

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85284093
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
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ORIGINAL PDF FILE	evi_68165127226-143248079_ . Exhibit B.pdf
CONVERTED PDF FILE(S) (6 pages)	\\TICRS\EXPORT11\IMAGEOUT11\852\840\85284093\xml7\RFR0052.JPG
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ORIGINAL PDF FILE	evi_68165127226-143248079_ . Exhibit C.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\852\840\85284093\xml7\RFR0058.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\852\840\85284093\xml7\RFR0059.JPG
DESCRIPTION OF EVIDENCE FILE	Argument with Exhibits A, B and C. Exhibit A consists of third-party registrations and applications. Exhibit B is a publication by the Food Marketing Institute entitled "Natural and Organic Foods" (2007). Exhibit C is a publication of the Institute of Food Technologists entitled "Is There a Definition of Natural Foods " (2012).
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	032
DESCRIPTION	Coconut-based beverages
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	032
TRACKED TEXT DESCRIPTION	
Coconut-based beverages ; All-natural coconut-based beverages	

FINAL DESCRIPTION	All-natural coconut-based beverages
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Bruce A. Mcdonald/
SIGNATORY'S NAME	Bruce A. McDonald
SIGNATORY'S POSITION	Attorney
SIGNATORY'S PHONE NUMBER	703-838-6620
DATE SIGNED	03/21/2012
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Mar 21 14:55:28 EDT 2012
TEAS STAMP	USPTO/RFR-68.165.127.226- 20120321145528673456-8528 4093-490d94ddabffb9581250 3eaa8819731240-N/A-N/A-20 120321143248079222

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85284093** has been amended as follows:

EVIDENCE

Evidence in the nature of Argument with Exhibits A, B and C. Exhibit A consists of third-party registrations and applications. Exhibit B is a publication by the Food Marketing Institute entitled "Natural and Organic Foods" (2007). Exhibit C is a publication of the Institute of Food Technologists entitled "Is There a Definition of Natural Foods " (2012). has been attached.

Original PDF file:

[evi_68165127226-143248079_._Argument.pdf](#)

Converted PDF file(s) (9 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

Original PDF file:

[evi_68165127226-143248079_ . Exhibit A.pdf](#)

Converted PDF file(s) (41 pages)

[Evidence-1](#)

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[Evidence-7](#)

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[Evidence-35](#)

[Evidence-36](#)

[Evidence-37](#)

[Evidence-38](#)

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[Evidence-40](#)

[Evidence-41](#)

Original PDF file:

[evi_68165127226-143248079_ . Exhibit B.pdf](#)

Converted PDF file(s) (6 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

Original PDF file:

[evi_68165127226-143248079_ . Exhibit C.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 032 for Coconut-based beverages

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~Coconut-based beverages~~; [All-natural coconut-based beverages](#)

Class 032 for All-natural coconut-based beverages

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Bruce A. McDonald/ Date: 03/21/2012

Signatory's Name: Bruce A. McDonald

Signatory's Position: Attorney

Signatory's Phone Number: 703-838-6620

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian

attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85284093

Internet Transmission Date: Wed Mar 21 14:55:28 EDT 2012

TEAS Stamp: USPTO/RFR-68.165.127.226-201203211455286

73456-85284093-490d94ddabffb95812503eaa8

819731240-N/A-N/A-20120321143248079222

The examining attorney has required applicant to disclaim the wording "NATURALLY" apart from the mark as shown on the grounds that it merely describes the fact that applicant's goods are made of natural ingredients. In reaching this finding the examining attorney rejected Applicant's evidence of third-party registrations for trademarks including the word "NATURAL" in connection with beverage products on the grounds that Applicant failed to introduce copies of such registrations. Copies of the relevant registrations, and PTO print-outs of relevant applications, are accordingly appended hereto as Exhibits A and B respectively.

The examining attorney also cited materials downloaded from the Internet to support her finding that the word "NATURALLY" was merely descriptive in Applicant's mark. However, the exhibits submitted by the examining attorney include microscopic and illegible photocopies that fail to indicate the URL addresses of the websites from which they were allegedly obtained or the date on which they were downloaded. The examining attorney has also overlooked relevant authorities such as the U.S. Food and Drug Administration, the U.S. Department of Agriculture, the Food Marketing Institute, the Institute of Food Technologists, or the Grocery Manufacturers Association, none of which considers the word "NATURAL" to be descriptive on food labels. *See* Exhibits B and C. Moreover, even if the word "NATURAL" has a descriptive property in connection with food products *generally*, in *Applicant's* mark the word is used not to describe Applicant's product or ingredients, but as an adverb to modify the word "POWERED." As such, Applicant's mark is a "unitary mark" entitled to registration without a disclaimer, even assuming that the word "NATURAL" is merely descriptive in other contexts.

A. Third-Party Registrations and Applications

In responding to the earlier office action dated June 28, 2011, Applicant's former counsel listed a number of third-party registrations on the Principal Register, together with allowed

applications, containing the term "NATURALLY" in connection with beverages without any disclaimer of the word "NATURALLY." These registrations are relevant and admissible, albeit not controlling, on the issue of descriptiveness. See *Sweats Fashions, Inc. v. Pannill Knitting Co., Inc.*, 833 F.2d 1560, 1564-65, 4 USPQ2d 1793 (Fed. Cir. 1987); *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001),

The examining attorney disregarded Applicant's list of third-party registrations and applications absent copies of the registrations or printouts from the USPTO's database. Accordingly, attached as Exhibit A to this motion are copies and printouts of these registrations and applications, which may be summarized as follows:

**Registrations and Published Applications for Beverage Trademarks
Including the Word "NATURAL" Without Disclaimer**

<u>Mark</u>	<u>Reg. / App. No.</u>
<p>KURIJ NATURALLY REFRESHING & Design</p> 	<p>4070142</p>
<p>DRINK? . . . NATURALLY</p>	<p>4047086</p>
<p>Naturally Prepared</p>	<p>3897446</p>
<p>NZ HEALTH NATURALLY BRINGING OUT THE BEST OF NATURE & Design</p> 	<p>3960674</p>
<p>SWITZERLAND. NATURALLY. & Design</p> 	<p>3554319</p>
<p>FLY NATURALLY HIGHER</p>	<p>3583495</p>
<p>LIVE BETTER AND LIVE LONGER ... NATURALLY</p>	<p>3757661</p>
<p>NATURALLY ATHLETIC WIN NO EXCUSES NA</p>	<p>3789333</p>

<u>Mark</u>	<u>Reg. / App. No.</u>
HYDRATE NATURALLY	3676274
TRUE TASTE COMES NATURALLY	3656509
NATURALLY BOULDER	3434628
NATURALLY REFRESHING	3257633
ORCHARD FREEZE & Design	3398923
	
NATURALLY PREFERRED	2643679
SIMPLE NATURALLY DELICIOUS	85053139
	
NATURALLY NORTHWEST	85168081
GOOD WINE, NATURALLY	85426078
WELCOME TO THE NEW ICE AGE...NATURALLY...	85056714
NATURALLY UNLOCKING YOUR INNER ENERGY	77804222
CHANGING THE WAY THE WORLD SWEETENS FOOD AND BEVERAGE, NATURALLY	77818451

B. Meaning of "NATURAL" in the Food and Beverage Industry

In the food and beverage industry, the word "NATURALLY" does not convey a description of particular foods or ingredients. Unlike the word "ORGANIC," the appearance of the word "NATURAL" on food labels is unregulated by the Food and Drug Administration precisely because it does not convey such a description. *See* Food Marketing Institute, "Natural and Organic Foods" (June 2007), appended hereto as Exhibit B; Institute of Food Technologists, "Is There a Definition of Natural Foods?" (2012) (appended hereto as Exhibit C). "Neither FDA

nor the U.S. Department of Agriculture (USDA) has precise rules for “natural[; a]nd the food- and beverage product industry, represented by the Grocery Manufacturers Association, has no consensus.” *Id.* Consequently, there is no validity to the premise that the word "natural" has an established meaning or descriptive property in connection with food and beverage products.

C. The Exhibits Submitted by the Examining Attorney Are Inadmissible.

The exhibits submitted by the examining attorney to show that the word "NATURALLY" in Applicant's mark is merely descriptive include microscopic, ineligible and undated printouts from unidentified Internet websites with no URL addresses. These exhibits are inadmissible under any relevant standard. *See In re White*, 73 USPQ2d 1713, n.5 (TTAB 2004); *In re International Business Machines Corp.*, 81 USPQ2d 1677, 1682 n.9 (TTAB 2006); *In re Alcon Mfg., Ltd.*, Serial No. 762195409, 2005 WL 3175105 (TTAB Nov. 18, 2005) (unpublished); *In re Closet Clothing Co. Ltd.*, Serial No. 76623748, 2008 WL 906605 (TTAB March 5, 2008)(unpublished).

D. Applicant's Mark is a Unitary Expression in Which the Word "NATURALLY" Serves as an Adverb Modifying the word "POWERED," Not a Description of Any Food or Ingredient.

A term must be disclaimed from a mark if it is merely descriptive of the goods or services, and the examining attorney may require a disclaimer of words individually or together if they “form a grammatically or otherwise unitary whole with a single descriptive significance.” Trademark Manual of Examination Procedure §1213.08(b) (5th ed. 2007) (TMEP); *see In re Grass GmbH*, 79 USPQ2d 1600, 1603 (TTAB 2006). However, the words "NATURALLY POWERED" are not grammatically understandable in any context relating to foods or food ingredients; they are instead subject to multiple interpretations in a manner that results in a "coined" or "arbitrary," and at most "suggestive" commercial expression.

