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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Opposed Mark: LIFEZONE
U.S. Trademark Application Serial No. 78/307,830

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

Life Zone, Inc.,	Opposition No. 91/160,999
Opposer,	
v.	
TMMG, Inc. (formerly Middleman Group, Inc.),	
Applicant.	

OPPOSER'S BRIEF

Opposer, Life Zone, Inc. (hereinafter "Life Zone") hereby submits this Brief supporting denial of Applicant's U.S. Trademark Application Serial No. 78/307,830.

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I. INTRODUCTION

Opposer Life Zone, Inc. (hereinafter "Life Zone") started its business over twenty years ago with the intention of providing people advanced formula nutritional supplements and natural, healthy cosmetic products.

Working in the fashion industry as a model and Hollywood make-up artist, Life Zone's founder and president observed many problems women were having with their complexions resulting from the cosmetics used. Life Zone was established to address these problems and a line of skin care products was developed to fortify and replenish the skin by providing natural minerals and topical nutrients. All of these products are marked with the Life Zone trademark, which has become well known in connection with high-quality, natural, skin care.

When Life Zone customers began to inquire about other health issues, an obvious avenue was already in place for Life Zone to address such issues. Life Zone's founder is the daughter of a world-famous researcher, Dr. Harvey Ashmead. Dr. Ashmead is perhaps best known for his work stabilizing penicillin during World War II. Dr. Ashmead directed research at leading pharmaceutical companies, developed infant formulas and protein fortified drinks in an effort to provide better nutrition to people, and ultimately established Albion Laboratories, which provides the minerals and nutritional supplements currently offered by Life Zone. All of these mineral, nutritional supplement products are marked with the Life Zone trademark, and have become well-known, both nationally and internationally. As a result of its marketing activities, Life Zone has established a preeminent reputation in both the skin care and nutritional supplement industries.

Life Zone is the owner of three U.S. Trademark Registrations for the trademark LIFE ZONE, each having a date of first use at least as early as January 1986. Life Zone also has a

pending trademark application for the LIFE ZONE trademark, which is based on a date of first use of January 1981. *See*, U.S. Trademark Reg. No. 2,417,495, attached hereto as Exhibit A; *see*, U.S. Trademark Reg. No. 2,417,496, attached hereto as Exhibit B; *see*, U.S. Trademark Reg. No. 2,559,787, attached hereto as Exhibit C; *see*, U.S. Trademark Application Serial No. 78/432,601, attached hereto as Exhibit D. Life Zone has been using its LIFE ZONE trademark on goods and services related to skin care products, nutritional supplements, and various training courses related to its products and business plan for over twenty years.

Applicant Middleman Group, Inc. (hereinafter "Middleman") filed its trademark application in the United States Patent and Trademark Office (hereinafter "USPTO") for the mark LIFEZONE on or about October 1, 2003. *See*, U.S. Trademark Application Serial No. 78/307,830, attached hereto as Exhibit E. This application has been filed as an intent-to-use application. Life Zone is currently unaware of any date of first use claimed by Middleman with respect to its application.

There is a strong likelihood of confusion between Life Zone's trademarks and Middleman's applied for mark for at least the following reasons:

- Middleman's LIFEZONE mark is identical in appearance, sound, pronunciation, and commercial impression to Life Zone's trademarks;
- Middleman's services are closely related to and compete with Life Zone's goods and services; and
- Life Zone's trademarks are very strong, if not famous, as a result of widespread use of the trademarks in connection with skin care and nutritional supplement products, and trademarks with extensive public recognition enjoy wide legal protection against competing marks.

The overwhelming balance of the relevant *DuPont* factors leads to the unmistakable conclusion that there is a likelihood of confusion between Life Zone's trademarks and Middleman's applied for mark. Thus, Life Zone respectfully requests that the Board sustain this opposition proceeding and refuse registration of Middleman's application.

II. DESCRIPTION OF THE RECORD

The evidence of record consists of the following: the pleadings; Middleman's Application Serial No. 78/307,830; Life Zone's Registration Nos. 2,417,495 and 2,417,496 and 2,559,787; Life Zone's Application Serial No. 78/432,601; the Notices of Reliance of the respective parties; the Testimony of Applicant, as provided by Randy Moser; and Rebuttal Testimony of Opposer, as provided by Janeel Henderson.

III. RECITATION OF FACTS

A. Life Zone's Longstanding and Widespread Use of the LIFE ZONE Mark

Life Zone has been using the LIFE ZONE mark extensively for over two decades, which has made the mark famous in the United States and internationally. Life Zone utilizes a wide variety of trade channels to reach an extensive array of consumers.

1. Life Zone Has Used the LIFE ZONE Mark Since at Least 1986

Life Zone began selling skin care products and nutritional supplements in 1986. The founder of Life Zone, Janeel Ashmead Henderson, worked in the fashion industry as a model and Hollywood make-up artist. During the course of her career, Mrs. Henderson observed many problems women were having with their complexions because of the make-up used at the time. Mrs. Henderson started a company called "Distinctly Me" in 1980, which provided color compatible cosmetics and skin care products. Mrs. Henderson later changed the name of her company to Life Zone in 1986. *See*, Exhibit F attached hereto.

As Mrs. Henderson continued to help women with skin care problems, customers began to ask for help and advice regarding a wider range of health issues, including nutrition. Mrs. Henderson was in a particularly advantageous position to help with nutrition and diet related issues. In addition to her own experience, Mrs. Henderson is the daughter of a world renown chemist and researcher, Dr. Harvey Ashmead. Dr. Ashmead was instrumental in the stabilization of penicillin during World War II. After the war, Dr. Ashmead did extensive research on infant formulas, and developed the basic formula used today in all infant formulas and in adult protein drinks such as Ensure® and Boost®. Dr. Ashmead went on to establish Albion Laboratories, which specializes in mineral and nutritional supplements. The mineral and nutritional supplements marketed and sold by Life Zone are provided by Albion Laboratories. *Id.*

Life Zone now sells cosmetics and skin care products, and mineral and nutritional supplements all under the LIFE ZONE trademark. Life Zone also uses the LIFE ZONE trademark with respect to educational services, including conducting seminars and consulting in the fields of self-esteem and business skills. *See*, Rebuttal Testimony of Janeel Henderson (hereinafter “Henderson Testimony”), Exhibit G attached hereto, p. 9 lines 13-24. Life Zone has used the LIFE ZONE trademark continuously on all these goods and services since at least 1986.

2. Life Zone Actively Promotes and Advertises the LIFE ZONE Trademark

Life Zone continuously uses a variety of means and media for the promotion of its skin care and nutritional supplement products, including advertisement of its products on the Internet. *See*, Exhibit H attached hereto. Life Zone has a newsletter it utilizes to notify customers of new products, provide information on the benefits available from its products, notify customers regarding convention details, and provide business information to distributors and customers.

See, Exhibit I attached hereto. Life Zone has utilized radio programs to promote its products and instruct people on health and nutrition. *See*, Exhibit J attached hereto. Life Zone has continuously conducted numerous seminars regarding how to work toward and maintain a healthy lifestyle and how its products can be beneficial. *See*, Exhibit K attached hereto.

Life Zone provides product and business information on its website, www.lifezone.com, including information regarding all products offered under the Life Zone trademark, as well as scientific studies and technical information related to nutrition, skin care and healthy living. *See*, Exhibit L attached hereto. Life Zone also provides education and consulting services on numerous health related topics. *See*, Exhibit M attached hereto. The success of Life Zone's products and services may also be measured in part by the testimonials available from customers and distributors of Life Zone products. *See*, Exhibit N attached hereto.

Life Zone advertises extensively using a wide variety of means. This extensive advertising strengthens the association of the LIFE ZONE trademarks in connection with the Life Zone products and services.

3. Life Zone Utilizes a Variety of Trade Channels

Life Zone markets, advertises and sells its products and services through a variety of trade channels, including advertisements and interviews on radio, direct mailings to customers and potential customers, and through its website located at www.lifezone.com. Life Zone also markets itself and its products actively at seminars and trade shows. Further, Life Zone sells its products extensively through individual distributors that develop their own distribution network businesses. *See*, Henderson Testimony, Exhibit O attached hereto, p. 68 line 9 – p. 69 line 23.

This wide variety of trade channels results in a wide variety of consumers with a wide variety of goals. Life Zone consumers include individuals and organizations, homemakers and

sports enthusiasts, nutritional experts and business entrepreneurs. These consumers are familiar with the LIFE ZONE trademark on many levels.

B. The Life Zone Family of LIFE ZONE Trademarks

Life Zone is the owner of numerous trademark registrations for the LIFE ZONE trademark. U.S. Registration No. 2,417,495 for the mark LIFE ZONE was issued on January 2, 2001 in connection with “plant food, namely, mineral supplements for plants” in International Class 1. This LIFE ZONE registration shows a first use date of January 1, 1986. On April 21, 2006, Life Zone filed a declaration of continued use under Trademark Act Sections 8 and 15 attesting to such continued use of the LIFE ZONE trademark, and the PTO accepted and acknowledged the declaration on July 20, 2006. *See*, Exhibit A attached hereto.

U.S. Registration No. 2,417,496 for the mark LIFE ZONE was issued on January 2, 2001 in connection with “nutritional supplements, mineral supplements and vitamins” in International Class 5. This LIFE ZONE registration shows a first use date of January 1, 1986. On January 13, 2006, Life Zone filed a declaration of continued use under Trademark Act Sections 8 and 15 attesting to such continued use of the LIFE ZONE trademark, and the PTO accepted and acknowledged the declaration on May 3, 2006. *See*, Exhibit B attached hereto.

U.S. Registration No. 2,559,787 for the mark LIFE ZONE was issued on April 9, 2002 in connection with “skin care products, namely, skin cleansing gel, skin lotion and face cream” in International Class 3. This LIFE ZONE registration shows a first use date of January 1, 1986. *See*, Exhibit C attached hereto.

U.S. Trademark Application Serial No. 78/432,601 for the mark LIFE ZONE was filed on June 9, 2004 based on prior use in connection with “educational services, namely, conducting seminars and consulting in the field of nutritional supplements, skin care products, cosmetics,

health and fitness, marketing, accounting, and management” in International Class 41. This LIFE ZONE trademark application establishes a first use date of April 1, 1981. *See*, Exhibit D attached hereto.

Because of its longstanding and continuous use of its family of LIFE ZONE trademarks, Life Zone trademarks are strong and extremely well-known in connection with skin care products, nutritional supplements, mineral supplements, and educational services related to skin care products, nutritional supplements, mineral supplements, health and fitness, marketing and business management.

C. Middleman’s LIFEZONE Mark

Middleman has submitted a trademark application for the LIFEZONE mark with respect to educational services. Middleman’s mark is identical to Life Zone’s marks and is used in connection with closely related goods in virtually identical trade channels.

