

## Request for Reconsideration after Final Action

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

Input Field	Entered
<b>SERIAL NUMBER</b>	87199476
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 115
<b>MARK SECTION</b>	
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<b>LITERAL ELEMENT</b>	CREATINE GUMMIES
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
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<b>DESCRIPTION</b>	

<b>OF EVIDENCE FILE</b>	Request for reconsideration arguments in response to Final office action of August 22, 2018 with attachments 1 through 6
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Adam C. Underwood/
<b>SIGNATORY'S NAME</b>	Adam Underwood
<b>SIGNATORY'S POSITION</b>	Associate for Attorney of Record, Florida bar member
<b>SIGNATORY'S PHONE NUMBER</b>	3053727474
<b>DATE SIGNED</b>	02/21/2018
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Wed Feb 21 19:45:01 EST 2018
<b>TEAS STAMP</b>	USPTO/RFR-XX.XXX.XX.XXX-2 0180221194501963270-87199 476-510d0673043648dfb8f54 95e5fa6a6fa8d290ce23138f7 32a1389dee525295a833-N/A- N/A-20180221193619015114

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## Request for Reconsideration after Final Action

### To the Commissioner for Trademarks:

Application serial no. **87199476** CREATINE GUMMIES(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87199476/large>) has been amended as follows:

#### EVIDENCE

Evidence in the nature of Request for reconsideration arguments in response to Final office action of August 22, 2018 with attachments 1 through 6 has been attached.

#### Original PDF file:

[evi\\_1218690130-20180221193619015114\\_.74.21\\_61474.18.CREATINE.GUMMIES\\_request\\_for\\_reconsideration.pdf](#)

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[Evidence-5](#)  
[Evidence-6](#)  
[Evidence-7](#)  
[Evidence-8](#)

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**Converted PDF file(s)** ( 4 pages)

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[Evidence-3](#)  
[Evidence-4](#)

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /Adam C. Underwood/ Date: 02/21/2018

Signatory's Name: Adam Underwood

Signatory's Position: Associate for Attorney of Record, Florida bar member

Signatory's Phone Number: 3053727474

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 87199476

Internet Transmission Date: Wed Feb 21 19:45:01 EST 2018

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XXX-2018022119450196

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-N/A-N/A-20180221193619015114

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application for “CREATINE GUMMIES”**

Application No: **87199476**

Applicant: BPI SPORTS, LLC

Examining Attorney: Alicia Collins Edwards

**REQUEST FOR RECONSIDERATION AFTER FINAL ACTION**

BPI Sports, LLC (the “Applicant”) filed the trademark application for the word mark “**CREATINE GUMMIES**” on October 11, 2016 (the “Trademark Application” or the “applied-for Mark”). Upon review of the Trademark Application, the Examiner Attorney issued a first Office Action on January 20, 2017 (the “First Office Action”) refusing registration on the grounds that the applied-for Mark was merely descriptive. On July 19, 2017, the Applicant filed a Response to the Office Action in which it argued for issuance and against the examiner’s rejection. On August 22, 2017, the Examiner Attorney issued a Final Action on substantially the same grounds as the First Office Action and rejected the arguments made in favor of allowance by the Applicant in its response.

The Applicant respectfully disagrees with the Examiner Attorney’s refusal to allow the Trademark Application and register the applied-for Mark for the following reasons and hereby respectfully requests reexamination.

**Response to Section 2(e) Refusal – Merely Descriptive**

Registration has been refused by the Examining Attorney on the assumption that the applied-for Mark “merely describes characteristics of applicant’s goods and/or services”.

Applicant disagrees with the position of the Examining Attorney and states the following.