A term is merely descriptive only if it forthwith conveys an immediate idea of an ingredient, quality, characteristic, feature, function, purpose or use of the goods or services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). But if, when the goods or services are encountered under a unitary term, a "multistage reasoning process" or "resort to imagination" is required in order to determine the attributes or characteristics of the product or services, the term is suggestive rather than merely descriptive. *Id.*; see also *In re Atavio*, 25 USPQ2d 1361 (TTAB 1992). To the extent that there is any doubt in drawing the line of demarcation between a suggestive term and a merely descriptive term, such doubt is resolved in applicant's favor. *In re Atavio, id.*

If one must exercise mature thought or follow a multistage reasoning process in order to determine what characteristics a term identifies, the term is suggestive rather than merely descriptive. *In re Tennis in the Round, Inc.*, 199 USPQ 496, 497 (TTAB 1978); *In re Shutts*, 217 USPQ 363, 364-365 (TTAB 1983); *In re Universal Water Systems, Inc.*, 209 USPQ 165, 166 (TTAB 1980). Incongruity is a strong indication that a mark is suggestive rather than merely descriptive. *In re Tennis in the Round, Inc.*, 199 USPQ at 498 (the association of applicant's mark TENNIS IN THE ROUND with the phrase "theater-in-the-round" creates an incongruity because applicant's services do not involve a tennis court in the middle of an auditorium).

Even if the word "NATURALLY" is otherwise descriptive of any food or ingredient, it is used in Applicant's mark not in a descriptive capacity, but rather as an adverb modifying the word "POWERED." The word "POWER" is ordinarily associated with sources of energy that are not "natural," at least not in the sense contemplated by the examining attorney, e.g., electric power, nuclear power, etc. Therefore the juxtaposition of the two words "NATURALLY

POWERED" results in a double entendre and/or fanciful property that is characteristic of a "unitary mark" which may be registered on the Principal Register without a disclaimer of the otherwise descriptive term.

In determining whether a mark is merely descriptive, it is acceptable to separate a multi-word mark and discuss the implications of each part thereof provided that the ultimate determination is made on the basis of the mark in its entirety. *In re Hester Industries, Inc.*, 230 USPQ 797 (TTAB 1986). However, common words in a multi-word mark may be descriptive when standing alone, but when used together they may become a valid trademark. *Concurrent Technologies Inc. v. Concurrent Technologies Corp.*, 12 USPQ2d 1054 (TTAB 1989). "The burden is on the Examining Attorney to submit sufficient evidence to establish that the term sought to be registered falls within the proscription of the statute." *In re Berman Bros. Harlem Furniture Inc.*, 26 UPSQ2d 1514 (TTAB 1993).

In the case of *In re Grass GmbH*, 79 USPQ2d 1600 (TTAB 2006), the Trademark Trial and Appeal Board reversed a disclaimer requirement where an otherwise descriptive term was combined with another term in a unitary expression that was not a "grammatically coherent" or "intact phrase." *Id.*, 2006 WL 1404224,* 4 (reversing examining attorney's finding that SNAP ON 30000 is merely descriptive for furniture hardware and fittings). The Board stated:

These two components are descriptive in different ways and for different reasons; they do not form a *grammatically or otherwise unitary whole* with a single descriptive significance. * * * There is no *grammatical or other inherent* connection between the two terms.

Id. (emphasis added).

Applicant's mark, "NATURALLY POWERED," is a unitary expression resulting in a commercial impression separate and apart from any otherwise descriptive property of the word "NATURALLY." Applicant's mark is a "unitary mark" because it contains multiple elements

that create a single and distinct commercial impression separate and apart from the meaning of its constituent elements. *Dena Corp. v. Belvedere International Inc.*, 950 F.2d 1555, 21 USPQ2d 1047, 1052 (Fed. Cir. 1991); *In re Kraft, Inc.*, 218 USPQ 571, 573 (TTAB 1983) (the elements of a unitary mark are so integrated or merged that they cannot be regarded as separate elements, and it is obvious that no claim is made other than to the entire mark). A unitary mark is created “where the words which have been put together function as a unit, with each relating to the other rather than directly to the goods.” *Id.*, 218 USPQ at 573; *accord, In re EBS Data Processing, Inc.*, 212 USPQ 964, 966 (TTAB 1981).

A mark is unitary if it creates a single, distinct commercial impression, that is, if the elements are so merged together that they cannot be divided to be regarded as separable elements. If the matter that comprises the mark or relevant portion of the mark is unitary, no disclaimer of an element, whether descriptive, generic, or otherwise, is required. TMEP § 1213.05 (6th ed. 2nd rev. 2010); *Dena Corp. v. Belvedere International, Inc.*, *supra*. The commercial impression is determined by various factors including the relative location of the respective elements and the meaning of the terms in relation to each other and to the goods. *Id.* See also *In re Sundown Technology Inc.*, 1 USPQ2d 1927, 1928 (TTAB 1986) (“[W]e find that ‘GOVERNOR’ applied to applicant’s [controls used to affect, compress, limit and shape the sound from the output stage of an electrical musical amplifier] is nebulous in meaning”); *In re WSI Corporation*, 1 USPQ2d 1570, 1572 (TTAB 1986) (“No doubt the SAT element [in SUPERSAT] would suggest satellite involvement to many but the nature of such involvement would not be at all clear, without imagination, perception or reflection on the part of potential customers”); *In re Harrington*, 219 USPQ 854, 856 (TTAB 1983) (COLLEGE ACADEMY is

"at most suggestive of special summer learning programs for gifted and talented children in grades 4 to 8").

On the basis of the record in the present case, the examining attorney has failed to establish that a particular type of food or ingredient will immediately come to mind when prospective purchasers encounter the term NATURALLY POWERED. *See In re The Rank Organization Limited*, 222 USPQ 324, 326 (TTAB 1984) ("fact that the term 'LASER' is capable of being analyzed does not render the term merely descriptive"); *In re Remacle*, 66 USPQ2d at 1224 ("It is well-established that the determination of mere descriptiveness must be made not in the abstract or on the basis of guesswork").

In light of the above, it is clear that the unitary term "NATURALLY POWERED," appearing as a unitary expression in Applicant's mark, is at most suggestive and not merely descriptive. *See also In re J.R. Carlson Laboratories, Inc.*, 183 USPQ 509, 511 (TTAB 1974) (consumers will call for applicant's product as E GEM notwithstanding the fact that they would recognize the descriptive significance of the letter "E"). As such, Applicant's mark is entitled to registration without a disclaimer of the word "NATURALLY."

III. Conclusion

It is recognized that there is "but a thin line of distinction" between a suggestive and a merely descriptive term, and that it is often difficult to determine when a term moves from the realm of suggestiveness into the sphere of impermissible descriptiveness. *In re Recovery, Inc.*, 196 USPQ 830 (TTAB 1977). Judgments in these cases are frequently subjective, but, where there is doubt in the matter, the doubt should be resolved in the applicant's behalf. *In re Rank Organization Ltd.*, 222 USPQ 324, 326 (TTAB 1984)(citing authorities); *In re Morton-Norwich Products, Inc.*, 209 USPQ 791, 791 (TTAB 1981)(Board's practice is "to resolve doubts in

applicant's favor and publish the mark for opposition”); *In re Intelligent Medical Systems Inc.*, 5 USPQ2d 1674, 1676 (TTAB 1987) (“where reasonable men may differ, it is the Board's practice to resolve the doubt in applicant's favor and publish the mark for opposition”); *In re Aid Laboratories, Inc.*, 221 USPQ 1215 (TTAB 1983) (in deciding whether PEST PRUF for animal shampoo with insecticide is suggestive or merely descriptive, doubt is resolved in favor of applicant); *accord*, *In re Gracious Lady Services, Inc.*, 175 USPQ 380 (TTAB 1972); *In re Remacle*, 66 USPQ2d at 1224.

For the reasons discussed above, the disclaimer requirement in the present case is erroneous and should be withdrawn. As this is an issue of vital importance to the Applicant, the Examining Attorney is respectfully urged to withdraw the disclaimer requirement.

United States of America
United States Patent and Trademark Office



Reg. No. 4,070,142

Registered Dec. 13, 2011

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

N KURIJ (ARIZONA LIMITED LIABILITY COMPANY), DBA N-KURIJ, LLC.
5425 N. LITTLE RIVER LANE
TUCSON, AZ 85704

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED BEVERAGES, IN CLASS
32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-1-2009; IN COMMERCE 1-1-2011.

THE STIPPLING IS A FEATURE OF THE MARK AND DOES NOT INDICATE COLOR; THE
STIPPLING IS FOR SHADING PURPOSES ONLY.

THE MARK CONSISTS OF A SINGLE LIVE OVAL DESIGN WITH TWO CIRCULAR SHAPES
WITHIN WHICH ARE THE WORDS "KURIJ NATURALLY REFRESHING" IN A STYLIZED
FONT AND A DESIGN OF CIRCLES AND LEAVES ABOVE THE WORDING.

SER. NO. 85-295,340, FILED 4-14-2011.

ERNEST SHOSHO, EXAMINING ATTORNEY



David J. Kappas

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

DRINK?...NATURALLY

Reg. No. 4,047,086

Registered Oct. 25, 2011

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

DYSON, CHRISTOPHER (UNITED STATES INDIVIDUAL)
202 1155 HACIENDA PL
WEST HOLLYWOOD, CA 90069

FOR: AN ALCOHOLIC BEVERAGE MADE PRIMARILY WITH VODKA AND COCONUT JUICE, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 7-1-2011; IN COMMERCE 7-1-2011.

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

SN 85-293,418, FILED 4-12-2011.

CARYN GLASSER, EXAMINING ATTORNEY



David J. Kappas

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

Naturally Prepared

Reg. No. 3,897,446

Registered Dec. 28, 2010

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

BIOFUSION, LLC (UTAH LIMITED LIABILITY COMPANY)
5738 S. STONY BROOK WAY
SALT LAKE CITY, UT 84118

FOR: 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 HUMAN CONSUMPTION; ELECTROLYTES; FOOD SUPPLEMENTS; HEALTH FOOD SUPPLEMENTS; LIQUID NUTRITIONAL SUPPLEMENT; MEAL REPLACEMENT AND DIETARY SUPPLEMENT DRINK MIXES; MEAL REPLACEMENT DRINKS; MEAL REPLACEMENT POWDERS; MEAL REPLACEMENT SHAKES; MEAL REPLACEMENT SNACKS; MINERAL NUTRITIONAL SUPPLEMENTS; NUTRITIONAL DRINK MIX FOR USE AS A MEAL REPLACEMENT; NUTRITIONAL SHAKES FOR USE AS A MEAL SUBSTITUTE; NUTRITIONAL SUPPLEMENT IN THE NATURE OF A NUTRIENT-DENSE, PROTEIN-BASED DRINK MIX; NUTRITIONAL SUPPLEMENTS; NUTRITIONALLY FORTIFIED BEVERAGES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 4-22-2010; IN COMMERCE 4-22-2010.