I. Middleman’s Mark, Related Goods, and Use of Its Mark

Middleman’s U.S. Trademark Application Serial No. 78/307,830 for the mark LIFEZONE was filed on October 1, 2003 in connection with “educational services, namely, conducting seminars, speeches, workshops, lectures and classes in the field of personal development, leadership and management, and distributing course materials in connection therewith” in International Class 41. This LIFEZONE trademark application is filed as an intent-to-use application and does not provide a date of first use for the mark. *See*, Exhibit E attached hereto.

Middleman has described its services as “seminar services relating to life/work/play balance for personal and emotional growth and happiness.” *See*, Exhibit P attached hereto,

response to Interrogatory No. 4. Middleman has expressed its intent to expand the goods and services it offers in connection with the LIFEZONE mark. *Id.*

2. Trade Channels Used by Middleman

Middleman has also stated that it would promote its services “through advertising in all media services, direct, mail, and in-person sales.” *See*, Exhibit P attached hereto, response to Interrogatory No. 5. Again, Middleman has expressed its intent to expand the channels of trade by which it promotes its goods and services. *Id.*

IV. STATEMENT OF THE ISSUES

The issue before the Board is whether there is a likelihood of confusion between Life Zone’s LIFE ZONE trademarks as used in connection with cosmetics, skin care products, nutritional supplements, mineral supplements and educational services related to use, marketing and sales of these goods, and Middleman’s LIFEZONE mark as used in connection with educational services related to balancing life, work, and play. This decision is influenced by the fact that Life Zone has established prior use of the LIFE ZONE trademarks, the respective marks are identical, the goods and services are closely related, the trade and marketing channels are identical, and Life Zone’s trademarks have become widely recognized in association with its goods and services.

V. ARGUMENT

A. Life Zone Has Priority of Use

Priority of use by Life Zone of the LIFE ZONE mark prevents registration of Middleman’s mark. *See, Jimlar Corporation v. The Army and Air Force Exchange Service*, 24 USPQ2d 1216, 1221 (TTAB 1992).

As shown in the evidence of record, Life Zone has used its LIFE ZONE trademarks on cosmetics, skin care products, nutritional supplements, mineral supplements, and educational services related to the use, marketing and sales of these goods since at least 1986. Life Zone's dates of first use for its trademark registrations and trademark application are all prior to the filing date of Middleman's trademark application and precede Middleman's filing date by over fifteen (15) years. *See*, Exhibits A, B, C, and D, compared to E; *see also*, Henderson Testimony, Exhibit Q attached hereto, p. 8 line 22 through p. 10 line 1 (establishing use of the LIFE ZONE trademark for products and lectures as early as 1978).

B. Middleman's Mark is Confusingly Similar to Life Zone's Trademarks

The mark shown in Middleman's trademark application Serial No. 78/307,830 so resembles Life Zone's trademarks as to be likely to cause confusion, to cause mistake or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d). Newcomers like Middleman have a duty to avoid selecting a mark that closely resembles an established mark in order to protect the senior user's goodwill and investment, and to protect consumers from confusion. *Nina Ricci S.A.R.L. v. E.F.T. Enters., Inc.*, 12 USPQ2d 1901, 1904 (Fed.Cir. 1989). In this case, Middleman has admitted to knowing about Life Zone's trademarks before selecting its own mark. *See*, Exhibit P attached hereto, response to Interrogatory No. 8.

"Any doubts about likelihood of confusion ... must be resolved against the applicant as the newcomer." *In re Hyper Shoppes (Ohio)*, 6 USPQ2d 1025, 1026 (Fed.Cir. 1988); *accord Giant Food v. Nation's Foodservice*, 218 USPQ 390, 395 (Fed.Cir. 1983); *SquirtCo v. Tomy Corp.*, 216 USPQ 937, 939 (Fed.Cir. 1983). This is especially true when the prior mark is strong, well-known or famous. *Kenner Parker Toys, Inc. v. Rose Art Industries, Inc.*, 22 USPQ2d 1453, 1458 (Fed.Cir. 1992).

1. Likelihood of Confusion Standard

The Trademark Office recognizes that if the effect in the marketplace would be to create a likelihood of confusion or mistake on the part of the purchasing public, a mark should be refused registration under Section 2(d). T.M.E.P. §1207.01. The likelihood of confusion test in this opposition proceeding is the same as the test for trademark infringement. *Glenwood Labs, Inc. v. Am. Home Products Corp.*, 173 USPQ 19, 21 (CCPA 1972). Likelihood of confusion depends on whether the relevant purchasing public would be deceived and would mistakenly presume that Middleman's goods and services originate with, are sponsored by, or are in some way associated with Life Zone's goods and services.

The test for determining likelihood of confusion consists of several factors, no one factor necessarily being determinative. The factors to be considered include: (1) similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation, and commercial impression; (2) similarity or dissimilarity of the goods or services as described in an application or registration or in connection with which a prior mark is in use; (3) similarity or dissimilarity of established, likely-to-continue trade channels; (4) whether the purchase will most likely be made on "impulse" or in a "careful, sophisticated" manner; (5) fame of the prior mark; (6) number and nature of similar marks in use on similar goods; (7) nature and extent of any actual confusion; (8) extent of applicant's right to exclude others; and (9) any other established fact probative of the effect of use. *In re DuPont de Nemours & Co.*, 177 USPQ 563, 567 (CCPA 1973). These factors are not listed in the order of merit, and each may play a dominant role depending on the case. *Id.* Under this standard, Middleman's LIFEZONE mark would create a likelihood of confusion with Life Zone's identical trademarks.

2. Comparison of the Respective Marks

The first factor to be considered is whether the marks themselves are similar in appearance, sound, connotation and commercial impression. According to the Board, “in order for likelihood of confusion to exist, two marks need not be similar in all three respects, namely, visual appearance, pronunciation and connotation. In appropriate cases, a mark will be refused registration ‘if the similarity in either form, spelling or sound alone is likely to cause confusion.’” *E.I. DuPont de Nemours & Co. v. Sunlyra International Inc.*, 35 USPQ2d 1787, 1790 (TTAB 1995) (citations omitted) (refusing registration of “LYRA” for children’s clothing because of similarity in sound and appearance with Opposer’s registered trademark for “LYCRA” for use on synthetic fibers). In this case, Middleman’s applied for mark is identical in appearance, sound, connotation and commercial impression to Life Zone’s registered trademarks.

a. The Marks Are Identical in Appearance

DuPont makes clear that in the likelihood of confusion analysis, the respective marks must be considered in their entireties. *DuPont*, 177 USPQ at 567. Middleman’s applied for LIFEZONE mark is identical to Life Zone’s LIFE ZONE trademarks. Any difference based on the space in Life Zone’s trademark is completely negligible. Consumers viewing these marks side by side would likely be confused. Accordingly, this factor weighs heavily in favor of Life Zone.

b. The Marks Are Identical in Pronunciation

Likewise with respect to pronunciation, Middleman’s applied for LIFEZONE mark is pronounced exactly the same as Life Zone’s LIFE ZONE trademarks. As such, this factor also weighs heavily in favor of Life Zone.

c. The Marks Are Identical in Commercial Impression

The commercial impression created by Middleman's applied for LIFEZONE mark is again identical to the commercial impression created by Life Zone's LIFE ZONE trademarks. Both marks seek to create the impression of goods and/or services related to one's life in general, or in total, including health, well-being, self-esteem and business success. This factor strongly favors Life Zone.

d. Life Zone's Trademarks Are Very Strong

This fifth *DuPont* factor "plays a dominant role in cases featuring a famous or strong mark." *Kenner Parker Toys*, 22 USPQ2d at 1456. In *Kenner Parker Toys*, the Federal Circuit held that "[f]amous or strong marks thus enjoy a wide latitude of legal protection," and that "a mark with extensive public recognition and renown deserves and receives more legal protection than an obscure or weak mark." *Id.* (finding fame of PLAY-DOUGH mark enhanced likelihood of confusion with FUNDOUGH mark used for competing goods).

The Federal Circuit held in *Century 21 Real Estate Corp.* that "the Lanham Act's tolerance for similarity between competing marks varies inversely with the fame of the prior mark." *Century 21 Real Estate Corp. v. Century Life of America*, 23 USPQ2d 1698, 1701 (Fed.Cir. 1992) (quoting *Kenner Parker Toys*, 22 USPQ2d at 1456). According to the Federal Circuit:

When an opposer's trademark is strong it can never be of "little consequence." The fame of a trademark may affect the likelihood that purchasers will be confused inasmuch as less care may be taken in purchasing a product under a famous name.

Specialty Brands v. Coffee Bean Distributors, Inc., 223 USPQ 1281, 1284 (Fed.Cir. 1984).

Importantly, in order to determine whether a mark has achieved sufficient “public recognition and renown” to warrant a finding of fame under the fifth *DuPont* factor, direct evidence of fame is not required. Indirect evidence, such as length of use of the mark, sales volume and marketing expenditures typically suffices. *See, e.g., Bose Corp. v. QSC Audio Products, Inc.*, 63 USPQ2d 1303, 1305-09 (Fed.Cir. 2002).

Life Zone has been advertising, promoting, and selling products and services under its LIFE ZONE trademarks for over twenty (20) years. Life Zone has gained national recognition for its LIFE ZONE trademarks and related goods and services based on its extensive and continuous use of its trademarks in a variety of advertising medias and trade channels. As previously shown, Life Zone has promoted its LIFE ZONE trademarks through the Internet, radio advertising and interviews, direct mailing, and participation in seminars and conventions. *See*, Exhibits H, I, J, and K attached hereto. Life Zone has expended significant amounts of time and resources in achieving its nationwide recognition. Moreover, Life Zone’s U.S. Trademark Reg. Nos. 2,417,495 and 2,417,496 have achieved incontestability status. *See*, Exhibits A and B attached hereto. Life Zone’s trademarks are extremely well-known in the industry and are very strong. Accordingly, this factor heavily favors Life Zone.

3. The Respective Goods and Services Are Closely Related

The evidence of record indicates that Middleman’s goods and services are closely related to Life Zone’s goods and services. The term “related” refers to a possible relation between the conflicting marks made by a common consumer, not that the goods or services are physically related. The Board has held that:

It is not necessary that these respective goods be identical or even competitive in order to support a finding of likelihood of confusion. Rather, it is sufficient that the goods are related in some manner, or that the circumstances surrounding their marketing are such, that they would be likely to be encountered by the same

persons in situations that would give rise, because of the marks used thereon, to a mistaken belief that they originate from or are in some way associated with the same source or that there is an association or connection between the sources of the respective goods.

Time Warner Entertainment Co. v. Jones, 65 USPQ2d 1650, 1661 (TTAB 2002) (internal citations omitted). Middleman's "use need not be the same as, nor one in competition with the original use. The question is, are the uses so related that they are likely to be connected in the mind of a prospective purchaser?" *Fleischmann Distilling Corp. v. Maier Brewing Co.*, 314 F.2d 149, 136 USPQ 508 (9th Cir. 1963), *cert. denied*, 374 U.S. 830 (1963).