As the Examining Attorney well knows, to overcome such a Section 2(e)(1) refusal of “merely descriptive” the applicant should show that the mark is incongruous, indefinite, or susceptible to multiple connotations, or requires imagination, cogitation, or gathering of further information in order for the relevant public to perceive any significance of the term as it relates to a significant aspect of applicants products or services. TMEP §1209.01(a). In determining suggestiveness, courts consider a hypothetical consumer’s “mental leap” from the mark to the

attributes of the described products. Unless this leap is “**almost instantaneous, this strongly indicates suggestiveness.**” See *Shade’s Landing, Inc. v. Williams*, 76 F.Supp.2d 983, 989 (D. Minn. 1999) (citations omitted, emphasis added); see also *Glow Industries, Inc. v. Lopez*, 252 F.Supp.2d 962, 977 (C.D.Cal. 2002), citing *Japan Telecom, Inc. v. Japan Telecom America, Inc.*, 287 F.3d 866, 873 (9th Cir. 2002). In other words, if one must exercise “mature thought or follow a multi-stage reasoning process,” then the mark is suggestive. See *In re Tennis in the Round, Inc.*, 199 U.S.P.Q. 496 (T.T.A.B. 1978); see also *Tanel Corp. v. Reebok Int’l, Ltd.*, 774 F. Supp. 49 (D.Mass. 1990) (360° found to be suggestive of sports shoes because one must use considerable imagination to remember that 360° is the number of degrees in a circle, connect that circle to movement and imagine that the mark connotes the ability to pivot in the shoe for a full circle).

Similar to the case of *Tanel Corp. v. Reebok Int’l, Ltd.*, in the Applicant’s case, a multi-stage reasoning process is required to connect the applied-for Mark “**CREATINE GUMMIES**” to the Applicant’s dietary and nutritional supplements in class 5, as the applied-for Mark is too vague and nebulous to immediately describe a significant feature or characteristic of the identified dietary and nutritional supplement, and, therefore, is a clear indication that the applied-for Mark is suggestive.

Indeed, the consumers confronted with the goods might not, at first, realize that the goods are nutritional supplements as gummies are not necessarily, and even rarely, dietary or nutritional supplements. Something “**gummy**” is defined as something “viscous, sticky, consisting or of containing gum, or covered with gum”. See exhibit 1. The composition of gummies does not usually contain, and in fact almost never contains any creatine. For contrast, gummies contain, in order to be chewy, viscous and sticky, ingredients such as gummi arabicum, gelatin or starch. See exhibits 2 and 4. Gummies are very colorful candies designated to be attractive to children. See exhibits 3 and 4. A Google Image search for “gummies” gives around 300 results with only approximately 25 related to adult nutritional supplements presented under the form of gummies, and only 1 in the first 50 results. See exhibit 3. This is clear evidence that the term “gummies” is not merely descriptive of dietary and nutritional supplements.

Besides, the word “**creatine**” could also be perceived as carrying several potential meanings as it is very close (both verbally and visually) to the word “creative”. Taken as a whole, the applied-for Mark may then refer to the surprising idea of creative candies, which would be absolutely non-descriptive of the product. The possibility to understand the applied-for Mark as “creative candies” or “adult athletes’ supplements/candies for children” demonstrates that the applied-for Mark is at worst suggestive, and more than likely distinctive.

Even if the two elements of the applied-for Mark would be considered descriptive by themselves, the combination of two descriptive terms creates a unitary mark with an unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and/or services. See *In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013). In the case at hand, the two terms of “GUMMIES” and “CREATINE” provide for a mark that has an unique, incongruous and non-descriptive meaning in relation to dietary and nutritional supplements. See *In re Colonial Stores*,

*Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In connection with the word “creatine”, the word “gummies” creates an effect of surprise in the mind of the consumer. No product on the market is designated as “creatine gummies”. See exhibit 5. Although children are the first targeted consumers of gummies by candy manufacturers, in supplements they would never be targeted because creatine has been found to be detrimental to children. See exhibit 6.

The word “gummies” does not refer to nutritional supplements, and the applied-for Mark taken as a whole is not descriptive of the products. Indeed, a Google Shopping search for “creatine gummies” does not give any relevant results. Among the only 8 results, none features gummies (that would be designated as “gummies”) containing creatine. See exhibit 5.

In other words, in the Applicant’s case, a multi-stage reasoning process is required to connect the applied-for Mark “**CREATINE GUMMIES**” to the Applicant’s dietary and nutritional supplements in class 5, as the applied-for Mark is too vague and nebulous to immediately describe a significant feature or characteristic of the identified dietary and nutritional supplement, and, therefore, is a clear indication that the applied-for Mark is suggestive.