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

SER. NO. 85-046,126, FILED 5-24-2010.

PAULA MAHONEY, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

NZhealth  naturally

Bringing out the Best of Nature

Reg. No. 3,960,674

Registered May 17, 2011

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

NZ HEALTH NATURALLY PTY LIMITED (AUSTRALIA COMPANY)
663 SURCINGLE ROAD
CHINCHILLA, QLD 4413
AUSTRALIA

FOR: PHARMACEUTICAL PREPARATIONS FOR THE PREVENTION AND TREATMENT OF DISORDERS OF THE NERVOUS SYSTEM, THE IMMUNE SYSTEM, THE CARDIO-VASCULAR SYSTEM, THE METABOLIC SYSTEM, THE RESPIRATORY SYSTEM, THE MUSCULO-SKELETAL SYSTEM, THE GENITOURINARY SYSTEM AND FOR USE IN OPHTHALMOLOGY; SANITARY PREPARATIONS FOR MEDICAL USE; DIETETIC SUBSTANCES IN THE NATURE OF FOOD ADAPTED FOR MEDICAL USE; FOOD FOR BABIES; DRESSINGS FOR WOUNDS; MATERIAL FOR STOPPING TEETH; DENTAL WAX; ALL PURPOSE DISINFECTANTS; VITAMINS; HEALTH SUPPLEMENTS, NAMELY, HEALTH FOOD SUPPLEMENTS AND HERBAL SUPPLEMENTS; HONEY BEVERAGES WITH MEDICINAL QUALITIES, NAMELY, NUTRITIONALLY FORTIFIED HONEY BEVERAGES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

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

PRIORITY DATE OF 9-1-2009 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1022458 DATED 10-19-2009, EXPIRES 10-19-2019.

THE COLOR(S) DARK GREEN, LIGHT GREEN, WHITE, GRAY, AND BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDING "NZ HEALTH NATURALLY BRINGING OUT THE BEST OF NATURE". THE LETTERS "NZ" ARE DARK GREEN. THE TERM "HEALTH" IS LIGHT GREEN. THE TERM "NATURALLY" IS BLUE. THE TERMS "BRINGING OUT THE BEST OF NATURE" ARE LIGHT GREEN. IN BETWEEN THE TERMS "NZ HEALTH" AND "NATURALLY" IS A GRAY CIRCULAR DESIGN OUTLINED IN WHITE WITH FOUR OUTWARD AND EXTENDING SHORT LINES IN WHITE EXTENDING ABOVE, BELOW, TO THE LEFT, AND TO THE RIGHT OF THE CIRCLE DESIGN. WITHIN THE CIRCLE DESIGN IS AN INDIVIDUAL FERN FROND WITH THE LEAVES ON THE LEFT IN DARK GREEN AND THE LEAVES ON THE RIGHT IN WHITE.

SER. NO. 79-076,463, FILED 10-19-2009.

JAMES STEIN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cls.: 29, 30, 31, 32, 33, 35 and 41


Prior U.S. Cls.: 1, 45, 46, 47, 48, 49, 100, 101, 102 and 107

Reg. No. 3,554,319

United States Patent and Trademark Office

Registered Dec. 30, 2008

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



Switzerland. Naturally.

OFFICE FÉDÉRAL DE L'AGRICULTURE OFAG
(SWITZERLAND THE SWISS FEDERAL OF-
FICE FOR AGRICULTURE (MINISTRY FOR
AGRICULTURE))

MATTENHOFSTRASSE 5
CH-3003 BERNE
SWITZERLAND

FOR: MEAT, FISH, POULTRY AND GAME;
MEAT EXTRACTS; PRESERVED, DRIED AND
COOKED FRUITS AND VEGETABLES; JELLIES,
JAMS, COMPOTES; EGGS, MILK PRODUCTS EX-
CLUDING ICE CREAM, ICE MILK AND FROZEN
YOGURT; EDIBLE OILS AND FATS; ALL THE
AFOREMENTIONED GOODS FROM SWITZER-
LAND, IN CLASS 29 (U.S. CL. 46).

FOR: COFFEE, TEA, COCOA, SUGAR, RICE,
TAPIOCA, SAGO, ARTIFICIAL COFFEE; FLOURS
AND PREPARATIONS MADE FROM CEREALS,
NAMESLY, CEREAL-BASED SNACK FOODS, PRO-
CESSED CEREALS, BREAKFAST CEREALS, GRAN-
OLAS, MUESLIS, READY-TO-EAT CEREAL-
DERIVED FOOD BARS; BREAD, PASTRY AND
CONFECTIONERY, NAMESLY PASTILLES, CANDY,
NON-MEDICATED FLAVORED DROPS, TOFFEES,
FRUIT JELLIES, CHOCOLATE BARS, AND BIS-
CUITS; ICES; HONEY, TREACLE SYRUP; YEAST,
BAKING-POWDER; SALT, MUSTARD; VINEGAR,
SAUCES; SPICES, ICE FOR REFRESHMENT; ALL
THE AFOREMENTIONED GOODS FROM SWIT-
ZERLAND, IN CLASS 30 (U.S. CL. 46).

FOR: SEEDS FOR AGRICULTURAL AND HOR-
TICULTURAL PURPOSES; AGRICULTURAL
GRAINS FOR PLANTING; LIVE ANIMALS; FRESH
FRUITS AND VEGETABLES; NATURAL PLANT
SEEDS, PLANTS AND FLOWERS; ANIMAL FOOD-
STUFFS; ALL THE AFOREMENTIONED GOODS

FROM SWITZERLAND, IN CLASS 31 (U.S. CLS. 1
AND 46).

FOR: BEERS, MINERAL AND AERATED WA-
TERS AND NON-ALCOHOLIC BEVERAGES CON-
TAINING FRUIT JUICES; FRUIT DRINKS AND
FRUIT JUICES; SYRUPS AND PREPARATIONS
FOR MAKING BEVERAGES, NAMESLY, FRUIT
DRINKS; ALL THE AFOREMENTIONED GOODS
FROM SWITZERLAND, IN CLASS 32 (U.S. CLS. 45,
46 AND 48).

FOR: ALCOHOLIC BEVERAGES EXCEPT BEERS;
ALL THE AFOREMENTIONED GOODS FROM
SWITZERLAND, IN CLASS 33 (U.S. CLS. 47 AND 49).

FOR: ADVERTISING AND PUBLIC RELATIONS
IN SWITZERLAND AND ABROAD FOR THE BEN-
EFIT OF SWISS AGRICULTURE, SWISS AGRICUL-
TURAL PRODUCTS AND SWISS FARM TOURISM,
IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: EDUCATION SERVICES, NAMESLY, PRO-
VIDING CLASSES, SEMINARS AND WORKSHOPS
IN THE FIELD OF SWISS AGRICULTURE; ORGA-
NIZING COMMUNITY CULTURAL EVENTS RE-
LATING TO SWISS AGRICULTURE, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

PRIORITY DATE OF 5-18-2007 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0939030 DATED 9-6-2007, EXPIRES 9-6-2017.

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

THE COLOR(S) RED AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

"SWITZERLAND. NATURALLY." AND IN THE DESIGN OF FIVE SQUARES.

THE COLOR RED APPEARS AS BACKGROUND; THE COLOR WHITE APPEARS IN THE WORDING

SER. NO. 79-044,459, FILED 9-6-2007.

AISHA SALEM, EXAMINING ATTORNEY

Int. Cls.: 32 and 33

Prior U.S. Cls.: 45, 46, 47, 48 and 49

United States Patent and Trademark Office

Reg. No. 3,583,495

Registered Mar. 3, 2009

TRADEMARK
PRINCIPAL REGISTER

FLY NATURALLY HIGHER

BETTIN, ANJA (FED REP GERMANY INDIVIDUAL)
LINDENSTRASSE 11
75391 GECHINGEN
FED REP GERMANY

FOR: MINERAL AND AERATED WATERS; NON-ALCOHOLIC BEVERAGES, NAMELY, SODA POP, FRUIT JUICE, ENERGY DRINKS; NON-ALCOHOLIC FRUIT JUICE BEVERAGES AND FRUIT JUICES, SYRUPS FOR MAKING BEVERAGES; OTHER PREPARATIONS FOR MAKING BEVERAGES, NAMELY, PREPARATIONS FOR MAKING ENERGY DRINKS, SCENTED WATER FOR MAKING BEVERAGES, PREPARATIONS FOR MAKING FRUIT DRINKS; NON-ALCOHOLIC APERITIFS AND COCKTAILS; NON-ALCOHOLIC FRUIT NECTARS AND FRUIT JUICES; NON-ALCOHOLIC ENERGY DRINKS; ISOTONIC BEVERAGES; LEMONADES; NON-ALCOHOLIC MIXED DRINKS, NAMELY, PUNCH, NON-CARBONATED FROZEN FLAVORED BEVERAGES, NON-ALCOHOLIC BEVERAGES CONTAINING FRUIT JUICES, NON-ALCOHOLIC BEVERAGES CONTAINING ENERGY DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FOR: ALCOHOLIC BEVERAGES EXCEPT BEERS; APERITIFS; PREPARED ALCOHOLIC COCKTAILS; ALCOHOLIC BEVERAGES CONTAINING FRUIT; ALCOHOLIC BEVERAGES CONTAINING AERATED WATER; ALCOHOLIC BEVERAGES CONTAINING SODA; ALCOHOLIC BEVERAGES CONTAINING ENERGY DRINKS, IN CLASS 33 (U.S. CLS. 47 AND 49).