Because of the similarities between the respective goods and services, they would be encountered by the same consumers when Life Zone's consumers attend a Middleman LIFE ZONE seminar, and consumer confusion as to source would be likely. Moreover, any corporation that had previously employed Life Zone for a seminar would be confused by Middleman's use of the LIFE ZONE mark.

a. Middleman's Seminar Services

Middleman has applied for the mark LIFEZONE in connection with "educational services, namely, conducting seminars, speeches, workshops, lectures and classes in the field of personal development, leadership and management, and distributing course materials in connection therewith." *See*, Exhibit E attached hereto. Middleman asserts that the primary customers for its educational services are corporations and businesses, as opposed to individuals. *See*, Testimony of Randy Moser (hereinafter "Moser Testimony"), Exhibit R attached hereto, p. 9 lines 11-13. Middleman describes its services as help optimizing the performance of the corporation's employees. *Id.* at p. 9 lines 22-23. Middleman admits that part of its educational services includes a consideration of individual health and appearance. *Id.* at p. 27 line 14 through p. 28 line 7.

b. Life Zone's Seminar Services

Life Zone has over twenty (20) years prior use for the trademark LIFE ZONE in connection with “educational services, namely, conducting seminars and consulting in the field of nutritional supplements, skin care products, cosmetics, health and fitness, marketing, accounting, and management.” *See*, Exhibit D attached hereto; *see also*, Henderson Testimony, Exhibit Q attached hereto, p. 8 line 22 through p. 10 line 1.

Life Zone has conducted numerous seminars on a variety of topics and advertises these seminar services on its website, which can be customized for individual consumers. *See*, Exhibit M attached hereto; *see also*, Henderson Testimony, Exhibit S attached hereto, p. 21 line 18 through p. 24 line 20. Representative examples of Life Zone's seminar services include the following:

(i) Life Zone conducted a seminar for a corporation that requested a presentation to its sales force on leadership skills, marketing skills, and company growth. *See*, Exhibit K attached hereto (Bates number LZ 0254); *see also*, Henderson Testimony, Exhibit S attached hereto, p. 32 lines 17-25 and p. 34 line 3 through p. 35 line 9.

(ii) Life Zone conducted a seminar for gymnasts concerned about optimizing performance during competition, which included discussions of nutritional and psychological factors in competition. *See*, Exhibit K attached hereto (Bates numbers LZ 0256 and LZ 0260); *see also*, Henderson Testimony, Exhibit S attached hereto, p. 33 line 5 through p. 34 line 2.

(iii) Life Zone has lectured twice to the Business Department at Utah State University concerning starting and conducting a business. *See*, Exhibit K attached hereto (Bates numbers LZ 0263 and LZ 0264); *see also*, Henderson Testimony, Exhibit S attached hereto, p. 36 line 1 through p. 38 line 1.

(iv) Life Zone has also lectured at Utah State University on topics of particular interest to women, including physical presentation and mental preparation in business settings. *See*, Exhibit K attached hereto (Bates numbers LZ 0268 through LZ 0270); *see also*, Henderson Testimony, Exhibit S attached hereto, p. 38 line 21 through p. 40 line 3.

(v) Life Zone also has affidavit testimonial evidence establishing its use of the LIFE ZONE mark for educational services, as well as nutrition and skin care products. For example, Life Zone has spoken on personal development, an exercise program, and nutrition. *See*, Exhibit N attached hereto (Bates number LZ 053). Life Zone has consulted on mineral nutrition and alternative health procedures. *See*, Exhibit N attached hereto (Bates number LZ 0054). Life Zone has spoken about nutritional supplementation. *See*, Exhibit N attached hereto (Bates number LZ 0055); *see also*, Henderson Testimony, Exhibit S attached hereto, p. 41 lines 9-12. Life Zone has provided numerous training sessions on selling and business techniques, chelation of minerals, and proper, ethical selling practices. *See*, Exhibit N attached hereto (Bates number LZ 0057); *see also*, Henderson Testimony, Exhibit S attached hereto, p. 41 line 19 through p. 42 line 3.

(vi) Additional testimonial evidence is available demonstrating Life Zone's use of the LIFE ZONE trademark in association with a variety seminar topics and products, including starting and operating a small business, numerous health issues, business marketing, nutrition, and cosmetics. *See*, Exhibit N attached hereto (Bates numbers LZ 0058 through LZ 0064, LZ0318, LZ0320, and LZ 0321); *see also*, Henderson Testimony, Exhibit S attached hereto, p. 42 line 4 through p. 46 line 20.

Life Zone has overwhelming evidence establishing its priority use of the LIFE ZONE trademark in association with a variety of business and nutrition educational services over the

past twenty (20) years. The evidence of Life Zone's seminar and educational services establishes priority use and that Life Zone's services compete directly with Middleman's services. This direct competition coupled with identical marks is sufficient to deny Middleman's registration of the LIFE ZONE mark. *See, Sands, Taylor & Wood Co. v. Quaker Oats Co.*, 978 F.2d 947, 24 USPQ2d 1001, 1012 (7th Cir. 1992) (finding even a weak mark entitled to protection when the conflicting marks are identical and the goods are competitive).

c. Life Zone's Products

Life Zone has registered LIFE ZONE trademarks in connection with "nutritional supplements, mineral supplements and vitamins" and "skin care products, namely, skin cleansing gel, skin lotion and face cream." *See, Exhibits B and C, respectively.* The advertising and promotion of these products has necessarily included educating consumers and potential consumers on the use and benefits of the products. *See, Exhibit L attached hereto.*

Based on the trademark definition of "related," Life Zone's products are related to Middleman's services because Life Zone customers who attend Middleman's LIFE ZONE seminars may conclude that Life Zone is sponsoring or endorsing Middleman's services.

In conclusion, the services offered by Middleman are closely related to the goods and services offered by Life Zone making confusion among consumers likely. Accordingly, this factor heavily favors Life Zone.

4. The Marketing and Trade Channels Are Virtually Identical

Middleman has stated that it promotes its goods and services "through advertising in all media services, direct, mail, and in-person sales." *See, Exhibit P attached hereto, response to Interrogatory No. 5.* Middleman's customers are corporations. *See, Moser Testimony, Exhibit R*

attached hereto, p. 9 lines 11-13. Middleman has done some presentations regarding its services on radio. *Id.* at p. 21 lines 14-16.

As established previously, these are the identical channels of trade utilized most by Life Zone to promote its goods and services. Life Zone uses direct mailing services. *See*, Exhibit I attached hereto. Life Zone has conducted radio interviews concerning its products. *See*, Exhibit J attached hereto. Life Zone's customers include corporations and individuals. *See*, Henderson Testimony, Exhibit S attached hereto, p. 47 lines 1-22. Thus, the channels of trade utilized by Middleman and Life Zone are virtually identical. Accordingly, this factor favors Life Zone.

5. There Has Been No Opportunity for Actual Confusion

Although there is no direct evidence of actual confusion between the parties' marks, Life Zone submits that there has been little opportunity for actual confusion because there is only minimal evidence in the record that Middleman has in fact used its mark for an extended period of time. The absence of evidence of actual confusion is neither surprising nor legally significant. Moreover, such evidence is not required in order to establish that a likelihood of confusion exists. *See, Gillette Canada Inc. v. Ranir Corp.*, 23 USPQ2d 1768, 1774 (TTAB 1992); *Block Drug v. Den-Mat Inc.*, 17 USPQ2d 1315, 1318 (TTAB 1989). This factor does not favor either party.

6. Middleman Has No Right to Exclude Others from Using LIFE ZONE

Middleman has not claimed use of the LIFE ZONE mark prior to its application date, nor has Middleman identified any prior registrations owned by it for LIFE ZONE or similar marks. Thus, Middleman has no right to exclude others from using the LIFE ZONE trademark except for any rights based on Middleman's filed application, which is in dispute in this proceeding. This factor favors a finding for Life Zone.

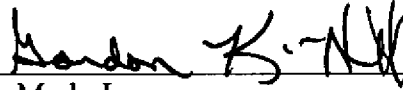
VI. CONCLUSION

Over the last twenty years, Life Zone has developed a strong reputation and tremendous goodwill in its LIFE ZONE trademarks as used in connection with cosmetics, skin care products, nutritional supplements, mineral supplements, and educational services related to the use, benefits, marketing and sales of these goods. In contrast, Middleman is a newcomer in the industry and has not developed such trademark rights. Based on the identical sight, sound and meaning of the respective trademarks, the closely related respective goods and services, the strength of Life Zone's family of trademarks, and the identical trade channels used by the parties, Middleman's applied for LIFEZONE mark will cause a likelihood of confusion with Life Zone's trademarks.

Accordingly, Life Zone respectfully urges the Board to sustain this opposition proceeding and refuse registration of Middleman's Trademark Application Serial No. 78/307,830.

Dated: November 12, 2007.

Respectfully Submitted,



Peter M. de Jonge
Gordon K. Hill
THORPE NORTH & WESTERN
8180 South 700 East, Suite 350
Sandy, Utah 84070
Telephone: (801) 566-6633
Facsimile: (801) 566-0750

Attorneys for Opposer, Life Zone, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Brief of Opposer, Life Zone, Inc. was served upon the Applicant at the following by the methods indicated below:

James A. Zellinger
23 Brookglen La.
Greensboro, N.C. 27410

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- United States Mail
- First Class, Postage Pre-Paid
- Overnight Delivery **DHL**
- Fax Transmission
(336) 605-0555

Dated: November 12, 2007

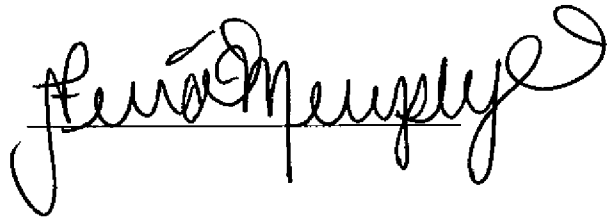


EXHIBIT A

Int. Cl.: 1

Prior U.S. Cls.: 1, 5, 6, 10, 26 and 46

United States Patent and Trademark Office

Reg. No. 2,417,495

Registered Jan. 2, 2001

**TRADEMARK
PRINCIPAL REGISTER**

LIFE ZONE

**LIFE ZONE, INC. (UTAH CORPORATION)
48 NORTH 100 WEST
HYDE PARK, UT 84318**

FIRST USE 1-1-1986; IN COMMERCE 1-1-1986.

SER. NO. 75-890,718, FILED 1-7-2000.