As a suggestive mark cannot, by definition, be generic of the products or services, the applied-for Mark is not generic, contrary to what is stated by the examining attorney. For all the above-mentioned reasons, genericity could in no case be a ground to reject the applied-for Mark, and especially because “gummies” is not the generic term for nutritional supplements under the form of gelatin candies. “Gummies” is rather the generic term for gelatin candies for children, which the designated goods are not. See exhibits 1 to 6.

The Examining Attorney is reminded that in the case where there would be a doubt regarding the fact whether a mark is descriptive or suggestive, courts have decided that such “doubt should be resolved in favor of applicant in holding the term merely suggestive of a possible end result of the use of applicant’s goods”. See *In re Merrill Lynch, Pierce, Fenner, and Smith, Inc.* 828 F.2d 1567, 56 USLW 2204, 4 U.S.P.Q.2d 1141 (1987). In the present case, the “end result of the use of Applicant’s goods” demonstrate, as shown *supra*, that the applied-for Mark is suggestive. See also *Gourmet Bakers, Inc.*, 173 USPQ 565 (TTAB 1972): “[t]he distinction between marks which are ‘merely descriptive’ and marks which are ‘suggestive’ is so nebulous that more often than not it is determined largely on a subjective basis with any doubt in the matter being resolved in applicant's behalf on the theory that any person who believes that he would be damaged by the registration will have an opportunity under Section 13 to oppose the registration of the mark and to present evidence, usually not present in the ex parte application, to that effect”. See also *In re Aid Laboratories, Inc.*, 221 USPQ 1215, 1216 (TTAB 1983) stating that “where there is doubt on the matter, the doubt should be resolved in applicant’s behalf and the mark should be published”. See also *In re The Gracious Lady Service, Inc.*, 175 USPQ 380 (TTAB 1972) stating that “[i]t is recognized that there is a large gray area in determining the descriptiveness of a mark, and where reasonable men may differ, it has been the practice to resolve such doubt in an applicant's behalf and publish the mark”. See also *In re*



*Diamond Pacific Tool Corp.*, 113 F.3d 1257 (Table), 1997 WL 235315 stating that “where doubt exists as to whether a mark is descriptive, such doubt should be resolved in favor of the applicant” (emphasis added in all this paragraph).

Here Applicant has presented evidence that the applied-for Mark “CREATINE GUMMIES” taken as a whole creates a strong doubt regarding the fact whether the applied-for Mark is descriptive or suggestive and thus such doubt should be resolved in favor of Applicant in holding the term merely suggestive of a possible end result of the use of Applicant’s goods.

Accordingly, Applicant’s applied-for Mark “**CREATINE GUMMIES**” should be registered.

### CONCLUSION

In view of the foregoing, it is respectfully submitted that the applied-for Mark is registrable and should proceed to publication and be registered in the principal register. If any issues remain, the Examining Attorney is invited to contact Applicant’s attorney.

DATED: February 21, 2018

Respectfully submitted,  
*/s Adam C. Underwood*  
Associate for Attorney of Record

# **EXHIBIT 1**

**gummy**  
*adjective* | gum·my

Popularity: Bottom 30% of words | Updated on: 19 Feb 2018


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Examples: GUMMY in a Sentence ▾



### Definition of GUMMY

**gummier**; **gummiest**

- 1 : VISCOUS, STICKY
- 2 a : consisting of or containing gum  
 b : covered with gum

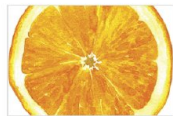
—gumminess *noun*

### NEW! Time Traveler

First Known Use: 14th century  
[SEE WORDS FROM THE SAME YEAR >](#)

See *gummy* defined for English-language learners  
 See *gummy* defined for kids

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A Drudge of Lexicographers Presents: Collective



2017 Word of the Year: Behind the Scenes



Trending: 'Unwitting' and 'Hoax' Spike After Russians'



### Examples of GUMMY in a Sentence

How did you get your hands so *gummy*?  
 the outside of the bottle was *gummy* with old dribbles of salad oil

### Recent Examples of GUMMY from the Web

— Tim Rohan, *SI.com*, "Strip Clubs, CTE Talk and a CBD Sales Pitch: A Weekend Inside Warren Sapp's World," 29 Jan. 2018

The soles of my sneakers stuck to the *gummy* floors of the movie houses.