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

PRIORITY DATE OF 12-12-2006 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0932841 DATED 4-17-2007, EXPIRES 4-17-2017.

SER. NO. 79-041,924, FILED 4-17-2007.

REBECCA POVARCHUK, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

LIVE BETTER AND LIVE LONGER ...
NATURALLY

Reg. No. 3,757,661 PROBIOTICAL S.P.A. (ITALY JOINT STOCK COMPANY)
Registered Mar. 9, 2010 VIA MATTEI, 3
I-28100 NOVARA, ITALY

Int. Cls.: 1, 5, 29 and 31 FOR: MICROORGANISMS, NAMELY, BACTERIA FOR USE IN FOOD MANUFACTURING; YEASTS AND YEAST EXTRACTS FOR MEDICAL, VETERINARY OR PHARMACEUTICAL USE; FERMENTS FOR MEDICAL OR VETERINARY PURPOSE; COMPONENTS OF MICROORGANISMS, NAMELY, PROTEINS AND ENZYMES FOR SCIENTIFIC AND INDUSTRIAL PURPOSES FOR TESTING FOOD PRODUCTS FOR LABORATORY OR RESEARCH USE AND FOR TESTING SUBSTRATES IN THE FOOD INDUSTRIES; MICROORGANISM CULTURES, NAMELY, LACTIC BACTERIA OR YEAST HAVING PROBIOTIC ACTION ON THE ORGANISMS OF HUMANS AND FARM ANIMALS, FOR USE IN FOOD INDUSTRIES AND NOT FOR MEDICAL OR VETERINARY USE; BACTERIAL CULTURES HAVING PROBIOTIC ACTION ON THE ORGANISMS OF HUMANS AND FARM ANIMALS, FOR USE IN FOOD INDUSTRIES AND NOT FOR MEDICAL OR VETERINARY USE, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

TRADEMARK
PRINCIPAL REGISTER

FOR: BACTERIAL CULTURES HAVING PROBIOTIC ACTION ON THE ORGANISMS OF HUMANS AND FARMS ANIMALS, FOR MEDICAL AND VETERINARY USE AND FOR USE IN THE PRODUCTION AND CONSERVATION OF FOOD AND DRINKS; MICROORGANISM CULTURES, IN PARTICULAR LACTIC BACTERIA OR YEAST HAVING PROBIOTIC ACTION ON THE ORGANISMS OF HUMANS AND FARM ANIMALS, FOR MEDICAL OR VETERINARY USE FOR TREATMENT OF INTESTINAL BACTERIA AND FOR INTESTINAL DISORDERS; PHARMACEUTICAL PRODUCTS FOR TREATING OR ELIMINATING BACTERIA, FUNGI AND VIRUSES ON THE SKIN AND IN THE MUCOUS MEMBRANES; ENTERIC COMPOSITION COMPRISING CULTURES OF MICROORGANISMS HAVING PROBIOTIC ACTION FOR MEDICAL AND VETERINARY USE FOR TREATMENT OF INTESTINAL BACTERIA AND FOR INTESTINAL DISORDERS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: FERMENTED PRODUCTS, NAMELY, YOGURTS, DRINKING YOGURTS, YOGURT-BASED BEVERAGES, LACTIC ACID BACTERIA DRINKS AND FERMENTED MILKS; FERMENTED DAIRY PRODUCTS, NAMELY, CHEESE, CHEESE FOODS, MOZZARELLA, ROQUEFORT CHEESES; FOOD ADDITIVES, NAMELY, PROTEINS AND ENZYMES FOR USE AS FOOD ADDITIVES NOT FOR MEDICAL USE, IN CLASS 29 (U.S. CL. 46).

FOR: ANIMAL FEED AND ANIMAL FOODSTUFFS AND ANIMAL FEED ADDITIVES, NOT FOR MEDICAL PURPOSES, IN CLASS 31 (U.S. CLS. 1 AND 46).

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

PRIORITY DATE OF 9-24-2004 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0860254 DATED 1-24-2005, EXPIRES 1-24-2015.



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 3,757,661 SER. NO. 79-014,479, FILED 1-24-2005.

DAVID TAYLOR, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

NATURALLY ATHLETIC WIN NO
EXCUSES NA

Reg. No. 3,789,333

Registered May 18, 2010

Int. Cls.: 3, 5 and 30

TRADEMARK

PRINCIPAL REGISTER

FERGUSON, ANTONIO (UNITED STATES INDIVIDUAL), AKA AKA GGT SPORTS GROUP
1629 K STREET NW
SUITE 300
WASHINGTON, DC 20006

FOR: SHAMPOOS, LOTIONS FOR FACE, BODY, HANDS, SOAPS FOR HOUSEHOLD, PERSONAL AND BODY CARE, TOOTHPASTES, NON-MEDICATED MOUTHWASHES AND GARGLES, SUN SCREENS AND SUNTAN LOTIONS, STYLING GELS FOR HAIR, LAUNDRY DETERGENTS, SKIN CARE PRODUCTS, NAMELY, SHOWER AND BATH GELS, SHOE CLEANERS AND POLISH, SHAVING SOAPS, LOTIONS, BALMS AND CREAMS, SCENTED BODY SPRAY, PERFUMES, AFTERSHAVES AND COLOGNES, PERSONAL DEODORANTS, NON-MEDICATED SKIN CARE PREPARATIONS, NAMELY, CREAMS, LOTIONS, GELS, TONERS, CLEANERS AND PEELS, LIP BALM, FOOT SOAKS, LOTIONS AND CREAMS; NON-MEDICATED FEMININE HYGIENE WASH, BATH SALTS, NON-MEDICATED BREATH FRESHENING STRIPS, NAIL POLISH, MASSAGE OILS, HAIRSPRAY, HAIR CARE PREPARATIONS, GEL EYE MASKS, FOOT SCRUBS, FACIAL PRODUCTS, NAMELY, SCRUBS, CREAMS AND WASHES, BREATH MINTS FOR USE AS A BREATH FRESHENER, BREATH FRESHENING CONFECTIONARY, NAMELY, DISSOLVABLE BREATH STRIPS, CANDY AND GUM; BODY AND BEAUTY CARE COSMETICS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-1-1992; IN COMMERCE 1-1-1992.

FOR: ANALGESIC BALM, ANTACIDS, ANTIBIOTIC HAND LOTIONS, GELS, HAND WASH, AND TABLETS, MEDICATED MOUTHWASH; ANTIHISTIMINES, ANTI INFLAMMATORY OINTMENTS, ANTI-ITCH CREAMS, APPETITE SUPPRESSANTS, ATHLETES FOOT POWDERS AND LOTIONS, ASPIRIN, BANDAGES FOR DRESSINGS, BABY FOODS, CALAMINE LOTION, BUNION PADS, CONTACT LENS SOLUTIONS, COUGH EXPECTORANTS, THROAT LOZENGES, AND COUGH SYRUPS, DANDRUFF SHAMPOO, DECONGESTANTS, DECONGESTANT NASAL SPRAYS, DERMATOLOGICALS, DIETARY SUPPLEMENTS, DIET PILLS, DOUCHES, EARDROPS, ELECTROLYTES, ENERGY BOOSTING MOUTH DISSOLVABLE FILMS, EYE WASHES, FEMININE HYGIENE PADS, FOOD SUPPLEMENTS, HEMORRHOIDAL OINTMENTS, HEADACHE OINTMENTS, HYDROCORTISONE CREAMS, INFANT FORMULA, LAXATIVES, LINIMENTS, MEAL REPLACEMENT BARS, DRINKS, POWDERS, AND SNACKS, MEDICAL AND SURGICAL DRESSINGS, MEDICATED SKIN CARE PREPARATIONS, NAMELY, CREAMS, LOTIONS, GELS, TONERS, CLEANERS AND PEELS; MUSCLE RELAXANTS, MUSCLE SOAKS, NUTRITIONAL DRINK MIXES FOR USE AS A MEAL REPLACEMENT, NUTRITIONAL ENERGY BARS FOR USE AS A MEAL SUBSTITUTE, NUTRITIONALLY FORTIFIED WATER AND NUTRITIONALLY FORTIFIED DRINKS USED FOR MEAL REPLACEMENT; SPORTS CREAM FOR RELIEF OF PAIN, TAMPONS, THERAPEUTIC AGENTS FOR WEIGHT CONTROL AND APPETITE SUPPRESSION, THROAT LOZENGES, VITAMIN ENRICHED WATER, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 3,789,333 FIRST USE 1-1-1992; IN COMMERCE 1-1-1992.

FOR: MILKSHAKES, PUDDINGS; FROZEN BREAKFAST, LUNCH, DINNER ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; SNACKS AND DESSERTS, NAMELY, CEREAL BARS SNACKS, NAMELY, READY TO EAT, CEREAL DERIVED FOOD BARS; MUFFINS, BREADS, DESSERT BARS, NAMELY, BROWNIES, COFFEE FLAVORED READY TO EAT DESSERT BARS, RICE, SAUCES, NAMELY, SALSAS AND TOMATO SAUCES, GRAVIES, SALAD DRESSINGS, SEASONINGS, AND STEAK SAUCE; WAFFLES, FROZEN BARS AND ICES, NAMELY, FUDGE BARS, FROZEN CONFECTIONS AND CONFECTIONARY ICE POPS, FOOD BEVERAGES WITH A COFFEE, COCOA BASE, NAMELY, COFFEE BASED BEVERAGES CONTAINING MILK, COCOA BASED BEVERAGES CONTAINING MILK; BUBBLE GUM, CANDY BARS, CHEWING GUMS, COOKIES, CORN CHIPS, CRACKERS, DONUTS, FRUIT ICE BARS, FRUIT PIES, HONEY BUNS, HOT SAUCE; ICE CREAM, ICED TEAS, INSTANT PANCAKE MIX, LOLLIPOPS, MICROWAVE POPCORN, OATMEAL, PIZZA, PRETZELS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-1-1992; IN COMMERCE 1-1-1992.