**FOR: PLANT FOOD, NAMELY, MINERAL SUP-
PLEMENTS FOR PLANTS, IN CLASS 1 (U.S. CLS.
1, 5, 6, 10, 26 AND 46).**

JON SCHIFFRIN, EXAMINING ATTORNEY



PTO Form 1583 (Rev 5/2006)
 OMB No. 0651-0055 (Exp 10/31/2008)

Combined Declaration of Use and Incontestability Under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2417495
REGISTRATION DATE	01/02/2001
SERIAL NUMBER	75890718
MARK SECTION	
MARK	LIFE ZONE
OWNER SECTION (current)	
NAME	Life Zone, Inc.
STREET	48 North 100 West
CITY	Hyde Park
STATE	UT
ZIP/POSTAL CODE	84318
COUNTRY	US
OWNER SECTION (proposed)	
NAME	Life Zone, Inc.
STREET	15 South Country Lane
CITY	Fruit Heights
STATE	Utah
ZIP/POSTAL CODE	84037
COUNTRY	United States

PHONE	801-593-0325
FAX	801-593-8818
ATTORNEY SECTION	
NAME	Peter M. de Jonge
FIRM NAME	Thorpe North & Western, LLP
STREET	P.O. Box 1219
CITY	Sandy
STATE	Utah
ZIP/POSTAL CODE	84091
COUNTRY	United States
PHONE	801-566-6633
FAX	801-566-0750
DOCKET NUMBERS	T8660.TM
OTHER APPOINTED ATTORNEY(S)	VAUGHN W. NORTH, M. WAYNE WESTERN, GARRON M. HOBSON, PETER M. DE JONGE, WEILI CHENG, STEVE M. PERRY, GARY P. OAKESON, DAVID W. OSBORNE, JASON R. JONES, ERIK S. ERICKSEN, ALEX HAYMOND, NATHAN S. WINESETT, CHRISTOPHER L. JOHNSON, TODD B. ALDER, ROBERT R. MALLINCKRODT, and GORDON K. HILL
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	001
KEEP EXISTING GOODS AND/OR SERVICES	YES
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT6\IMAGEOUT6\758\907\75890718.xml\81 50002.JPG</u>
	<u>\\TICRS\EXPORT6\IMAGEOUT6\758\907\75890718.xml\81 50003.JPG</u>
SPECIMEN DESCRIPTION	Digitally photographed bottle
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300

TOTAL AMOUNT	300
SIGNATURE SECTION	
SIGNATURE	/petermdejonge/
SIGNATORY NAME	Peter M. de Jonge
SIGNATORY DATE	04/21/2006
SIGNATORY POSITION	Attorney
PAYMENT METHOD	ET
FILING INFORMATION	
SUBMIT DATE	Fri Apr 21 11:35:33 EDT 2006
TEAS STAMP	USPTO/S08N15-6623693130-2 0060421113533870291-24174 95-200546876aff25fa8e412a 96e1829fc08a-ET-1154-2006 0421113350165121

Combined Declaration of Use and Incontestability Under Sections 8 & 15

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2417495

REGISTRATION DATE: 01/02/2001

MARK: LIFE ZONE

The owner, Life Zone, Inc., residing at 15 South Country Lane, Fruit Heights, Utah United States 84037, is using the mark in commerce on or in connection with the goods and /or services as follows:

For International Class 001, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services , consisting of a(n) Digitally photographed bottle.

Specimen-1

Specimen-2

The registrant hereby appoints Peter M. de Jonge and VAUGHN W. NORTH, M. WAYNE WESTERN, GARRON M. HOBSON, PETER M. DE JONGE, WEILI CHENG, STEVE M. PERRY, GARY P. OAKESON, DAVID W. OSBORNE, JASON R. JONES, ERIK S. ERICKSEN, ALEX HAYMOND, NATHAN S. WINESETT, CHRISTOPHER L. JOHNSON, TODD B. ALDER, ROBERT R. MALLINCKRODT, and GORDON K. HILL of Thorpe North & Western, LLP, P.O. Box 1219, Sandy, Utah United States 84091 to submit this Combined Declaration of Use and Incontestability Under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is T8660.TM.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The owner is using or is using through a related company or licensee the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods and/or services as identified above. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /petermdejonge/ Date: 04/21/2006

Signatory's Name: Peter M. de Jonge

Signatory's Position: Attorney

Mailing Address:

Thorpe North & Western, LLP

P.O. Box 1219

Sandy, Utah 84091

RAM Sale Number: 1154

RAM Accounting Date: 04/21/2006

Serial Number: 75890718

Internet Transmission Date: Fri Apr 21 11:35:33 EDT 2006

TEAS Stamp: USPTO/S08N15-6623693130-2006042111353387

0291-2417495-200546876aff25fa8e412a96e18

29fc08a-ET-1154-20060421113350165121

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Mail / Create Date: **20-Jul-2006**

Side - 1



**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION
MAILING DATE: Jul 20, 2006**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2417495
MARK: LIFE ZONE
OWNER: Life Zone, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

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PETER M DE JONGE
THORPE N & WESTERN LLP
P O BOX 1219
SANDY, UT 84091-1219

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EXHIBIT B

Int. Cl.: 5

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

United States Patent and Trademark Office

Reg. No. 2,417,496

Registered Jan. 2, 2001

**TRADEMARK
PRINCIPAL REGISTER**

LIFE ZONE

**LIFE ZONE, INC. (UTAH CORPORATION)
48 NORTH 100 WEST
HYDE PARK, UT 84318**

FIRST USE 1-1-1986; IN COMMERCE 1-1-1986.

SER. NO. 75-890,719, FILED 1-7-2000.

**FOR: NUTRITIONAL SUPPLEMENTS, MINERAL
SUPPLEMENTS AND VITAMINS, IN CLASS 5 (U.S.
CLS. 6, 18, 44, 46, 51 AND 52).**

JON SCHIFFRIN, EXAMINING ATTORNEY



PTO Form 1583 (Rev 5/2006)
 OMB No. 0651-0055 (Exp 10/31/2008)

Combined Declaration of Use and Incontestability Under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2417496
REGISTRATION DATE	01/02/2001
SERIAL NUMBER	75890719
MARK SECTION	
MARK	LIFE ZONE
OWNER SECTION (no change)	
ATTORNEY SECTION	
NAME	Peter M. de Jonge
FIRM NAME	Thorpe North & Western
STREET	P.O. Box 1219
CITY	Sandy
STATE	Utah
ZIP/POSTAL CODE	84091-1219
COUNTRY	United States
PHONE	801-566-6633
FAX	801-566-0750
DOCKET NUMBERS	T8658.TM
	VAUGHN W. NORTH, M. WAYNE WESTERN, GARRON M. HOBSON, PETER M. DE JONGE, WEILI CHENG, STEVE M. PERRY, GARY P. OAKESON, DAVID W. OSBORNE, JASON R.

OTHER APPOINTED ATTORNEY(S)

JONES, ERIK S. ERICKSEN, ALEX HAYMOND,
NATHAN S. WINESETT, CHRISTOPHER L.
JOHNSON, TODD B. ALDER, ROBERT R.
MALLINCKRODT, and GORDON K. HILL

GOODS AND/OR SERVICES SECTION

INTERNATIONAL CLASS

005

KEEP EXISTING GOODS AND/OR
SERVICES

YES

SPECIMEN FILE NAME(S)

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\\TICRS\EXPORT7\IMAGEOUT7\758\907
\75890719\xml\81 50003.JPG

SPECIMEN DESCRIPTION

digitally photographed label

PAYMENT SECTION

NUMBER OF CLASSES

1

NUMBER OF CLASSES PAID

1

SUBTOTAL AMOUNT

300

TOTAL AMOUNT

300

SIGNATURE SECTION

SIGNATURE

/petermdejonge/

SIGNATORY NAME

Peter M. de Jonge

SIGNATORY DATE

01/13/2006

SIGNATORY POSITION

Attorney

PAYMENT METHOD

ET

FILING INFORMATION

SUBMIT DATE

Fri Jan 13 12:27:46 EST 2006

TEAS STAMP

USPTO/S08N15-6623693130-2
0060113122746159488-24174
96-20017284e5cea20eb80709
bc49b84698e4-ET-1462-2006
0113122629023200

Combined Declaration of Use and Incontestability Under Sections 8 & 15

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2417496

REGISTRATION DATE: 01/02/2001

MARK: LIFE ZONE

The owner, Life Zone, Inc., residing at 48 North 100 West, Hyde Park, UT US 84318, is using the mark in commerce on or in connection with the goods and /or services as follows:

For International Class 005, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services , consisting of a(n) digitally photographed label.

Specimen-1

Specimen-2

The registrant hereby appoints Peter M. de Jonge and VAUGHN W. NORTH, M. WAYNE WESTERN, GARRON M. HOBSON, PETER M. DE JONGE, WEILI CHENG, STEVE M. PERRY, GARY P. OAKESON, DAVID W. OSBORNE, JASON R. JONES, ERIK S. ERICKSEN, ALEX HAYMOND, NATHAN S. WINESETT, CHRISTOPHER L. JOHNSON, TODD B. ALDER, ROBERT R. MALLINCKRODT, and GORDON K. HILL of Thorpe North & Western, P.O. Box 1219, Sandy, Utah United States 84091-1219 to submit this Combined Declaration of Use and Incontestability Under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is T8658.TM.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The owner is using or is using through a related company or licensee the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods and/or services as identified above. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /petermdejonge/ Date: 01/13/2006

Signatory's Name: Peter M. de Jonge

Signatory's Position: Attorney

Mailing Address:

Thorpe North & Western

P.O. Box 1219

Sandy, Utah 84091-1219

RAM Sale Number: 1462

RAM Accounting Date: 01/13/2006

Serial Number: 75890719

Internet Transmission Date: Fri Jan 13 12:27:46 EST 2006

TEAS Stamp: USPTO/S08N15-6623693130-2006011312274615

9488-2417496-20017284e5cea20eb80709bc49b

84698e4-ET-1462-20060113122629023200

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Document Description: **Notice of Acceptance Acknowledgement**
Mail / Create Date: **03-May-2006**

Side - 1



**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION
MAILING DATE: May 3, 2006**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2417496
MARK: LIFE ZONE
OWNER: Life Zone, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
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P.O. BOX 1451
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NOTE: Within any e-mail, please include your telephone number so we can talk to you directly, if necessary. Also, include the relevant serial number or registration number, if existing.

EXHIBIT C

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,559,787

Registered Apr. 9, 2002

**TRADEMARK
PRINCIPAL REGISTER**

LIFE ZONE

**LIFE ZONE, INC. (UTAH CORPORATION)
48 NORTH 100 WEST
HYDE PARK, UT 84318**

FIRST USE 1-1-1986; IN COMMERCE 1-1-1986.

**FOR: SKIN CARE PRODUCTS, NAMELY, SKIN
CLEANSING GEL, SKIN LOTION AND FACE
CREAM, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).**

SN 75-894,209, FILED 1-7-2000.

SUSAN HAYASH, EXAMINING ATTORNEY

EXHIBIT D

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/432601

APPLICANT: Life Zone, Inc.

78432601

CORRESPONDENT ADDRESS:

PETER M. DE JONGE
THORPE NORTH & WESTERN, LLP
PO BOX 1219
SANDY UT 84091-1219

RETURN ADDRESS:

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

If no fees are enclosed, the address should include the words

"Box Responses - No Fee."