— S. Kirk Walsh, *Longreads*, "From One Friendship, Lessons on Life, Death, AIDS and Childlessness," 22 Jan. 2018

On the *gummy* side, Squish Brainstorm candies are perfectly squishy and compulsively Instagrammable.

— Aliza Abarbanel, *Bon Appetit*, "8 Halloween Candies That Aren't Total Junk Food," 20 Oct. 2017



These example sentences are selected automatically from various online news sources to reflect current usage of the word 'gummy.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. [Send us feedback](#).

### First Known Use of GUMMY

14th century

[SEE WORDS FROM THE SAME YEAR >](#)

**NEW!** Time Traveler

### GUMMY Synonyms

#### Synonyms

adherent, adhesive, clingy, gluey, glutinous, sticky, tacky, tenacious, viscid

#### Antonyms



## GUMMY Defined for English Language Learners

**gummy**   
*adjective*

### Definition of GUMMY for English Language Learners

: made of, containing, or covered with gum or a sticky or chewy substance



## GUMMY Defined for Kids



**gummy**   
*adjective* | gum·my | \ˈgə-mē\

### Definition of GUMMY for Students

gummier; gummiest

: consisting of or covered with gum or a sticky or chewy substance

## Medical Dictionary

adjective | gum·my | \ˈgəm-ē\

### Medical Definition of GUMMY

gummier; gummiest

- 1 : consisting of or containing gum
- 2 : being viscous or sticky

### Learn More about GUMMY

See [words that rhyme with gummy](#)

Thesaurus: [All synonyms and antonyms for gummy](#)

Spanish Central: [Translation of gummy](#)

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### Seen and Heard

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demarcate 

to fix or define the limits of

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'not knowing' or 'not intended'
  - 2 **Anglo-American**  
'reflecting English and American jurisprudence'
  - 3 **sartorial**  
'of or relating to clothes'
  - 4 **whipsaw**  
'to beset or victimize in two opposite ways at once'
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Namesakes Word Quiz



Which of the following is a fruit named after a Moroccan seaport?



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[WORDS AT PLAY](#)



### Hunger 'Pangs' or Hunger 'Pains'?

Let's make a meal out of it.

alt-5a8c360499847

### Those Were the Days: On 'Nostalgia'

When missing home was a disease

alt-5a8afd0b10fa3

### Can You Feel 'Nauseous'?

Or is it just *nauseated*?

#### ASK THE EDITORS

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### 2017 Word of the Year: Behind the Scenes

How we chose 'feminism'

video-title-words-of-the-year-1066

**Words of the Year: 1066**

Or, Why Pig Meat is Called 'Pork'  
and Cow Meat is Called 'Beef'

video-irregardless-grammar-  
peeve-blend-of-the-synonyms-  
irrespective-and-regardless

**Irregardless**

It is in fact a real word (but that  
doesn't mean you should use it).

**WORD GAMES**

a-citrus-fruit-possibly-named-  
after-a-person

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happy-valentines-day

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# **EXHIBIT 3**









# **EXHIBIT 4**

WIKIPEDIA

# Gummi candy

**Gummies** or **jelly candies** are a broad category of gelatine-based chewable sweets. Gummi bears are widely popular and are a well-known part of the sweets industry. Gummies are available in a wide variety of shapes including bears, bottles, worms, frogs, hamburgers, sharks, toy soldiers, full-size rats, large human body parts (such as hearts and feet), Ampelmännchen (the little figures on pedestrian traffic lights in the former GDR, Eastern Germany) and even the Smurfs. Various brands such as Haribo, Betty Crocker, Disney and Kellogg's manufacture various forms of Gummi snacks, often targeted at young children. The candy and the name "gummi" originated in Germany.<sup>[1]</sup>

## Contents

### History

#### Types of gummies

- Bears
- Bottles
- Rings
- Red frogs
- Road kill gummies
- Teeth gummies
- Worm gummies
- Shark gummies
- Vitamin gummies

#### Health considerations

#### See also

#### References

#### External links

## History

- Gummies have a long history as a popular confectionery. The first gelatin based candy was the gummi bear, introduced by Haribo in 1920.<sup>[2]</sup>
- Haribo produces over 80 million bears a day.
- Disney capitalized on making a children's show with gummy based characters in 1985 called Disney's Adventures of the Gummi Bears.
- Gummy bears are now consumed worldwide as a sweet or sour treat.