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

OWNER OF U.S. REG. NOS. 3,114,124, 3,550,293 AND OTHERS.

SER. NO. 77-687,578, FILED 3-10-2009.

CHRISIE B. KING, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,676,274

Registered Sep. 1, 2009

**TRADEMARK
PRINCIPAL REGISTER**

HYDRATE NATURALLY

ALL MARKET INC (DELAWARE CORPORATION)
SUITE 404
39 WEST 14TH STREET
NEW YORK, NY 10011

FOR: COCONUT WATER-BASED BEVERAGES,
IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

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

SER. NO. 77-674,035, FILED 2-19-2009.

ALLISON HOLTZ, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,656,508

Registered July 21, 2009

**TRADEMARK
PRINCIPAL REGISTER**

TRUE TASTE COMES NATURALLY

V&S VIN & SPRIT AKTIEBOLAG (PUBL) (SWEDEN CORPORATION)
SE-117 97
STOCKHOLM, SWEDEN

OWNER OF ERPN CMNTY TM OFC REG. NO. 007095144, DATED 2-5-2009, EXPIRES 7-25-2018.

FOR: ALCOHOLIC BEVERAGES, NAMELY, DISTILLED SPIRITS, IN CLASS 33 (U.S. CLS. 47 AND 49).

SER. NO. 77-380,420, FILED 1-25-2008.

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

CYNTHIA SLOAN, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,434,628

Registered May 27, 2008

**TRADEMARK
PRINCIPAL REGISTER**

Naturally Boulder

GSG HOLDINGS, LLC (COLORADO LTD LIAB
CO), DBA NATURALLY BOULDER BOTTLED
WATER COMPANY
10900-C W. 120TH AVE.
BROOMFIELD, CO 80021

FOR: BOTTLED WATER, LIGHT BEVERAGES,
NAMELY, SOFT DRINKS, FRUIT JUICES AND
VEGETABLE JUICES, IN CLASS 32 (U.S. CLS. 45, 46
AND 48).

FIRST USE 5-19-1997; IN COMMERCE 5-19-1997.

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

SER. NO. 77-242,255, FILED 7-30-2007.

KELLEY WELLS, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,257,633

Registered July 3, 2007

**TRADEMARK
PRINCIPAL REGISTER**

NATURALLY REFRESHING

MERCOR SERVICES, INC. (FLORIDA CORPORATION)
2180 CALUMET STREET
CLEARWATER, FL 33765

FOR: COLAS; NON-ALCOHOLIC BEVERAGES CONTAINING FRUIT JUICES; NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED BEVERAGES; NON-ALCOHOLIC FRUIT EXTRACTS USED IN THE PREPARATION OF BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 10-24-2006; IN COMMERCE 10-24-2006.

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

SER. NO. 77-043,682, FILED 11-14-2006.

RENEE MCCRAY, EXAMINING ATTORNEY

Int. Cls.: 29 and 32

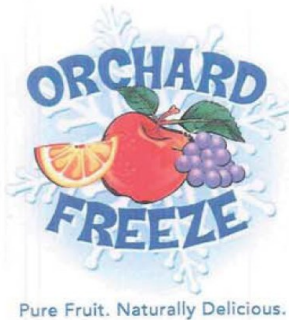
Prior U.S. Cls.: 45, 46, and 48

United States Patent and Trademark Office

Reg. No. 3,398,923

Registered Mar. 18, 2008

**TRADEMARK
PRINCIPAL REGISTER**



TIM & ANDY LLC (PENNSYLVANIA LTD LIABILITY COMPANY)
1701 CAMP ROAD
MANHEIM, PA 17545

FOR: FRUIT-BASED FOOD BEVERAGES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 7-6-2006; IN COMMERCE 7-6-2006.

FOR: FROZEN FRUIT BEVERAGES; ICED FRUIT BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 7-6-2006; IN COMMERCE 7-6-2006.

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

THE COLOR(S) BLUE, WHITE, ORANGE, YELLOW, RED, BLACK, GREEN, BROWN, AND PUR-

PLE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE COLOR BLUE APPEARS IN THE WORDS "ORCHARD FREEZE". BETWEEN THE VERTICAL ARRANGEMENT OF "ORCHARD FREEZE" IS AN ORANGE SLICE THAT IS ORANGE AND YELLOW, A RED APPLE WITH A BROWN STEM AND GREEN LEAF THAT IS OUTLINED IN BLACK, AND PURPLE GRAPES THAT ARE OUTLINED IN BLACK. BEHIND THE WORDS "ORCHARD FREEZE" AND FRUIT GRAPHIC IS A BLUE AND WHITE SNOWFLAKE. BENEATH THE SNOWFLAKE ARE THE WORDS "PURE FRUIT. NATURALLY DELICIOUS". WHICH ARE IN BLUE.

SN 76-659,717, FILED 5-8-2006.

ALYSSA PALADINO, EXAMINING ATTORNEY

Int. Cls.: 5, 29, 30, and 32

Prior U.S. Cls.: 6, 18, 44, 45, 46, 48, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,643,679

Registered Oct. 29, 2002

**TRADEMARK
PRINCIPAL REGISTER**

NATURALLY PREFERRED

KROGER CO. OF MICHIGAN, THE (MICHIGAN CORPORATION)
17390 LAUREL PARK DRIVE NORTH, SUITE 400
LIVONIA, MI 481522686

FOR: BABY FOOD, MULTIPLE AND SINGULAR VITAMIN AND MINERAL SUPPLEMENTS IN PILL, POWDER, LIQUID, EFFERVESCENT, SOFTGEL, HARDSHELL CAPSULE AND CHEWABLE FORM, MULTIPLE AND SINGULAR HERBAL SUPPLEMENTS IN PILL, POWDER, LIQUID, TINCTURE, SOFTGEL AND HARDSHELL CAPSULE FORM, HOMEOPATHIC SUPPLEMENTS IN TABLET, LIQUID, POWDER, TINCTURE OR SUBLINGUAL FORM, ESSENTIAL FATTY ACID SUPPLEMENT CAPSULES, MARINE AND FISH OIL SUPPLEMENT CAPSULES, SINGULAR AND MULTIPLE AMINO ACID SUPPLEMENTS IN TABLET, CAPSULE AND POWDER FORM, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 8-0-2000; IN COMMERCE 8-0-2000.

FOR: SOY-BASED FOOD BEVERAGES USED AS A MILK SUBSTITUTE, POTATO CHIPS, DRIED FRUITS, NATURAL AND/OR ORGANIC EGGS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-0-2000; IN COMMERCE 3-0-2000.

FOR: RICE-BASED FOOD BEVERAGES, HONEY, BREAKFAST CEREALS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-0-2000; IN COMMERCE 3-0-2000.

FOR: CARBONATED FLAVORED AND UNFLAVORED WATER, NON-CARBONATED FLAVORED AND UNFLAVORED WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-0-2000; IN COMMERCE 5-0-2000.

SN 75-982,764, FILED 5-26-2000.

STEVEN BERK, EXAMINING ATTORNEY

Mark: SIMPLE NATURALLY DELICIOUS



US Serial Number: 85053139 **Application Filing Date:** Jun. 02, 2010
Register: Principal
Mark Type: Trademark
Status: A first request for extension of time to file a Statement of Use has been granted.
Status Date: Dec. 16, 2011
Publication Date: May 10, 2011

Mark Information

Mark Literal Elements: SIMPLE NATURALLY DELICIOUS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the words "SIMPLE.NATURALLY DELICIOUS" in a circle located around a heart with a leaf on the right side of the heart.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "DELICIOUS"

Design Search Code(s): 02.11.13 - Hearts used as backgrounds or carriers
05.03.25 - Other leaves;Leaf, single
26.01.17 - Two concentric circles;Circles, two concentric;Concentric circles, two
26.01.21 - Circles that are totally or partially shaded.

Class Status: 6 - ACTIVE **International Class:** 030
Basis: 1(b)

For: fresh culinary herbs; fresh fruit and vegetables; unprocessed cereal seeds; unprocessed edible seeds

Class Status: 6 - ACTIVE **International Class:** 031
Basis: 1(b)

For: energy drinks; fruit drinks; fruit juices; aerated mineral waters; aerated water; bottled drinking water; drinking water with vitamins; mineral water; non-alcoholic beer; soda water; sparkling water; spring water; still water; syrups for making beverages; drinking water with added fiber

Class Status: 6 - ACTIVE **International Class:** 032
Basis: 1(b)

Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	Yes	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Wholesome Goodness LLC
6522 Saddle Ridge Lane
Owner Address: Long Grove, ILLINOIS 60047
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Melissa A. Vallone **Docket Number:** 51007-112014

Correspondent

Correspondent Name/Address: MELISSA A. VALLONE
BARNES & THORNBURG LLP
PO BOX 2786
CHICAGO, IL 60690-2786
UNITED STATES

Phone 312-357-1313 **Fax** 312-759-5646

Correspondent e-mail Authorized Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 20, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 16, 2011	EXTENSION 1 GRANTED	98765
Dec. 16, 2011	EXTENSION 1 FILED	98765
Dec. 16, 2011	TEAS EXTENSION RECEIVED	
Jul. 05, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 10, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 10, 2011	PUBLISHED FOR OPPOSITION	
Apr. 02, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Apr. 01, 2011	ASSIGNED TO LIEY	68171
Apr. 01, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 16, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 16, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 16, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 16, 2011	EXAMINERS AMENDMENT -WRITTEN	74781

Mar. 11, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 11, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 11, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 14, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 14, 2010	NON-FINAL ACTION E-MAILED	6325
Sep. 14, 2010	NON-FINAL ACTION WRITTEN	74781
Sep. 13, 2010	ASSIGNED TO EXAMINER	74781
Jun. 09, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Jun. 08, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 05, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney:	LEE, DOUGLAS M	Law Office Assigned:	LAW OFFICE 111
Current Location:	INTENT TO USE SECTION	Date in Location:	Jul. 05, 2011

Mark: NATURALLY NORTHWEST

NATURALLY NORTHWEST

US Serial Number: 85168081 **Application Filing Date:** Nov. 03, 2010
US Registration Number: 4106520 **Registration Date:** Feb. 28, 2012
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Feb. 28, 2012
Publication Date: Mar. 29, 2011

Mark Information

Mark Literal Elements: NATURALLY NORTHWEST
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the goods and services have been amended after registration of the Mark. Double parenthesis ((.)) identify any goods no claimed in Section 15 affidavit; Single brackets [...] indicate deleted goods; and, Single asterisks *.* identify additional (new) wording in the goods.