MARK: LIFE ZONE

CORRESPONDENT'S REFERENCE/DOCKET NO: 23557.SM

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

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

Serial Number 78/432601

NOTICE OF SUSPENSION

Work on this application is suspended pending the disposition of:

- Application Serial No(s). **76553544 and 78307830.**

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

examining attorney acknowledges the applicant's claim of ownership of prior Registration Nos. 2559787, 2417496 and 2417495 made in its recent communication filed on July 25, 2005. This response is acceptable and has been added to the file.

Applicant must note, however, the following refusal and requirements, which Applicant did not respond to the initial Office Action, are maintained and continued. Please see the previous Office Action for specific requirements.

Registration Refused Under §§1, 3 and 45: Failure to Function as Service Mark – Refusal Continued

Examining attorney maintains and continues her refusal to register the mark because the proposed mark, as used on the goods of record, does not function as a service mark to indicate the source of the services. Trademark Act Sections 1, 3 and 45, 15 U.S.C. §§1051, 1053 and 1127;

Amendment of Identification of Services Required – Requirement Continued

The identification of services is unacceptable. The wording used to describe the services needs clarification because the identification is vague, ambiguous and too broad. The applicant must amend the identification to identify with clarity and specificity the exact nature of the services provided.

Insufficient Fees/Clarification of Number of Classes for Which Registration is Sought – Requirement Continued

Applicant must clarify the number of classes for which registration is sought. The submitted filing fees are insufficient to cover all the classes in the application. Specifically, the application identifies services that are classified in at least three international classes, however applicant paid the fee for only one class(es).

Tonia M. Fisher

/Tonia M. Fisher/

Trademark Examining Attorney

Law Office 113

(571) 272-9720



TRADEMARK LAW OFFICE NO.: 113
Serial No: 78/432,601
Mark: LIFE ZONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Life Zone, Inc.)
Serial No.: 78/432,601)
Filed: June 9, 2004)
Mark: LIFE ZONE)
Examiner: Tonia M. Fisher)
Law Office: 113)
Docket No.: 23557.SM)

**RESPONSE/REQUEST
TO SUSPEND**

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

Dear Madam:

In response to the Office Action mailed January 24, 2005, please reconsider the above-identified trademark application in view of the remarks provided below.

CERTIFICATE OF DEPOSIT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, on the date indicated below in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Date of Deposit

7/22/05

Mandy Skare



07-25-2005

Ownership of Prior Registrations

As requested by the Examining Attorney, Applicant hereby submits that it is the owner of Registration Nos. 2559787, 2417496 and 2417495.

REMARKS

In the January 24, 2005 Office Action, the Examining Attorney indicated that the present application would be suspended pending the resolution of Application Serial No. 76/553,544 and Application Serial No. 78/307,830. In view of the foregoing, Applicant respectfully requests that this Application be suspended. If any impediment to suspending this application exists, the Trademark Attorney is invited to initiate a telephone interview with the undersigned.

DATED this 27th day of July, 2005.

Respectfully submitted,



Nathan S. Winesett
Attorney for Applicant

THORPE NORTH & WESTERN, LLP
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone (801) 566-6633
Facsimile (801) 566-0750

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/432601

APPLICANT: Life Zone, Inc.

78432601

CORRESPONDENT ADDRESS:

PETER M. DE JONGE
THORPE NORTH & WESTERN, LLP
PO BOX 1219
SANDY UT 84091-1219

RETURN ADDRESS:

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

MARK: LIFE ZONE

CORRESPONDENT'S REFERENCE/DOCKET NO: 23557.SM

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

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

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78/432601

A designated trademark examining attorney has reviewed the referenced application and has determined the following.

Search Results: Potential Bar to Registration

Office records have been searched and no similar *registered* mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. However, please be advised that a potential conflicting mark in prior-filed pending applications may present a bar to registration.

Information regarding pending Application Serial Nos. 76553544 and 78307830 is enclosed. The filing dates of the referenced applications precede applicant's filing date. There may be a likelihood of confusion between the marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced applications register, registration may be refused in the future under Section 2(d). 37 C.F.R. §2.83; TMEP §1208.01.

applicant must also note the following additional refusal:

Registration Refused Under §§1, 3 and 45: Failure to Function as Service Mark

examining attorney refuses registration of the mark because the proposed mark, as used on the specimen of record, does not function as a service mark to indicate the source of the services. Trademark Act Sections 1, 3 and 45, 15 U.S.C. §§1051, 1053 and 1127; The proposed mark neither identifies and distinguishes the services of the applicant from those of others nor indicates their source. *In Re Remington Products Inc.*, 3 USPQ2d 1714 (TTAB 1987). TMEP §§1202 *et seq.* Note that the proposed mark does not function as a service mark because the specimens submitted with application are unacceptable as evidence of actual service mark use for the services recited; therefore, the proposed mark cannot identify and distinguish the applicant's services from those of others nor indicate their source.

The specimen is unacceptable as evidence of actual service mark use because it does not show use of the mark in connection with the services identified. The specimen merely appears to be the cover of an internal document for use by many representatives and not purchasing consumers of applicant's services. A specimen is unacceptable if it does not show use of the service mark in relation to the identified services. *Intermed Communications, Inc. v. Chaney*, 197 USPQ 100 (TTAB 1977). The specimen must show use of the mark "in the sale or advertising of services." Trademark Act Section 45, 15 U.S.C. §1127; *In re Universal Oil Products Co.*, 476 F.2d 653, 177 USPQ 456 (C.C.P.A. 1973); TMEP 01.04 *et seq.* Therefore, the specimen must show the mark in reference to the particular services identified, namely, conducting seminars and consulting in the field of nutritional supplements, skin care products, cosmetics, health and fitness, marketing, accounting, and management." The specimen does not show any reference to these identified services.

The applicant must demonstrate how the mark is used with the services by submitting an acceptable specimen. *In re Inco Corp.*, 189 USPQ 248 (TTAB 1975); 37 C.F.R. §2.56; TMEP §§1301.04 *et seq.* Examples of acceptable specimens are signs, photographs, brochures or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq.*

The applicant must verify, with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20, **that the substituted specimen was in use in commerce at least as early as the filing date of the application.** 37 C.F.R. §2.59(b); TMEP 4.09 and 1109.09(b).

If an amendment of the dates-of-use clause is necessary in order to state the correct dates of first use, the applicant must file the amendment with an affidavit or a declaration in accordance with 37 C.F.R. §2.20. 37 C.F.R. §2.71(c); TMEP 3.05 and 1109.09(a).

Even though the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following requirements:

Clarification of Recitation of Services

The wording used to describe the services needs clarification because the identification is vague, ambiguous and too broad. However, the wording, could and appears to, include services identified in other international classes. Consulting services are classified according to the subject matter of the consulting services. For example, business consulting services are classified in International Class 35 and food nutrition consulting services are classified in International Class 44. Applicant must identify with clarity and specificity the exact nature of services provided and classify the services in the appropriate international class. Applicant may adopt any or all of the following identification of services, in the designated classes,

rate: TMEP §1402.01.

International Class 35

business consulting, namely consulting businesses in the field of marketing, accounting and business management, International Class 35.

International Class 41

recreational services, namely conducting seminars in the field of nutritional supplements, skin care products, cosmetic and fitness, marketing, accounting and management; physical fitness consultation, in International Class 41.

International Class 44

nutrition consulting in the field of nutritional supplements; beauty consultation and information services featuring information about skin care products and cosmetics; providing health information, in International Class 44.

Please note that, while the identification of services may be amended to clarify or limit the services, adding to the service or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant must amend the identification to include services that are not within the scope of the services set forth in the present identification.

Efficient Fees

Applicant must clarify the number of classes for which registration is sought. The submitted filing fees are insufficient to cover all the classes in the application. Specifically, the application identifies services that are classified in at least three international classes, however applicant paid the fee for only one class(es).

Applicant must either: (1) restrict the application to the number of class(es) covered by the fee already paid, or (2) pay the required fee for each additional class(es). 37 C.F.R. §2.86(a)(2); TMEP §§810.01, 1401.04, 1401.04(b) and 1403.01.

If applicant chooses services in more than one class(es), then applicant must add a class(es). Please see below for the specific requirements for adding a class(es).

Combined or Multiple-Class Application

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the requirements below for those goods and/or services based on actual use in commerce under Trademark Act Section 44.

(1) Applicant must list the goods/services by international class with the classes listed in ascending numerical order. TMEP §1403.01.

(2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid. 37 C.F.R. §2.86(a)(2); TMEP §§810.01 and 1403.01.

(3) Applicant must submit:

(a) dates of first use of the mark anywhere and dates of first use of the mark in commerce; the dates of use, both anywhere and in commerce, must be at least as early as the filing date of the application; 37 C.F.R. §§2.34(a)(1)(i);

2.34(a)(1)(ii) and 2.86(a)(3);

(b) one specimen showing use of the mark for each class of goods and/or services; the specimen(s) must have been in use in commerce at least as early as the filing date of the application; 37 C.F.R. §§2.34(a)(1)(iv) and 2.86(a)(3) and

(c) both the dates of use and a statement that "the specimen was in use in commerce at least as early as the filing date of the application" must be verified in a notarized affidavit or a signed declaration under 37 C.F.R. §2.20; 37 C.F.R. §§2.59(a) and 2.71(c).

Proof of Ownership of Prior Registrations Required

If an applicant is the owner of U.S. Registrations Nos. 2559787, 2417496 and 2417495, then applicant must submit a claim of ownership. 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

I, _____, am the owner of U.S. Registrations Nos. 2559787, 2417496 and 2417495.

NOTICE: FEE CHANGE

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

(1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS) or

(2) \$375 per international class if filed on paper

Additional fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

NOTICE: TRADEMARK OPERATION RELOCATION

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

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

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

/Tonia M. Fisher/

Trademark Examining Attorney

Law Office 113

(571) 272-9720

to respond to this Office Action:

may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action (visit <http://etes.uspto.gov/V2.0/oa242/WIZARD.htm> and follow the instructions therein, but you must wait until 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions concerning applications filed under the Madrid Protocol (Section 66(a)) CANNOT currently be filed via TEAS.

Respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNING ATTORNEY.

DESIGN MARK

Serial Number

76553544

Status

SUSPENSION LETTER - MAILED

Word Mark

ZONE

Standard Character Mark

No

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Barry D. Sears, Ph.D. INDIVIDUAL UNITED STATES 222 Rosewood Drive,
Suite 500 Danvers MASSACHUSETTS 01923

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely, conducting workshops, seminars and classes in the fields of diet, health and nutrition; providing on-line magazines, newsletters, bulletins, in the fields of diet, health, and nutrition; providing on-line newsletters in the fields of diet, health and nutrition by e-mail.

Goods/Services

Class Status -- ACTIVE. IC 043. US 100 101. G & S: catering services; restaurant, cafe and snack bar services.

