgels	10.99		131.88
12	1029	Omega 3 EX w/ lemon 1029 250 sgels	23.50		282.00
12	1033	D 3 2000 IU 1033 100 sg	6.50		78.00
12	1036-6202	Potassium 99 MG 1036 250 tabs	10.00		120.00
6	1039-6211	Zinc 50 MG 1039-6211 100 tabs	7.00		42.00
12	1044	D 3 5000 IU 1044 100 sg	8.00		96.00
12	1046-6161	Super Magnesium 375 MG 1046 100 tabs	7.00		84.00
12	1101	Complete Multi Reg 1101 90 tabs	12.00		144.00
6	1102	Complete Multi Reg 1102 210 tabs	24.00		144.00
12	1106	Complete Multi Ex 1106 90 tabs	18.00		216.00
6	1107	Complete Multi Ex 1107 210 tabs	36.00		216.00
12	1224	Cal Mag 600/300 1224 100 tabs	7.50		90.00
12	1306	B-Complex 100 1306 90 tabs	12.50		150.00
12	1401	Complete C 500mg TR 1401 210 tabs	17.00		204.00
12	1617	Prostate - New and Improved 1617 60 caps	15.00		180.00
12	1630	Hair 1630 120 tabs	18.50		222.00
6	973	Greater Greens Powder 973-10 10 oz	22.50		135.00

Total	\$2,768.88
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25908 McBean Parkway
Valencia, Ca 91355

Date	Invoice #
7/12/2022	8241

CardioFit Medical Group
Dr. Leonard Scuderi, M.D., F.A.C.C.
 23456 Hawthorne Blvd., Unit 250
 Torrance, CA 90505
 310-791-5577

CardioFit Medical Group
23456 Hawthorne Blvd., Unit 250
Torrance, CA 90505

7/12/2022

Total	\$1,125.00
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Viva Vitamins

25908 McBean Parkway
Valencia, Ca 91355

Invoice

Date	Invoice #
12/18/2022	8513

Bill To
Earth Wise Nutrition Center Lynn Sanders 24412 Rockfield Blvd. Lake Forest, CA 92630 714-309-2170

Ship To
Earth Wise Nutrition Center Lynn Sanders 650 Rose Dr #833 Placentia, CA 92870

P.O. Number	Terms	Ship
1574818850		12/18/2022

Quantity	Item Code	Description	Price Each	Note	Amount
3	1040-6212	Zinc 50 MG 1040-6212 250 tabs	12.50		37.50
1	1044	D 3 5000 IU 1044 100 sg	8.00		8.00
3	1107	Complete Multi Ex 1107 210 tabs	36.00		108.00
1	1209	Complete Minerals No Iron No Copper Ex 1209 210 tabs	17.50		17.50
1	1407	Complete C 1000mg TR 1407 210 tabs	25.00		25.00
1	1553	Fat Metabolizer 1553 90 tabs	15.00		15.00
2	1554	Fat Metabolizer 1554 210 tabs	27.50		55.00
2	1632	Joints Ultra 1632 210 tabs	30.00		60.00
9	1732	EW Inflammation Relief 1732 90 caps	20.00		180.00
2	910-500	ALFALFA 10 GR 910-500 500 tabs	9.44		18.88
1	913-100	ECHINACEA 400 MG 913-100 100 caps	7.00		7.00
1	1652	Sleep-Eze 1652 60 tabs	15.00		15.00
2	1650	Cerebro Smart 1650 60 tabs	15.00		30.00
1	0	non Viva products	47.44		47.44
1	credit	20% Viva Discount	-115.38		-115.38

Total	\$508.94
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25908 McBean Parkway
Valencia, Ca 91355

Date	Invoice #
1/9/2023	8549

CardioFit Medical Group
Dr. Leonard Scuderi, M.D., F.A.C.C.
23456 Hawthorne Blvd., Unit 250
Torrance, CA 90505
310-791-5577

CardioFit Medical Group
23456 Hawthorne Blvd., Unit 250
Torrance, CA 90505

1/9/2023

Total	\$840.00
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\$840.00

Viva Vitamins

25908 McBean Parkway
Valencia, Ca 91355

Invoice

Date

Invoice #

4/6/2023

8717

Bill To

Sport Life Distribution
4114 N Pecos Road, Suite 103
North Las Vegas, NV 89115

Ship To

Sport Life Distribution
4114 N Pecos Road, Suite 103
North Las Vegas, NV 89115

P.O. Number

Terms

Ship

P28013-TX/1574...

Net 30

4/6/2023

Quantity	Item Code	Description	Price Each	Note	Amount
36	1606	Be Well 1606 90 tabs	14.84		534.24
36	1225	Cal Mag 600/300 1225 250 tabs	13.52		486.72
36	1407	Complete C 1000mg TR 1407 210 tabs	23.32		839.52
24	1203	Complete Minerals Ex 1203 210 tabs	16.96		407.04
36	1107	Complete Multi Ex 1107 210 tabs	32.22		1,159.92
24	1116	CSP pck Regular 1116 30 pck	13.57		325.68
24	1630	Hair 1630 120 tabs	16.96		407.04
24	1615	Natural Cleanse 1615 90 tabs	10.60		254.40
24	1555	Thermo Energy 1555 90 tabs	14.84		356.16
36	1647	Ultra Duo Dophilus 1647 90 vcaps	23.32		839.52
36	1165	Turmeric 500mg (95% Curcuminoids) 1165 60 caps	10.60		381.60

Total

\$5,991.84

I, the undersigned, am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the instant action. My business address is KLEINBERG & LERNER, LLP, 2049 Century Park East, Suite 1080, Los Angeles, CA 90067.

PETITION FOR CANCELLATION

AGGA COMMERCE, LLC
P. O. Box 390492
Mountain View, CA 94043

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Muziautulis

Myriam Kulig