For: Soy-based food beverages used as a milksubstitute
Class Status: 6 - ACTIVE **International Class:** 029
Basis: 1(a)
First Use: Jul. 07, 2009 **Use in Commerce:** Jul. 07, 2009

Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Pacific Foods of Oregon, Inc.
9955 SW Potano St.
Owner Address: Tualatin, OREGON 97062
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** OREGON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Claire F. Hawkins **Docket Number:** PFOO-2-43945

Correspondent

Correspondent Name/Address: CLAIRE F. HAWKINS
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 5TH AVE STE 2800
SEATTLE, WA 98101-1344
UNITED STATES

Phone 206-682-8100 **Fax** 206-224-0779

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 28, 2012	REGISTERED-PRINCIPAL REGISTER NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-	

Jan. 25, 2012	MAILED	
Jan. 24, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	73787
Jan. 19, 2012	ASSIGNED TO LIEY	73787
Dec. 31, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 08, 2011	STATEMENT OF USE PROCESSING COMPLETE	70565
Nov. 23, 2011	USE AMENDMENT FILED	70565
Dec. 06, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Nov. 23, 2011	TEAS STATEMENT OF USE RECEIVED	
May 24, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 29, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 29, 2011	PUBLISHED FOR OPPOSITION	
Feb. 12, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 12, 2011	ASSIGNED TO EXAMINER	78326
Nov. 06, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 06, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Jan. 24, 2012

Mark: GOOD WINE, NATURALLY

GOOD WINE, NATURALLY

US Serial Number:	85426078	Application Filing Date:	Sep. 19, 2011
Filed as TEAS Plus:	Yes	Currently TEAS Plus:	Yes
Register:	Principal		
Mark Type:	Trademark		
Status:	Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.		
Status Date:	Jan. 03, 2012		
Publication Date:	Nov. 08, 2011		

Mark Information

Mark Literal Elements:	GOOD WINE, NATURALLY
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the goods and services have been amended after registration of the Mark. Double parenthesis ((.)) identify any goods not claimed in Section 15 affidavit; Single brackets [.] indicate deleted goods; and, Single asterisks *.* identify additional (new) wording in the goods.

For:	Alcoholic beverages except beers		
Class Status:	6 - ACTIVE	International Class:	033
Basis:	1(b)		

Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	Yes	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: E. & J. Gallo Winery
600 Yosemite Boulevard
Owner Address: Modesto, CALIFORNIA 95354
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kristi W. Whalen **Docket Number:** USNAND-003

Correspondent

Correspondent Name/Address: KRISTI W. WHALEN
E. & J. GALLO WINERY
600 YOSEMITE BLVD
MODESTO, CA 95354-2760
UNITED STATES

Phone: 209-341-6349 **Fax:** 209-341-3719

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 03, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	

Nov. 08, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 08, 2011	PUBLISHED FOR OPPOSITION	
Sep. 29, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 28, 2011	ASSIGNED TO EXAMINER	76741
Sep. 22, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 22, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney:	CHHINA, KARANENDRA S	Law Office Assigned:	LAW OFFICE 114
Current Location:	INTENT TO USE SECTION	Date in Location:	Jan. 03, 2012

Mark: WELCOME TO THE NEW ICE
AGE...NATURALLY.. .

WELCOME TO THE NEW ICE
AGE...NATURALLY.. .

US Serial Number: 85056714 **Application Filing Date:** Jun. 07, 2010

Register: Principal

Mark Type: Trademark

Status: A second request for extension of time to file a Statement of Use has been granted.

Status Date: Feb. 03, 2012

Publication Date: Dec. 14, 2010

Mark Information

Mark Literal Elements: WELCOME TO THE NEW ICE AGE...NATURALLY.. .

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the goods and services have been amended after registration of the Mark. Double parenthesis ((.)) identify any goods no claimed in Section 15 affidavit; Single brackets [...] indicate deleted goods; and, Single asterisks *..* identify additional (new) wording in the goods.

For: Coffee and tea-based beverages; Iced tea and iced coffee; Cocoa; Hot chocolate; Bread; Pastries; Edible ice; Ices for refreshment; Flavored ices; Ice cream; Gelato; Sorbets; Sherbets; Frozen yogurt; Ice cream drinks, namely, drinks based on gelato, sorbets, sherbets, frozen yogurt; Sandwiches; Pizzas; Quiches; Pancakes; Crepes; Tarts; Muffins; Scones; Cookies; Biscuits; Cakes; Pies; Coffee-based and chocolate based frozen confections and granita beverages, namely, frozen icebeverages; Confectionery, namely, cocoa-based ingredient in confectionery products, and candy; Hard candies made of crystal sugar; Chocolate; Beverages made of cocoa, coffee, chocolate or tea; Sugar in the nature of candy sugar for food, namely, candy

Class Status: 6 - ACTIVE **International Class:** 030

Basis: 1(b)

Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	Yes	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: SK Tree Corporation
1540 6th Street, Apt. 405
Owner Address: Santa Monica, CALIFORNIA 90401
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mitchell L. Lampert

Correspondent

Correspondent Name/Address: Mitchell L. Lampert
Meister Seelig & Fein LLP
140 East 45th Street, 19th Floor
New York, NY 10017
UNITED STATES

Correspondent e-mail Authorized Yes

Domestic Representative - Not Found

Prosecution History

Proceeding

Date	Description	Number
Feb. 07, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 03, 2012	EXTENSION 2 GRANTED	98765
Feb. 03, 2012	EXTENSION 2 FILED	98765
Feb. 03, 2012	TEAS EXTENSION RECEIVED	
Aug. 10, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 08, 2011	EXTENSION 1 GRANTED	98765
Aug. 08, 2011	EXTENSION 1 FILED	98765
Aug. 08, 2011	TEAS EXTENSION RECEIVED	
May 24, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVEDY	
Feb. 08, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 14, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 14, 2010	PUBLISHED FOR OPPOSITION	
Nov. 05, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Nov. 05, 2010	ASSIGNED TO LIEY	66213
Oct. 25, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 25, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 25, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 25, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 25, 2010	EXAMINERS AMENDMENT -WRITTEN	76838
Sep. 30, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 29, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 29, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 16, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 16, 2010	NON-FINAL ACTION E-MAILED	6325
Sep. 16, 2010	NON-FINAL ACTION WRITTEN	76838
Sep. 16, 2010	ASSIGNED TO EXAMINER	76838
Jun. 11, 2010	NEW APPLICATION OFFICE SUPPLIED DATA	

ENTERED IN TRAM

Jun. 10, 2010 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Attorney: DAWE III, WILLIAM H

**Law Office
Assigned:** LAW OFFICE 108

Current Location: INTENT TO USE SECTION **Date in Location:** Feb. 08, 2011

Mark: NATURALLY UNLOCKING YOUR
INNER ENERGY.

NATURALLY UNLOCKING YOUR
INNER ENERGY.

US Serial Number: 77804222 **Application Filing Date:** Aug. 13, 2009

Register: Principal

Mark Type: Trademark

Status: A third request for extension of time to file a Statement of Use has been granted.

Status Date: Oct. 19, 2011

Publication Date: Jan. 12, 2010

Mark Information

Mark Literal Elements: NATURALLY UNLOCKING YOUR INNER ENERGY.

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the goods and services have been amended after registration of the Mark. Double parenthesis ((.)) identify any goods no claimed in Section 15 affidavit; Single brackets [...] indicate deleted goods; and, Single asterisks *.* identify additional (new) wording in the goods.

For: dairy based beverages; milk based beverages containing fruit juice; yogurt based beverages

Class Status: 6 - ACTIVE **International Class:** 029

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No **Currently Use:** No **Amended Use:** No

Filed ITU: Yes **Currently ITU:** Yes **Amended ITU:** No

Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: On The Go Beverages, LLC
390 McCray Boulevard
Owner Address: Springboro, OHIO 45066
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** OHIO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Rayan F. Coutinho **Docket Number:** 34-01

Correspondent

Correspondent Name/Address: RAYAN F. COUTINHO
WOOD & LAMPING LLP
600 VINE ST STE 2500
CINCINNATI, OH 45202-2491
UNITED STATES

Phone 513-852-6030 **Fax** 513-419-6430

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 20, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Oct. 19, 2011	EXTENSION 3 GRANTED	71034
Oct. 06, 2011	EXTENSION 3 FILED	71034
Oct. 06, 2011	TEAS EXTENSION RECEIVED	

Apr. 08, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Apr. 07, 2011	EXTENSION 2 GRANTED	71034
Apr. 05, 2011	EXTENSION 2 FILED	71034
Apr. 07, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Apr. 05, 2011	TEAS EXTENSION RECEIVED	
Sep. 29, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Sep. 27, 2010	EXTENSION 1 GRANTED	98765
Sep. 27, 2010	EXTENSION 1 FILED	98765
Sep. 27, 2010	TEAS EXTENSION RECEIVED	
Apr. 06, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 12, 2010	PUBLISHED FOR OPPOSITION	
Dec. 23, 2009	NOTICE OF PUBLICATION	
Dec. 07, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Dec. 07, 2009	ASSIGNED TO LIEY	71441
Nov. 18, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 18, 2009	ASSIGNED TO EXAMINER	76725
Aug. 17, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 17, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney:	RIRIE, VERNA BETH	Law Office Assigned:	LAW OFFICE 104
Current Location:	INTENT TO USE SECTION	Date in Location:	Apr. 06, 2010

Mark: CHANGING THE WAY THE WORLD
SWEETENS FOOD AND BEVERAGE,
NATURALLY.