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: providing information in the fields of diet, health and nutrition via e-mail.

Prior Registration(s)

2623974;2689749

Description of Mark

The mark is comprised of the stylized word "ZONE," with the letter "O" in the color yellow, and overlapping the letter "Z," and with the letters "Z," "N," and "E," in the color red. Applicant is claiming color as an element of the mark.

Print: Jan 11, 2005

76553544

Filing Date
2003/10/03

Examining Attorney
MARTIN, JENNIFER

Attorney of Record
Deborah L. Benson

ZONE

TYPED DRAWING

Serial Number

78307830

Status

OPPOSITION PENDING

Word Mark

LIFEZONE

Standard Character Mark

No

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Middleman Group, Inc. CORPORATION NORTH CAROLINA 2100 San Fernando
Drive High Point NORTH CAROLINA 27265

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational
services, namely, conducting seminars, speeches, workshops, lectures
and classes in the field of personal development, leadership and
management, and distributing course materials in connection therewith.

Filing Date

2003/10/01

Examining Attorney

AIRBANKS, RON

Attorney of Record

James A. Zellinger

r:lfisher ***

Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
1	0	1	1	0:01	78432601[SN]
16070	N/A	0	0	P/0:06	*l{"iy"}f*[bi,ti] not dead[ld]
7535	N/A	0	0	P/0:06	*l{"iy"}v*[bi,ti] not dead[ld]
4594	N/A	0	0	P/0:03	*{"zx"}on*[bi,ti] not dead[ld]
45	0	45	20	P/0:01	4 and (2 3)
1901	N/A	0	0	P/0:05	4 and 041[cc]
521	N/A	0	0	P/0:03	4 and (a b 200 "041")[ic]
4114	N/A	0	0	P/0:06	*zon*[bi,ti] not dead[ld]
2548	N/A	0	0	P/0:06	*zone*[bi,ti] not dead[ld]
1060	N/A	0	0	P/0:05	9 and 041[cc]
343	N/A	0	0	P/0:03	9 and (a b 200 "041")[ic]
360	N/A	0	0	P/0:03	9 and (a b 200 "035")[ic]
40	0	40	25	P/0:04	9 and (a b 200 "044")[ic]
2231	N/A	0	0	P/0:02	zone[bi,ti] not dead[ld]
316	N/A	0	0	P/0:03	14 and 041[ic]
335	N/A	0	0	P/0:02	14 and 035[ic]
62	30	32	12	P/0:01	zone[fm]

Started 1/11/05 12:43:36 PM

Finished 1/11/05 1:07:06 PM

Search duration 1 minutes 0 seconds

Index duration 23 minutes 30 seconds

EAR limit=1ADJ limit=1

> TICRS as Serial Number: 78432601

Trademark/Service Mark Application, Principal Register

Serial Number: 78432601

Filing Date: 06/09/2004

The table below presents the data as entered.

MARK SECTION	
CHARACTER TYPE	LIFE ZONE
STANDARD CHARACTERS	YES
COMPUTER-GENERATED IMAGE	YES
MARK TYPE	LIFE ZONE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
OWNER NAME	Life Zone, Inc.
OWNER ADDRESS	15 South Country Lane
	Fruit Heights
OWNER STATE	UT
POSTAL CODE	84037
COUNTRY	USA
AUTHORIZED EMAIL COMMUNICATION	No
LEGAL ENTITY SECTION	
ENTITY TYPE	CORPORATION
COUNTRY OF INCORPORATION	Utah
GOODS AND/OR SERVICES SECTION	
NATIONAL CLASS	041
DESCRIPTION	EDUCATIONAL SERVICES, NAMELY, CONDUCTING SEMINARS AND CONSULTING IN THE FIELD OF NUTRITIONAL SUPPLEMENTS, SKIN CARE PRODUCTS, COSMETICS, HEALTH AND FITNESS, MARKETING, ACCOUNTING, AND MANAGEMENT
LEGAL BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/13/1981
FIRST USE IN COMMERCE DATE	At least as early as 04/01/1981
EXHIBIT FILE NAME(S)	\\tlicrs\EXPORT10\IMAGEOUT 10\784\326\78432601\xml1\APP0003.JPG
EXHIBIT DESCRIPTION	SCANNED IMAGE OF COVER PAGE OF SEMINAR INFORMATION MANUAL

SIGNATURE SECTION	
SIGNATURE	/petermdejonge/
ATTORNEY NAME	Peter M. de Jonge
ATTORNEY DATE	06/09/2004
ATTORNEY POSITION	Attorney
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
TOTAL AMOUNT	335
PAID AMOUNT	335.00
ATTORNEY	
ATTORNEY NAME	Peter M. de Jonge
FIRM NAME	THORPE NORTH & WESTERN, LLP
ADDRESS	P.O. Box 1219
CITY	Sandy
STATE	UT
POSTAL CODE	84091-1219
COUNTRY	USA
PHONE	(801) 566-6633
FAX	(801) 566-0750
AUTHORIZED EMAIL COMMUNICATION	No
ATTORNEY DOCKET NUMBER	23557.SM
OTHER APPOINTED ATTORNEY(S)	VAUGHN W. NORTH, M. WAYNE WESTERN, CLIFTON W. THOMPSON, GARRON M. HOBSON, PETER M. DE JONGE, WEILI CHENG, DAVID R. MCKINNEY, STEVE M. PERRY, GARY P. OAKESON, DAVID W. OSBORNE, JASON R. JONES, ERIK S. ERICKSEN, JOHN W. L. OGILVIE, ALEX HAYMOND, NATHAN S. WINESETT, CHRISTOPHER L. JOHNSON, TODD B. ALDER, and JONATHAN M. BENNS
CORRESPONDENCE SECTION	
ATTORNEY NAME	Peter M. de Jonge
FIRM NAME	THORPE NORTH & WESTERN, LLP
ADDRESS	P.O. Box 1219
CITY	Sandy
STATE	UT
POSTAL CODE	84091-1219
COUNTRY	USA
PHONE	(801) 566-6633

	(801) 566-0750
HORIZONTAL EMAIL COMMUNICATION	No
MAILING INFORMATION	
RECEIVED DATE	Wed Jun 09 17:31:56 EDT 2004
POSTAL STAMP	USPTO/BAS-6623693130-2004 0609173156347531-78432601 -200fb9a56e9df9857e87622c de55a8a49a-ET-430-2004060 9173026354855

Trademark/Service Mark Application, Principal Register

Serial Number: 78432601

Filing Date: 06/09/2004

The Commissioner for Trademarks:

K: (Standard Characters, see mark)

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

The central element of the mark consists of LIFE ZONE.

The applicant, Life Zone, Inc., a corporation of Utah, residing at 15 South Country Lane, Fruit Heights, UT, USA, 84037, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of October 3, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

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

International Class 041: EDUCATIONAL SERVICES, NAMELY, CONDUCTING SEMINARS AND CONSULTING IN THE FIELD OF NUTRITIONAL SUPPLEMENTS, SKIN CARE PRODUCTS, COSMETICS, HEALTH AND FITNESS, MARKETING, ACCOUNTING, AND AGEMENT

International Class 041, the mark was first used at least as early as 02/13/1981, and first used in commerce at least as early as 04/01/1981, and is first used in such commerce. The applicant is submitting or will submit one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) SCANNED IMAGE OF COVER PAGE OF SEMINAR INFORMATION MANUAL.

Specimen - 1

The applicant hereby appoints Peter M. de Jonge and VAUGHN W. NORTH, M. WAYNE WESTERN, CLIFTON W. THOMPSON, GARRON I. HARRISON, PETER M. DE JONGE, WEILI CHENG, DAVID R. MCKINNEY, STEVE M. PERRY, GARY P. OAKESON, DAVID W.

WILSON, JASON R. JONES, ERIK S. ERICKSEN, JOHN W. L. OGILVIE, ALEX HAYMOND, NATHAN S. WINESETT, CHRISTOPHER J. HARRISON, TODD B. ALDER, and JONATHAN M. BENNS of THORPE NORTH & WESTERN, LLP, P.O. Box 1219, Sandy, UT, USA, 84070-1219 to submit this application on behalf of the applicant. The attorney docket/reference number is 23557.SM.

A payment in the amount of \$335.00 will be submitted with the application, representing payment for 1 class(es).

Declaration

I, the undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declare that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

ture: /petermdejonge/ Date: 06/09/2004

tory's Name: Peter M. de Jonge

tory's Position: Attorney

ng Address:

ter M. de Jonge

. Box 1219

ndy, UT 84091-1219

Sale Number: 430

Accounting Date: 06/10/2004

Number: 78432601

et Transmission Date: Wed Jun 09 17:31:56 EDT 2004

Stamp: USPTO/BAS-6623693130-2004060917315634753

32601-200fb9a56e9df9857e87622cde55a

-ET-430-20040609173026354855

LIFE ZONE

LIFE

ZONE

PRODUCT REPRESENTATIVE'S

BUSINESS & INFORMATION

MANUAL

LIFE ZONE

LIFE

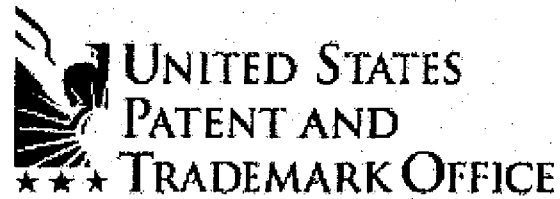
ZONE

PRODUCT REPRESENTATIVE'S

BUSINESS & INFORMATION

MANUAL

EXHIBIT E



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

Apr 21, 2004

NOTICE OF PUBLICATION UNDER 12(a)

Serial No.: 3/307,830
International Class(es):
Publication Date: May 11, 2004
2. Mark: LIFEZONE
5. Applicant: Middleman Group, Inc.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the publication of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

A copy of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202) 512-1800

Attention of the Commissioner.

Correspondence Address:

James A. Zellinger
James A. Zellinger, Attorney At Law
3704 Moss Creek Drive
Greensboro, NC 27410

TMP&I

sr:fairbanks ***

Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration	Search
1	0	1	0	0:01	78307830[SN]
31306	N/A	0	0	0:06	*l{"ly"}*["bi,ti]
8222	N/A	0	0	0:02	*zon*["bi,ti]
5	3	2	0	0:01	*zo{"ae"}n*["bi,ti]
67	37	30	14	0:01	2 and 3
4958	N/A	0	0	0:02	*zone*["bi,ti]
2376	N/A	0	0	0:02	6 not dead
1165	N/A	0	0	0:06	7 and "016"[cc]
311	0	311	93	0:03	8 and ("041" or a or b or 200)[ic]

started 2/24/04 7:12:53 PM
finished 2/24/04 7:17:34 PM
arch duration 0 minutes 24 seconds
duration 4 minutes 41 seconds
FEAR limit=1 ADJ limit=1

o TICRS as Serial Number: 78307830

Trademark/Service Mark Application, Principal Register, with Declaration

Serial Number: 78307830

Filing Date: 10/01/2003

The table below presents the data as entered.