## Types of gummies

### Gummy candy



Collection of gummy candies at a market

<b>Alternative names</b>	Gummies, jelly sweets
<b>Type</b>	Confectionery
<b>Place of origin</b>	Germany
<b>Created by</b>	Hans Riegel Sr.
<b>Main ingredients</b>	Gelatin
<b>Variations</b>	Gummi bear, gummi worms
 Cookbook: Gummy candy 	Media: Gummy candy



## Bears

The gummi bear originated in Germany, where it is popular under the name *Gummibär* (rubber bear) or *Gummibärchen* (little rubber bear). Hans Riegel Sr., a candy maker from Bonn, produced these sweets under the Haribo company, which he started in 1920.



Haribo gummy bears were the first gummi candy ever made.

## Bottles

Cola bottles are sweets in the shape of classic Coca-Cola-style bottles with a cola flavor. They are produced by numerous companies. "Fizzy Blue Bottles", made by Lutti (formerly part of the French division of the Leaf Candy Company, now controlled by a private investment group), are sweets typically found in a pick and mix selection. These are very similar to cola bottle gummies in shape, but they are usually sour and coloured blue and pink. "Blue Bottles", a variation from another company, are identifiable by the small rims around the sides, and are chewier and thicker, with a sweeter taste.

## Rings

Ring-shaped gummi candy is often covered in sugar or sour powder. The most common and popular flavor is the peach ring. Other flavors include green apple, melon, blue raspberry, strawberry, and aniseed - although these are typically coated in chocolate. A commonly known producer of gummi rings is Trolli, for which the gummi rings are an important asset.<sup>[3]</sup>



A cola bottle gummi candy, alongside a gummi hot dog, pizza, hamburger, and box of fries.

## Red frogs

In Australia, jelly confectionery in the shape of frogs has been very popular since the 1930s. They are colored red or green, although they are usually referred to as "red frogs". These have influenced the shape, structure, consistency and formula that makes gummy bears.

## Road kill gummies

In February 2005, following complaints by the New Jersey Society for the Prevention of Cruelty to Animals, Kraft decided to stop production of the controversial Trolli U.S. Road Kill Gummies. The society complained that the products, shaped as partly flattened squirrels, chickens and snakes, would give children an incorrect message on the proper treatment of animals.<sup>[4]</sup>

## Teeth gummies

In Australia, jelly confectionery in the shape of teeth has been very popular since the 1930s. They are colored pink and white, with pink representing the gums and teeth being white. They have a slight minty flavor, similar to mint toothpaste.

## Worm gummies

There are many types of Gummy Worms, and Trolli produces glow worm gummies, with glowing color and sour sugar.

## Shark gummies

There are also many types of gummy sharks but the blue and white ones are the most popular.

## Vitamin gummies

There are also several multi-vitamin gummi bears, usually marketed for children, such as Flintstones Chewable Vitamins.<sup>[5]</sup> These form of vitamins give off nutrients and protein for those that do not swallow pills or need various supplements to stay healthy.

## Health considerations

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Gummies landed on the "What's out in 2009" list for some Canadian schools, along with chocolate, fudge, chocolate coated nuts and fruit, bubble gum, lollipops, toffee, jelly beans, marshmallows, sherbet, and Turkish delight.<sup>[6]</sup> An audit in Victoria, British Columbia, was planned for 2009 to ensure the government banned the selling of the confectionery treat in school stores and vending machines as directed.<sup>[6]</sup>

Scientists have studied adding the tooth-protecting sugar substitute xylitol to gummies to fight tooth decay.<sup>[7]</sup>

Choking risks are higher with gummi candies; research shows that "hard, round foods with high elasticity or lubricity properties, or both, pose a significant level of risk," especially to children under three years of age.<sup>[8]</sup> This can be resolved with the Heimlich maneuver.