CHANGING THE WAY THE WORLD
SWEETENS FOOD AND
BEVERAGE, NATURALLY.

US Serial Number: 77818451 **Application Filing Date:** Sep. 02, 2009

Register: Principal

Mark Type: Trademark

Status: A third request for extension of time to file a Statement of Use has been granted.

Status Date: Mar. 08, 2012

Publication Date: Aug. 03, 2010

Mark Information

Mark Literal Elements: CHANGING THE WAY THE WORLD SWEETENS FOOD AND BEVERAGE, NATURALLY.

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the goods and services have been amended after registration of the Mark. Double parenthesis ((.)) identify any goods not claimed in Section 15 affidavit; Single brackets [..] indicate deleted goods; and, Single asterisks *..* identify additional (new) wording in the goods.

For: Natural sweeteners; natural tabletop sweeteners; natural sweetener blends; natural sweeteners for use in the manufacture and preparation of foods and beverages; cookies; chocolates; chocolate sauces; frozen yogurt; ice cream; hard candies; drink mixes and powdered drink mixes in the nature of concentrates, syrups or powders used in the preparation of tea-based beverages, cocoa mixes, and powdered cocoa for use in the preparation of chocolate or cocoa-based beverages

Class Status: 6 - ACTIVE **International Class:** 030

Basis: 1(b)

Phone 206-682-8100

Fax 206-224-0779

Correspondent e-mail Authorized Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 09, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 08, 2012	EXTENSION 3 GRANTED	76873
Mar. 05, 2012	EXTENSION 3 FILED	76873
Mar. 05, 2012	TEAS EXTENSION RECEIVED	
Oct. 05, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 04, 2011	EXTENSION 2 GRANTED	76873
Sep. 28, 2011	EXTENSION 2 FILED	76873
Oct. 03, 2011	RESPONSE TO ITU OFFICE ACTION ENTERED	76873
Oct. 03, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 30, 2011	ITU OFFICE ACTION ISSUED FOR EXTENSION REQUEST	76873
Sep. 29, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Sep. 28, 2011	TEAS EXTENSION RECEIVED	
Mar. 25, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 23, 2011	EXTENSION 1 GRANTED	98765
Mar. 23, 2011	EXTENSION 1 FILED	98765
Mar. 23, 2011	TEAS EXTENSION RECEIVED	
Sep. 28, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 04, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 03, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 03, 2010	PUBLISHED FOR OPPOSITION	

Jul. 01, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Jul. 01, 2010	ASSIGNED TO LIEY	69712
Jun. 18, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 04, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 04, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 04, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 04, 2010	EXAMINERS AMENDMENT -WRITTEN	72008
Jun. 03, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 03, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 03, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 07, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 07, 2009	NON-FINAL ACTION E-MAILED	6325
Dec. 07, 2009	NON-FINAL ACTION WRITTEN	72008
Dec. 06, 2009	ASSIGNED TO EXAMINER	72008
Sep. 08, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 05, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney:	LOOK, JEFFREY J	Law Office Assigned:	LAW OFFICE 108
Current Location:	INTENT TO USE SECTION	Date in Location:	Oct. 04, 2011

Natural and Organic Foods

Executive Summary

Surging demand for natural and organic products has transformed a small market niche into a double-digit growth sector. U.S. sales of such foods and beverages reached \$28.2 billion in 2006, according to the *Nutrition Business Journal*. Sales of organic foods and beverages alone increased by 22 percent to \$16.9 billion.

These foods are a key component in the major consumer trend known as whole health solutions — diets that promote health and well-being, prevent disease, help cure illnesses and protect the environment. Retailers, suppliers and producers — natural and mainstream — are meeting this demand with new foods and organic alternatives to conventional products.

The National Organic Program (NOP) — implemented in 2002 by the U.S. Department of Agriculture (USDA) — holds the industry to strict standards in the production and sale of such foods. Increased consumer demand and organic's bottom-line appeal are convincing more retailers to add these foods to their mix. For the same reasons, food suppliers and producers are adding organic line extensions or converting to organic entirely.

1. Are natural and organic foods the same?

No. The term "natural" is not regulated except for meat and poultry. It applies broadly to foods that are minimally processed and free of synthetic preservatives; artificial sweeteners, colors, flavors and other artificial additives; hydrogenated oils; stabilizers; and emulsifiers. Most foods labeled natural are not subject to government controls beyond the regulations and health codes that apply to all foods.

The USDA Food Safety and Inspection Service (FSIS) requires natural meat and poultry to be free of artificial colors, flavors, sweeteners, preservatives and ingredients. These products must be minimally processed in a method that does not fundamentally change them. The label must also explain the use of the term natural such as no artificial ingredients. Labeling meat and poultry products natural does not refer to how the sources of those foods were raised.

"Organic" refers not only to the food itself, but also to how it was produced. Foods labeled organic must meet or exceed the regulations of the National Organic Program (NOP), which took effect October 21, 2002. They must be grown and processed using organic farming methods that recycle resources and promote biodiversity. Crops must be grown without using synthetic pesticides, bioengineered genes, petroleum-based fertilizers and sewage sludge-based fertilizers. Organic livestock must have access to the outdoors and be given no antibiotics or growth hormones.

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Food Marketing Institute (FMI) conducts programs in research, education, industry relations and public affairs on behalf of its 1,500 member companies — food retailers and wholesalers — in the United States and around the world. FMI's U.S. members operate approximately 26,000 retail food stores with a combined annual sales volume of \$340 billion — three-quarters of all retail food store sales in the United States. FMI's retail membership is composed of large multi-store chains, regional firms and independent supermarkets. Its international membership includes 200 companies from 50 countries.



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Organic foods may not be irradiated. Question 6 of this backgrounder details the certification process.

2. Why the current consumer interest?

The growing demand for foods that are healthful, tasty and environmentally friendly are the main drivers of organic food sales. More than eight in 10 consumers (81 percent) buy organic foods for their nutritional value, according to *Shopping for Health 2005*, a report by FMI and *Prevention* magazine. Large majorities cite freshness (77 percent) and a desire to promote long-term health (67 percent). Many consumers believe that organic and all-natural foods can serve as preventive medicine against health risks and help cure illnesses.

Because organic production methods emphasize the use of renewable resources and the conservation of soil and water, organic foods also appeal to environmental concerns.

Also contributing to the increased interest are the federal rules clarifying which foods may be deemed organic. Before the NOP was finalized, the term organic was defined by disparate state, regional and private standards, generating confusion and making it difficult to gauge just how organic an item was. The launch of the NOP with the USDA Organic seal, shown at the right, designed to make it easy for consumers to identify organic foods received widespread media attention. Use of the seal is voluntary; companies can simply put the term organic on labels and other merchandising materials.

With demand growing for more flavorful foods, many consumers and chefs believe that organic products taste better.

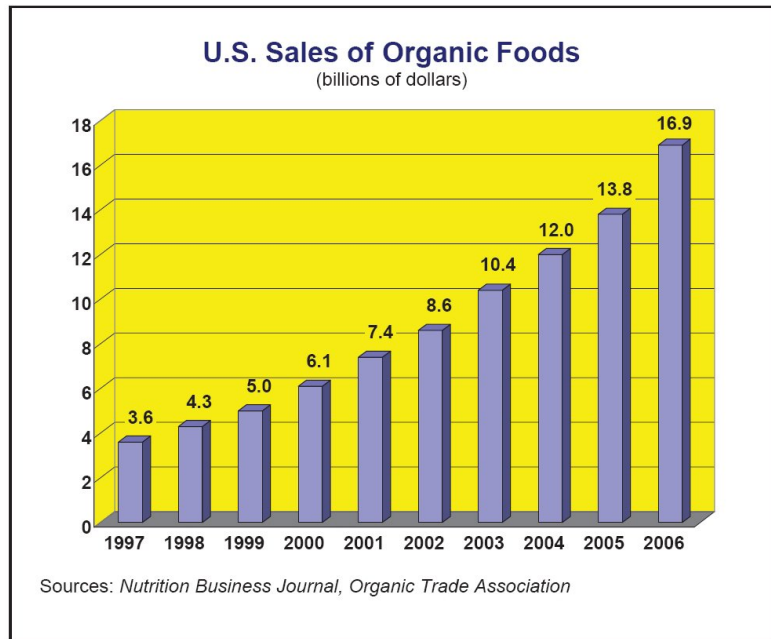
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3. How large is the market for natural and organic foods?

U.S. retail sales of natural and organic foods and drink reached \$28.2 billion in 2006, up from \$23.0 billion the previous year — a 14.1 percent increase, according to the *Nutrition Business Journal*. Sales of organic products alone rose 22 percent, from \$13.8 billion to \$16.9 billion. Among natural food retailers, organic produce is the most popular category, accounting for one-third of organic food and beverage sales in 2006, according to the *Natural Foods Merchandiser*.

Half of U.S. shoppers (51 percent) buy organic foods, according to *Shop-*



ping for Health 2006. The study finds the following breakdown in the types of organic foods that shoppers purchase:

- Fruit or vegetables — 44 percent.
- Milk, yogurt or other dairy products — 30 percent.
- Cereals, breads, pastas — 29 percent.
- Packaged foods such as snacks, beverages and frozen foods — 25 percent.
- Eggs — 21 percent.
- Meats and poultry — 24 percent.
- Soups or sauces — 15 percent.

4. How widespread are natural and organic foods today?

They are available in more than seven in 10 retail food stores (72 percent), according to shoppers surveyed in FMI's *U.S. Grocery Shopper Trends, 2006*. USDA's Economic Research Service (ERS) reports that organic products are available in nearly 20,000 natural foods stores. The mainstreaming of organic food has drawn major manufacturers into the market.

A typical grocery store or supermarket remains the most common outlet, where 53 percent of people buy most of their organic foods, according to *Shopping for Health 2006*. Smaller numbers purchase them at natural and organic markets (19 percent), supercenters and combination stores (13 percent), warehouse club outlets (7 percent) and farmers' markets (2 percent). The remaining 6 percent buy organic products at other stores.