RK	LIFEZONE
NER	
NAME	Middleman Group, Inc.
STREET	2100 San Fernando Drive
CITY	High Point
STATE	NC
ZIP/POSTAL CODE	27265
COUNTRY	USA
LEGAL ENTITY	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	North Carolina
ATTORNEY	
NAME	James A. Zellinger
FIRM NAME	James A. Zellinger, Attorney At Law
STREET	3704 Moss Creek Drive
CITY	Greensboro
STATE	NC
ZIP/POSTAL CODE	27410
COUNTRY	USA
PHONE	(336) 664-0600
FAX	(336) 605-0555
ATTORNEY DOCKET NUMBER	MIG
RESPONDENCE	
NAME	James A. Zellinger
FIRM NAME	James A. Zellinger, Attorney At Law
STREET	3704 Moss Creek Drive
CITY	Greensboro
STATE	NC

ZIP/POSTAL CODE	27410
COUNTRY	USA
PHONE	(336) 664-0600
FAX	(336) 605-0555
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Educational services, namely, conducting seminars, speeches, workshops, lectures and classes in the field of personal development, leadership and management, and distributing course materials in connection therewith.
FILING BASIS	Section 1(b)
NATURE INFORMATION	
SIGNATURE	/James A. Zellinger /
SIGNATURE DATE	10/01/2003
SIGNATORY NAME	James A. Zellinger
SIGNATORY POSITION	Attorney
COMMENT	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
NET TOTAL AMOUNT	335
NET TOTAL AMOUNT	335
FORM SALE NUMBER	1118
FORM ACCOUNTING DATE	10/01/2003
MARKING INFORMATION	
RECEIVED DATE	Wed Oct 01 08:59:30 EDT 2003
STAMP	USPTO/BAS-1922084410 0-200310010859306170 09-78307830-2007a773 f5d2025b29555887bb7d 4c9618-CC-1118-20031 001085630023090

Trademark/Service Mark Application, Principal Register, with Declaration

Serial Number: 78307830

Filing Date: 10/01/2003

Commissioner for Trademarks:

MARK: LIFEZONE

applicant, Middleman Group, Inc., a corporation of North Carolina, residing at 2100 San Fernando Drive, High Point, NC USA 27265, requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register published by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

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. (15 U.S.C. Section 1051(b)).

International Class 041: Educational services, namely, conducting seminars, speeches, workshops, lectures and classes in the field of personal development, leadership and management, and distributing course materials in connection therewith.

applicant, hereby appoints James A. Zellinger of James A. Zellinger, Attorney At Law, 3704 Moss Creek Drive, Greensboro, NC USA 27410 to submit this application on behalf of the applicant.

payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

Declaration

I, undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declare that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /James A. Zellinger / Date: 10/01/2003

Signature's Name: James A. Zellinger

Signature's Position: Attorney

Signature's Address:

James A. Zellinger

3704 Moss Creek Drive

Greensboro, NC 27410

Phone Number: 1118

Accounting Date: 10/01/2003

Phone Number: 78307830

Internet Transmission Date: Wed Oct 01 08:59:30 EDT 2003

Stamp:

0/BAS-19220844100-20031001085930617009-78307830-2007a773f5d2025b29555887bb7d4c9618-CC-1118-20031001085630023090

FILING DATE:

2003/10/01

SERIAL NUMBER:

78/307830



TRADEMARK APPLICATION

FEE RECORD SHEET

RAM SALE NUMBER: 1118

RAM ACCOUNTING DATE: 20031001

Description	Fee Code	Fee Amount	Number Of Classes	Total Fees Paid
New App	7001	335	1	335

Drawing Page

Date/Time Stamp:

10/01/2003 08:56:3



Serial Number:

78307830



Mark:

LIFEZONE

Applicant:

Middleman Group, Inc.
2100 San Fernando Drive
High Point NC 27265
USA

Date of First Use Anywhere: Intent-To-Use (Section 1(b))

Date of First Use In Commerce: Intent-To-Use (Section 1(b))

Goods and Services:

Educational services, namely, conducting seminars, speeches, workshops, lectures and classes in the field of personal development, leadership and management, and distributing course materials in connection therewith.

EXHIBIT F



Health Products	Health Information	About Us	Contact Us	Shopping Cart
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About Us

EXHIBIT 61
 WIT: Henderson
 DATE: 9-9-07
 CHCourt, LLC

Dedication

Dr. Harvey Ashmead is known world-wide for the stabilization of penicillin during WWII. He is also the master mind behind the minerals offered by Life Zone® and the chemistry behind infant formulas and protein fortified drinks. During the war, Dr. Ashmead, who at the time was the head pharmacist at Bushnell Hospital, couldn't help but observe that the allied wounded soldiers were malnourished and in many cases unable to eat due to war related injuries. With the soldiers as his inspiration, he went to work and created the first formula for protein fortified drinks to assist the soldiers' bodies in rebuilding themselves.



Many of the soldiers had severe gangerous wounds which were life threatening and often times unresponsive to the treatments of the day. In its earliest stages penicillin was unstable. Doctors couldn't be certain when they prescribed raw penicillin if the drug would cure or kill their patients. Dr. Ashmead was commissioned to work on the stabilization of topical penicillin, which he did and is credited for saving many lives. After the war, Mead Johnson sought Dr. Ashmead to head the research behind infant formulas. He developed the basic formula used today in all infant formulas and in adult protein drinks such as Ensure® and Boost®. He also worked as the head of research for Hoffman-LaRoche and Pfizer Pharmaceuticals, all leading companies in the pharmaceutical industry.

Behind every humanitarian is a stronger humanitarian and this is true for Allez and Harvey. Dr. Allez Ashmead worked full-time supporting their family, allowing Harvey the freedom to further his research and start Albion Laboratories. Without Allez's support, the mineral supplements and skin care products offered today by Life Zone® would not exist. She is the inspiration and force behind Albion Laboratories, the patent holder for Life Zone® products.

Janeel Henderson

Janeel Ashmead Henderson, daughter of Dr. Harvey and Dr. Allez Ashmead, is the owner and formulator of Life Zone® products. While working in the fashion industry as a model and as a Hollywood makeup artist, Janeel observed many problems women were having with their complexion. After analyzing the ingredients found within popular skin care products, Janeel identified the key ingredients which were interfering with the body. She turned to her father and the two set out to develop skin care products that would work in harmony with the chemistry of the skin to naturally moisturize, protect, and rebuild skin cells through mineral fortification.



Life Zone® skin care products eliminate petroleum based products, mineral oil, bees wax, lanolin, wood alcohols, and other harmful ingredients which are prevalent in most skin care formulas on the market and yet are known to interfere with the natural function of the skin. Such ingredients can seal pores, dehydrate skin, and not allow the skin to respire or cells to detox.

Life Zone® offers Kela® Kare skin care products which fortify the skin by providing natural minerals and topical nutrition. Kela® Kare skin care products naturally adjust to your skin needs, environment, humidity, and lifestyle to help aid your skin in balancing and normalizing itself. A patented nutritional formula provides a mineral profile needed by the skin to fight against virus and bacterial invasion, free radicals, and chemical and environmental pollution which all lead to premature aging. As Kela® Kare solved skin care problems, customers would ask Janeel for help with solving health problems. As a result, Janeel and her father went back to research and developed the nutritional formulas for Life Zone® mineral supplements.

These supplements all use Janeel's father's 70 worldwide patented processes including the patented technology to target and deliver specific mineral nutrition to individual body systems. Janeel holds a B.S. from Brigham Young University, M.S. from Clayton College of Natural Health, and is a licensed Master Aesthetician, licensed massage therapist, dark field microscopist, and a nutritionalist. In addition, she also holds 1 patent and 1 patent-pending for her work in nutrition.

LZ 0000229

11/9/2004 3:14 PM

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LZ 00000230

11/19/2004 3:34 PM

EXHIBIT G

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

LIFE ZONE, INC.,	)	Deposition of:
Opposer,	)	<u>JANEEL HENDERSON</u>
vs.)	
TMMG, Inc. (Formerly	)	Opposition No.
Middleman Group, Inc.),	)	91/160,999
Applicant.)	

September 10, 2007 * 11:00 a.m.

Location: Thorpe, North & Western
8180 South 700 East, Suite 350
Sandy, Utah 84070

Reporter: Diana Kent, CSR, RPR, CRR
Notary Public in and for the State of Utah

1 women -- their self-esteem oftentimes is caught up with
2 their image and they would have a ring around their
3 neck with their makeup not matching and not knowing
4 what to do. So the very first thing that I started
5 was a color analysis and a color cosmetic and it was
6 called Distinctly Me by Life Zone.

7 And from there the next product line that
8 was developed was a skin care that nutritionally
9 balanced the skin and was free of petrochemicals,
10 mineral oil, bees wax, et cetera, which was very
11 unique. That had never been done before and we were
12 the first out there in the industry. And then from
13 there I went into the nutritional arena. But even
14 before the products, I was lecturing about
15 self-esteem, business skills. And that was actually
16 my first product was my lectures within Life Zone.

17 Q. And could you tell me what year that was?

18 A. The first official lectures that I did
19 started back in 1973. In 1974 I was on television in
20 Columbus, Georgia for programming that was leadership
21 programming for women in Columbus, Georgia and that
22 was televised on television. And then in 1978 the
23 lectures expanded and went all across the Western
24 United States.

25 Q. And when did you start making products?

EXHIBIT H

Life Zone® Inc.
Live The Difference

Health Products

Health Information

About Us

Contact Us

Shopping Cart

Featured Info

Our Products are Formulated to help you live a better life!



Brand New FAQ

We have created a new Frequently Asked Questions area.

Learn More

LifeZone® Studies

Scientific studies about our products.

Learn More

Health Journal

We will soon be adding to our new health journal. Providing even more useful health information.

Learn More

Welcome to LifeZone.com



Why Use Our Products?

Using our proven formulas will give you an edge. Every day the average american consumes toxins and other un-needed chemicals. To look and feel your best, you need to combat science with "patented", organic, PROVEN science!

Health Supplements | Skin Care Products

Information Spotlight



Mineral Supplements and Skin Care Solutions, co-developed by Janeel A. Henderson, owner of Life Zone®, and her father Harvey Ashmead, Ph.D., PharmD. As the "Father" of amino acid chelation world wide, Dr. Ashmead is also accredited for the creation of infant formulas and adult protein drinks. He is the U. S. patent holder for the amino acid chelated minerals used by Life Zone® in the vitamin mineral supplements and skin care solutions.

Read More

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EXHIBIT 1
WR: J. Henderson
DATE: 9-10-01
CHFCourt, LLC

LZ 0000205



Health Products

Health Information

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Life Zone® Inc. Nutritional Supplements

The body is comprised of several different systems: The Immune system, the Endocrine system, the Skeletal system, the Muscle system, the Cellular system, the DNA system, the Glycogen system, the Female Reproductive System, and the Blood System. Each formula targets a specific body system for mineral nutrition delivery. This avoids having to mega dose the entire body to get at a specific problem.