## See also

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- Gummy (disambiguation)
- Fruit Gems
- Gumdrop
- Jelly baby
- Quince cheese
- Swedish fish
- Jelly bean

## References

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7. "Gummy Bears Can Fight Cavities" (<http://living.oneindia.in/health/child-nutrition/2008/gummy-bears-snacking-tooth-decay-290708.html>). *OneIndia.in*. ANI. 2008. Retrieved 19 February 2010.
8. <http://www.ijporonline.com/article/S0165-5876%2808%2900129-8/abstract>

## External links

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- [Gummy candies being made in a factory \(https://www.youtube.com/watch?v=qrypdAGEZBg&t=1m57s\)](https://www.youtube.com/watch?v=qrypdAGEZBg&t=1m57s) (video)
- 

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# **EXHIBIT 6**



# Is Creatine a Safe Supplement for Teenagers?

by JOSEPH PRITCHARD | Last Updated: Oct 03, 2017

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What Is a Natural Source of Creatine?

Does Creatine Help You Get Ripped Abs?

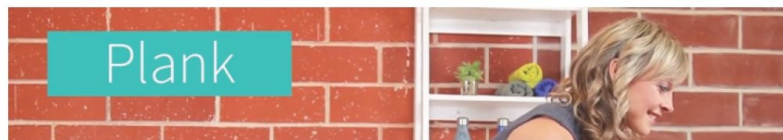
How Much Creatine Can Your Muscles Absorb?

What Is the Function of Creatine?

Creatine & Joint Pain

Creatine is an amino acid that is produced by your body, and it is also found in dietary sources such as meat and fish, notes the University of Maryland Medical Center. Your body converts creatine into creatine phosphate or phosphocreatine and stores it in your muscles. Creatine supplements are used by body builders and competitive athletes to help them increase lean muscle mass and enhance performance. Creatine use has also been associated with negative effects, such as hypertension and liver dysfunction. Creatine supplements are therefore not considered safe for teenagers.

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### **Creatine Use Among Teens**

A study published in a 2001 issue of “Pediatrics” examined the use of creatine supplements among young athletes, including those below the age of 18. The study involved 1,103 participants between the ages of 10 and 18 who answered a confidential survey regarding their creatine use. The results showed that creatine use occurred in every grade level after grade 6. The study also determined that creatine use was most common among football players, wrestlers, hockey players, gymnasts and lacrosse players. Almost 75 percent of participants cited enhanced performance as their reason for taking creatine. However, more research is needed to verify the safety of using creatine supplements.

### **Dose**

The safety of creatine supplements has not been thoroughly tested for anyone under the age of 19, the University of Maryland Medical Center reports. This means that creatine is generally not recommended for children and teenagers. The loading dose for adults 19 and older is 5 grams of creatine taken 4 times daily for a week. The maintenance dose is 20 to 25 grams daily for 5 days. These doses have been established based on testing with athletes. Recommended creatine doses for non-athletes in the same age range have not been established.

### **Side Effects**

Creatine supplement use has been associated with side effects such as stomach upset, appetite loss, diarrhea and nausea. Creatine use is also likely to trigger asthma or allergic reactions in people who are sensitive to creatine or predisposed to allergies. Creatine sometimes causes the breakdown of muscle tissue, leading to muscle tears. Increased body mass and weight gain are also possible side effects. Heat intolerance, dehydration and electrolyte imbalances are other adverse reactions associated with creatine use.

### **Possible Interactions**

There is a danger of possible interaction between creatine and certain medications, such as nonsteroidal anti-inflammatory drugs and cimetidine. There is an increased risk of dehydration when creatine is taken with diuretics. Creatine also increases the risk of kidney damage when taken with cimetidine. Caffeine impairs your body’s ability to use creatine, and it also increases your risk of dehydration.