Today's organic company startups tend to be more sophisticated than their predecessors. Many are addressing business challenges by hiring seasoned industry executives, using standard distribution contracts and crafting strategic business plans that incorporate organic and natural foods.

Farmers are devoting more acreage to organic products. Organic cropland and pasture increased from 2.35 million in 2001 to 2.80 million in 2003, according to the most current data from the ERS and *Nutrition Business Journal*. Studies show that organic farming systems can be more profitable than chemical-intensive ones. The reasons include increased yields in drier areas or times, lower production costs and higher prices.

About 0.5 percent of U.S. crop and pasture land is used to grow organic foods, according to the ERS. The countries with the highest percentage: Switzerland (9.0 percent), Austria (8.6 percent), Italy (6.8 percent), Sweden (5.2 percent), Czech Republic (3.9 percent) and UK (3.3 percent).

5. Are natural and organic foods healthier or safer than conventional foods?

Overall, organic food is neither safer nor more nutritious than conventionally produced food. Many basic organic foods such as milk, butter, ice cream and meat contain as much fat and calories as their conventional counterparts.

Certain health benefits motivate shoppers to buy natural or organic foods. For instance, people allergic to foods, chemicals or preservatives can gain relief by switching to organic foods, personal care products and

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Buyers of organic baby foods can avoid the pesticide residues in conventional baby foods. A 2002 study by the National Institute of Environmental Health Sciences found that children who eat organic foods are exposed to “significantly lower” levels of organophosphorus (OP) pesticides than those who eat conventional foods.¹ OP pesticides were used in the study because they are commonly applied to the crops processed into baby foods and juices.

Some organic foods also have significantly higher levels of cancer-fighting antioxidants, according to a study of corn, strawberries and marionberries published in a peer-reviewed publication of the American Chemical Society.² A January 2005 State of Science Review from The Organic Center found that antioxidant levels averaged about 30 percent higher in organic food compared with conventional products grown under the same conditions.³

Some officials say, however, organic foods can at times be less safe than conventional foods. In October 2002, USDA’s undersecretary for food safety warned that organic foods’ lack of preservatives makes them vulnerable to bacteria and parasites.

Proponents of organic foods disagree, citing the 2004 statement issued by the First World Congress on Organic Food: “Organic farming systems ... provide a buffering capacity for the soil and plant surfaces, and therefore may lower the likelihood of establishment of foodborne ... pathogens There is evidence that organically grown plants have stronger natural protection against plant pathogens than conventional ones, and this may also be the case for enteric bacteria, but needs to be verified.”⁴

At the 2005 international congress Organic Farming, Food Quality and Human Health, Professor Carlo Leifert of Newcastle University reported findings that organically produced food had lower levels of unsafe fungi than conventional samples, and that grass-based organic cattle diets reduce the risk of e. coli contamination, while grain-based conventional diets increase the risk.

Organic products are as safe as conventional ones, according to the Organic Trade Association. Certified organic growers follow strict guidelines for safe and hygienic food production. And they are inspected by independent parties to qualify for certification. As with all food producers, they must comply with local, state and federal health standards. Pasteurization, selected use of chlorine and other food safety practices are allowed and followed in organic production.

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¹ Curl, Cynthia L., Fenske, Richard A., Elgethun, Kai, “Organophosphorus Pesticide Exposure of Urban and Suburban Pre-School Children With Organic and Conventional Diets,” October 31, *Environmental Health Perspectives*.

² Mitchell, Alyson et al. “Bitter or Harsh Phenolics Guard the Plant Against These Pests,” *Journal of Agriculture and Food Chemistry*, February 26, 2003.

³ Benbrook, Charles M., *Elevating Antioxidant Levels in Food Through Organic Farming and Food Processing*.

⁴ Sense of the Congress statement from the Proceedings, March 29-31.

6. How does the certification process work?

All organic production and handling operations must be certified by third parties accredited by the USDA. Producers that sell less than \$5,000 worth of organic products a year do not have to be certified, although they must follow NOP requirements and document that they do so. The regulations require that products labeled:

- “100 percent organic” contain only organic ingredients.
- “Organic” contain at least 95 percent organic materials. Products in this or the first category can (but are not required to) display the USDA Organic seal shown on page 2.
- “Made with organic ingredients” contain 70-95 percent organic ingredients and may list up to three of them.

Products with less than 70 percent organic ingredients may not use the term organic other than to list specific organic ingredients.

Complete information about the NOP, including the regulations and penalties, is available at <http://www.ams.usda.gov/nop/>.

7. How do the certification requirements affect food retailers?

Retailers that sell organic foods do not have to be certified, although they can be for marketing or other business reasons. They are subject to many regulatory requirements under the NOP. For example, they may not:

- Knowingly sell a product labeled organic unless it meets NOP requirements. They are subject to fines up to \$10,000 per violation.
- Allow unpackaged organic products to contact unpackaged conventional ones.
- Permit organic products to contact prohibited substances such as synthetic fungicides, preservatives or fumigants in packaging materials or storage containers.

The NOP rules that apply to retailers are detailed in FMI’s *The USDA National Organic Program Requirements for Food Retailers and Distribution Centers*, available at http://www.fmi.org/gr/USDA_OrganicProgram.pdf. USDA guidance, including frequently asked questions about the NOP, is posted at <http://www.ams.usda.gov/nop/>.

8. What types of consumers buy organic and natural foods?

Most consumers of such foods are not radically different from those of conventional products, reflected in *Shopping for Health 2005*. The demographics of those who regularly buy organic foods:

- Generations Y (ages 18-27) — 51 percent.
- Generation X (28-41) — 55 percent
- Younger Baby Boomers (42-51) — 57 percent.
- Older Baby Boomers (52-60) — 50 percent.
- Matures (61+) — 46 percent.

The study finds a strong connection between buying organic foods and caring for children. In fact, 32 percent of buyers with children report that the first time they purchased organic foods was for an infant or newborn.

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9. Why don't more consumers buy organic and natural foods?

Price is the primary reason that consumers give. ERS cites various studies finding organic price premiums that range from 35-53 percent for baby food, 72 percent for frozen broccoli, 94 percent for spring wheat and 177 percent for soybeans. With more mass production, organic products will increasingly be priced to compete with conventional brands. Limited availability remains a barrier to some, although this appears to be diminishing.

10. How are food retailers responding to the growth of organic and natural foods?

Retailer marketing strategies for natural and organic foods include in-store advertising, cooking demonstrations and having knowledgeable employees. Retailers invite customers to e-mail diet-related questions to the store's resident specialist. Such services can help conventional food retailers whose customers might be apprehensive about trying unfamiliar foods. In brochures and shelf signs, they inform customers about the producers of such products. Some showcase the products in regular newsletters and mailings to customers. Other strategies and features:

- **Conventional Counterparts** — Shoppers are more likely to try an organic item if retailers carry its conventional counterpart.
- **Narrow Focus** — Rather than carrying a few organic products in each of several categories, retailers specialize in targeted categories such as organic salads.
- **Added Value** — Stores feature value-added organic items such as salad kits, pre-packed vegetables and packaged salads to attract conventional and organic shoppers.
- **Promotional Prices** — Using promotions to price organic products the same as conventional foods, retailers can alleviate perceptions that such items are too expensive and induce customers to try them.

11. What's ahead for natural and organic foods?

Organic foods will continue to take a growing share of the natural-organic sector as demand rises and more companies convert their products from natural to organic. States, cities, conservation groups and others continue to foster the development of local farmers' markets that sell organic foods directly to consumers. Restaurants, college cafeterias and other foodservice providers have begun to incorporate natural and organic foods into their menus. Yale University and University of California, Berkeley, are among the schools that have moved in this direction.

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IS THERE A DEFINITION FOR NATURAL FOODS?

NEW ORLEANS—June 30, 2008—The term "natural" adds a premium to food products and makes them appear fresher, minimally processed, and safer. But consumers and the food industry will have to wait to know exactly what natural does – or does not—mean.

Scientific experts clarify the use of the term "natural" on products during the Institute of Food Technologists "Best of Food Thinking" Annual Meeting and Food Expo held Sunday in New Orleans.

Despite the term's widespread use, the U.S. Food and Drug Administration (FDA) discourages the food industry from using "natural" on labels because of its ambiguity. "Natural may unjustifiably imply that a food is of superior quality or safety compared to other similar foods", said the FDA's Ritu Nalubola.

Neither FDA nor the U.S. Department of Agriculture (USDA) has precise rules for "natural." And the food-and-beverage product industry, represented by the Grocery Manufacturers Association, has no consensus.

In 1991, FDA tried to define the term and, by 1993, gave up. The agency decided to "not restrict the use of 'natural' on products. It is a very complex term," Nalubola said. Today FDA is continuing that practice, originated in 1988. For a product to be called natural, it must be free of artificial or synthetic ingredients or additives, including color, flavor or any ingredient "not normally expected." Hence, lemonade flavored with beet juice cannot be called natural. In addition, any food enhanced with caramel, paprika or color (consider bright orange cheese) cannot be called natural.

FDA will continue to judge products "on a case-by-case basis," said Nalubola.

USDA, which regulates meat, poultry and egg products, is working on a more specific policy, said Daniel Engeljohn, Ph.D., of USDA's Food Safety and Inspection Service.

Though not a food safety issue, he said that USDA's policy will be in place by the end of 2008 and address such issues as tenderizing, processing and flavor-enhancing. Until then, he said, products and their claims will be weighed "case by case."

In the grocery industry, disagreement reigns on the term's definition, said Regina Hildwine, senior director of Food Labeling and Standards for the trade organization, Grocery Manufacturing Association.

Because such regulatory agencies as FDA and USDA haven't clarified the term, products are subject to the agencies' "best current thinking of what constitutes truthful labeling," Hildwine said.

States have authority to set rules on some labeling matters, and a state could drive a future definition, Hildwine said.

At this point, she warns, "We don't go too far or we might end up with something not everyone wants."

Sources:

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