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## Does Creatine Help You Get Ripped Abs?

by STEPHANIE MITCHELL | Last Updated: Sep 11, 2017



Creatine is an amino acid that may help athletes build lean muscle mass. The human body naturally produces creatine and absorbs it from meat and fish, but many athletes also take supplements to boost their muscle development. Although the University of Maryland Medical Center states that creatine supplements are generally safe when taken properly, you should consult your doctor before taking creatine or beginning any diet and exercise plan. While creatine may help you develop ripped abs, a proper diet to reduce your body fat and hard training are necessary to reach your goal.

### Step 1

Take a total of 20 grams of creatine daily for two to five days, according to the University of Maryland Medical Center. Divide it into four doses of 5 grams each and space the doses four to six hours apart through the day. This high creatine intake is called the loading dose, and it primes your system to metabolize and utilize a lower dose later.

### Step 2

Reduce your creatine dosage to 2 to 5 grams daily after the first few days. This amount is considered safe for long-term usage. The University of Maryland Medical Center recommends a dose of 2 grams daily.

### Step 3



Drink fruit juice or eat starchy food when you take your supplements. According to the University of Maryland Medical Center, creatine may be more effective when taken with carbohydrates.

  
**Step 4**

Perform abdominal-building exercises every other day while taking creatine. Do crunches, situps, bicycle crunches, hip curls and Pilates workouts to tone your core. Ask a trainer for exercises to strengthen your outer and inner abs, obliques and lower back.

**Step 5**

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Consume approximately 0.7 grams of protein each day for each pound of body weight. Eat lean meat, fish, eggs, low-fat dairy, beans and soy products to get the protein you need. A diet high in protein helps support muscle development.

**Step 6**

Monitor yourself for possible side effects, including anxiety, headaches, loss of appetite, muscle cramps or nausea. Stop taking the supplement immediately if you show any symptoms of side effects and consult your doctor.

**Tips**

Talk to your doctor before beginning an exercise routine or changing your diet. Ask your doctor whether creatine is safe for you, especially if you take other medications. Creatine is ineffective for 20 to 30 percent of the population. Stay well-hydrated while taking creatine to limit your risk of side effects.

**Warnings**

If you develop asthmatic symptoms or shortness of breath, stop taking the creatine and see your doctor immediately; you may be having an allergic reaction to the supplement. Don't take anti-inflammatory drugs or caffeine while you are on creatine. Don't exceed the recommended dosage of creatine or continue taking the loading dose for more than seven days. Only buy creatine supplements from recognized brands.

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- 3 Is it Bad to Take Creatine Before Bed?

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## **EXHIBIT 2**



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GUMMIES

MANUFACTURING PROCESS

HARIBO gummies: Happy, chewy and delicious!

When it comes to the invention of confectionery, people have always been full of bright ideas. But the road to the invention of the first gummies was a long one. The ancient Greeks and Romans valued, in particular, baked goods sweetened with date juice or honey or laced with grape juice. In the Middle Ages, aromatic spiced breads and gingerbreads of all kinds were favored. Finally, in the 16th century, seafarers brought the cocoa bean from Central America to Europe and this was soon developed into a refined ingredient for the manufacture of sweet things.

Cane sugar - a luxury product

The appearance of sugar in the list of European ingredients was of course the decisive milestone in the history of sweets. The cane sugar imported at the turn of the first millennium from the Arabic countries via Venice to Europe was, however, initially an expensive luxury good. Only the nobility and the rich were able to use it as a sweetener or as medicine.

Beet sugar brings luxury and democracy

It was much later that the wider population gained access to the luxury of sugar. At the beginning of the 19th century the recently developed beet sugar production process began to take off. As of the middle of the 19th century, (beet) sugar increasingly became an affordable daily foodstuff.

Gummi arabicum – the key gummi ingredient

In the 19th century, smart confectioners discovered that it was possible to mix sugar with Gummi arabicum, the resin of a particular acacia tree. The raw resin was boiled up with sugar and fruit and other flavorings to create the first soft gummies - the predecessors of the famous HARIBO® gummies.

Gelatin and starch – the alternatives to Gummi arabicum

These ingredients have long since changed and for many years, gummi products like the famous GOLD-BEARS® from HARIBO® have contained gelatin rather than Gummi arabicum. This ingredient

The production process



How the GOLD-BEARS® get into the bag

[Learn more about the creation of Gold-Bears](#)

<b>Company</b> History Numbers & Facts International HARIBO USA Dr. Hans & Paul Riegel	<b>Current information</b> News	<b>Products</b> HARIBO	<b>Consumer information</b> Gummies Licorice Quality requirements Advertising & Marketing Product Locator	<b>Brokers</b> Login	<b>Careers</b> Careers at HARIBO Job Market	<b>Contact Information &amp; Service</b> FAQ Contact information
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KIDS AND GROWN-UPS LOVE IT SO, THE HAPPY WORLD OF HARIBO

achieves a softer consistency and a more enjoyable chewing experience and flavor. Some gummi products are also made with starch.

#### Ingredients

HARIBO® has high demands with regard to the quality of basic ingredients used in their products. Only absolutely perfect raw materials are used in HARIBO products. Gummi products are made from a mixture of glucose syrup (makes them transparent), sugar and dextrose (for sweetness) and gelatin (for the "chew"). Added to this mixture are fruit and plant extracts, flavors, colors and a little citric acid.

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## **EXHIBIT 5**



"creatine gummies"



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\$20 - \$35

Over \$35

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MRM

MusclePharm

Benefit

Muscle Gain

Weight Loss

Form

Powder

Ready Serve

Features

Pre-workout

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Seller

AllStarHealth.com

Bodybuilding.com

Bonanza - Righteous...

Jet.com

Walmart



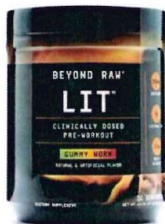
SciVation Xtend Elite Sour Gummy Flavor 30 Servings - Amino Acids & BCAAs

\$39.99 from 10+ stores Also available nearby

6 product reviews

Amino Acids · Powder · Muscle Gain · BCAA · Glutamine · Beta-alanine · Citrulline Malate · Sugar-free

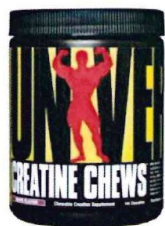
Other options: Island Punch Fusion (\$35)



Lit - Gummy Worm - 30 Servings - Beyond Raw - Nitric Oxide

\$39.99 from 5+ stores

Other size options: 60 Servings (\$60)



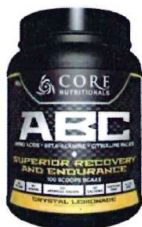
Universal Nutrition Creatine Chews Grape 144 Chews - Creatine

\$12.78 from 5+ stores

46 product reviews

Universal Nutrition · Supplements · Magnesium · Creatine · Chews

Other options: Orange (\$11)



Core Nutritionals Core ABC Lemonade 50 Servings - Amino Acids & BCAAs

\$53.99 from 10+ stores

87 product reviews

Amino Acids · Powder · Muscle Gain · BCAA · Glutamine · Beta-alanine · Citrulline Malate · Pre-workout

Other options: Australian Gummy Snakes (\$54) White Grape (\$54)



Beverly International Ultra 40 500 Tablets - Amino Acids & BCAAs

\$37.99 from 5+ stores

71 product reviews

Weight Control · Energy · Muscle Growth · Supplements · Protein · Iron · Pill



MORE



NutraKey L-Carnitine 3000 - 16oz Sour Gummy



Betancourt Nutrition Creatine Chewie Variety 160 tablets

\$25.99 from 2 stores

Weight Control · Supplements · Protein · BCAA · Creatine · Chewable



Blackstone Labs Dust V2, 25 servings

\$33.99 from 5+ stores

65 product reviews

Powder · Weight Loss · Pre-workout

Other options: Blkbery Lemonade (\$30) Blue Sky (\$30)

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Pre-workout



Sugar-free



Low Fat



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Powder



Ready Serve

GNC® Official Site | Shop Creatine Today

[www.gnc.com/fitness/creatine](http://www.gnc.com/fitness/creatine)

Rating for gnc.com: 4.6 - Order accuracy: 95-100%

Perform At Your Peak With GNC Fitness Supplements! Trusted For Over 80 Years.

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[www.amazon.com/personal/care](http://www.amazon.com/personal/care)

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