Price: \$22.00

Qty: Buy Now

Basic Plus (Multi-Vitamin / Amino Acid Chelated Minerals)

Targets: Entire Body

Basic plus is a complete multiple vitamin/mineral supplement that provides vitamins and minerals in a patented process that a healthy body needs to maintain an active lifestyle. The unique delivery system in Basic plus comes from technology of over 70 different patents to provide bio-available nutrients to the cellular level which help maintain normal body functions that nutritional depletion of agricultural soils, food processing and preparation can cause.**

Product Details / Specifications



Price: \$22.50

Qty: Buy Now

Kela® E

Targets: The Endocrine System

A normal, healthy Endocrine System helps to regulate our metabolism, stress, fat metabolism, sugar levels, fatigue, blood pressure, body temperature, body fluids, fertility and emotional levels. It is a vast network of glands, hormones, and enzymes, which includes our thyroid, parathyroid, adrenals, pancreas, kidneys, pituitary, pineal, hypothalamus, thymus, and reproductive organs.

Kela E directly targets the Endocrine System to provide the key co-factors Manganese and Iodine that a healthy Endocrine System requires. For best results, use Kela E with Basic plus.**

Product Details / Specifications

EXHIBIT 2
WIT: J. Henderson
DATE: 9-10-07
CitiCourt, LLC

LZ 0000206

11/19/2004 3:12 PM



Price: \$18.00

Qty: Buy Now

Kela® I

Targets: The Immune System for Anti-aging, Anti-oxidant and Free Radical Protection

A normal, healthy Immune System protects the body from stress, ageing, free radical damage, oxidation, virus and bacterial infection, fatigue, inflammation, slow wound healing, parasites, degenerative diseases, autoimmune diseases, allergies, yeast and fungus, colds, flu, environmental toxins, chemicals, pollutants, and heavy metals.

The Immune System is a system of complex interactions involving many different organs, structures, and substances including white blood cells, bone marrow, the lymphatic system (spleen, the thymus, the tonsils, lymph nodes, lymph fluid and lymphatic vessels) the appendix, the skin, and serum factors; which are all designed to identify that which is "self" (that naturally belong in the body) and those that are "nonself" (foreign or otherwise harmful material) and then to neutralize or destroy that which is "nonself." The body manufactures a powerful enzyme called superoxide dismutase (SOD) that it uses to neutralize or destroy that which is "nonself" under the direction of the Immune System. SOD is a powerful antioxidant, and free radical protective enzyme. However, the key nutritional elements zinc, manganese, and copper must be present within the cells as amino acid chelates in order for the body to make this enzyme.

In addition, Vitamin C, vitamin E, and the mineral Selenium must also be present in the cells to provide powerful anti-oxidant nutrients which protect the body from stress, oxidation, and ageing. Kela I combines all of these ingredients in a patented formula for maximum Immune protection that enhances the bodies natural processes.**

Product Details / Specifications



Price: \$22.00

Qty: Buy Now

Kela® S

Targets: The Skeletal System

A normal, healthy Skeletal System provides strong teeth, bones, tendons, ligaments, nerve transmission and balanced body pH. If the Skeletal System is not healthy, vital bone loss can occur along with numbness, nervousness, aching, twitching, disc and back problems, leg cramps, carpal tunnel, lengthy menstruation, excess acid pH, and disorientation.

Calcium and Magnesium must both be present in a bio-available amino acid chelated form at the same time to support continual repair and maintenance of the Skeletal System. Deficiency of these two vital minerals can lead to heavy toxic metals entering into the Synovial fluid causing pain, inflammation, and damage to body joints.**

Product Details / Specifications



Price: \$21.00

Qty: Buy Now

Kela® M

Targets: The Muscle System

The Muscle System requires both Magnesium and Manganese be present in the proper ratio for optimum muscle function in the cardio vascular and skeletal muscles. In addition, the eyes, stomach, intestines, uterus, nerves, and enzymes as extensions of the muscle system require these two minerals to also be in proper bio-available ratios for peak performance.

Together these two minerals also work as an anti-spasmodic, anti-inflammatory and natural tranquilizer. Muscle spasms, headaches, eye twitching, poor enzyme/digestion function, seizures, constipation, leg aches, irritability of nerves and muscles, and irregular heart beat, can indicate an imbalance or inadequate levels of in the Muscle System.**

Product Details / Specifications



Kela® Cell Lite

Targets: The Cellular System

Normal, healthy cells generate energy and then transfer energy from energy-releasing to energy-requiring reactions using the ATP molecule. Cells also regulate fluid levels using the potassium/sodium pump, counteract stress using mineral electrolytes, help regulate blood pressure, and fuel the mitochondrion.

Price: \$22.40

Qty: [Buy Now](#)

Surgery, high sodium diets, blood pressure medication, fluid retention and stress can impact energy production at the cellular level and interfere with cellular health. Potassium, Magnesium, Calcium and Phosphorus are needed in the proper levels to maintain these functions. These key minerals enter into many of the Ribosome reactions directed by RNA which carry out DNA's directives. Athletes and those in stressful situations need maximum nutritional support to keep the energy generated and charged within the cells so that the body can be fueled. **

Product Details / Specifications



Kela® F

Targets: The Female Reproductive System

A normal, healthy Female Reproductive System requires sufficient magnesium levels to support several hundred enzymatic reactions, relieve muscle cramps and spasms, smooth and relax skeletal and blood vessel muscles, support uterine contractions, help with spotting, P.M.S and Dysmenorrhea, and help balance irregular menstrual cycles.

Price: \$19.26

Qty: [Buy Now](#)

Product Details / Specifications



Kela® Zinc

Targets: DNA

The entire human body is made up of cells, each of which contains its own genetic material, or DNA which tells the cells what to do. In a healthy body, DNA directs cell division at a controlled rate; so as to grow and repair damaged tissues and replace dying cells. Zinc is a major nutritional support for healthy DNA and RNA synthesis. If a portion of a cell's DNA is damaged, the cell can become abnormal. When the abnormal cell divides, it forms new cells that contain a photocopy of the damaged genetic material. This is an ongoing process occurring constantly within our bodies. Most of the time, our bodies have the ability to destroy these abnormal cells and maintain cellular equilibrium.

Price: \$21.00

Qty: [Buy Now](#)

However, Zinc levels are easily depleted by vigorous exercise and stress. Anti-ageing, immune support, alertness, anti-fatigue, retarded growth, cholesterol, healthy eyesight, hair, skin, excessive body odor, white spots or ridges on nails, collagen formation, male prostate health and sperm count, gastro-intestinal health, burn and wound healing, surgical recovery, taste, hearing, bone and teeth, pregnancy, and every enzymatic reaction in the body depend on maximum levels of zinc for normal health and balance. **

LZ 0000208

11/10/2004 3:32 PM

Product Details / Specifications



Kela® Chromium

Targets: The Glycogen System

Healthy, normal levels of Chromium are needed for maintaining stable blood sugar levels through proper insulin utilization. Chromium is needed for glucose and fat metabolism, energy production, synthesis of fatty acids, needed in pregnancy, and combating fatigue and anxiety. Chromium also helps promote fat loss and increase lean muscle tissue. When combined with Niacin, Chromium has been shown to lower LDL blood cholesterol levels while mildly raising HDL levels. It is important to remember that consumption of high amounts of carbohydrates, and heavy aerobic activities depletes Chromium levels in the body. **

Price: \$19.00

Qty: Buy Now

Product Details / Specifications



Kela® +2 Iron

Targets: The Blood System

One of the most important of iron's functions in the body is the production of hemoglobin and myoglobin (the form of hemoglobin found in muscle tissue), and the oxygenation of red blood cells. Iron is essential for many enzymes, including catalase. It is important for growth, a healthy immune system, energy production, endurance, and protein metabolism. Iron is needed for red and white blood cell and platelet formation. Diets high in phosphorus, poor digestion, long-term illness, ulcers, heavy menstrual flow, prolonged use of antacids, excessive coffee or tea consumption can lead to deficiencies.

Price: \$14.44

Qty: Buy Now

A health care professional should be consulted to check iron levels in the body if there is a concern about anemia, brittle hair, difficulty swallowing, digestive disturbances, dizziness, fatigue, fragile bones, hair loss, inflammation of the tissue of the mouth, nails that are spoon-shaped or that have ridges running lengthwise, nervousness, obesity, pallor, shortness of breath, fluid retention, skin sores, or slowed mental reaction. **

Product Details / Specifications

U.S. Shipping is handled through United Parcel Service (UPS), whose charges vary according to distance, box size, and weight of box.

*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.
 **Daily value not established

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LZ 0000209

11/19/2004 3:32 PM

Life Zone Inc.
Live The Difference

Health Products

Health Information

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Life Zone® Inc. Skin Care Products

KelaKare Skin Care products offer the most advanced technologically formulated skin care protection available in the fight against aging. Each product is pH balanced and hypoallergenic.

The need for excellent skin care products which have the ability to work in harmony with the body for maximum protection has never been greater than now--this is the reason for KelaKare products. This is also the philosophy behind each and every ingredient that has painstakingly been chosen based on the latest scientific research, to be included in our formulas. In addition, each product may be used by men, women, teenagers or children. They are easy to use, fast and effective. In short, THEY WORK!

[Read more about KelaCare Products and skincare information.](#)



Cleansing Gel (with Amino Acid Chelated Minerals)

Rich in patented Mineral Elements this luxurious cleansing gel foams away dirt hiding deep in pores while giving skin moisture-building benefits of Zinc Amino Acid Chelate. Leaves skin feeling soft, smooth and fresh.

4 Fl. Oz. (118 ml)

[More Information](#)

Price: \$14.00

Qty:



Day Lotion (with Amino Acid Chelated Minerals)

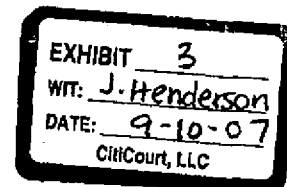
Rich in patented Chelated Mineral Elements and Vitamins. Contains AntiOxidants to fight free radicals and environmentally protects the skin throughout the day.

4 Fl. Oz. (118 ml)

[More Information](#)

Price: \$18.00

Qty:



LZ 0000210

11/10/2004 3:33 PM



EnviroShield (with Amino Acid Chelated Minerals)

Apply to clean skin or over moisturizer for EXTRA protection against harsh aging elements.

Net Wt: 1 Oz. (28 g)

[More Information](#)

Price: \$26.00

Qty: [Buy Now](#)

U.S. Shipping is handled through United Parcel Service (UPS), whose charges vary according to distance, box size, and weight of box.

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LZ 0000211

11/19/2004 7:32 PM

EXHIBIT I



APRIL NEWSLETTER

PRESIDENT'S MESSAGE:

It seemed like there were so many "magical" things around me as I was growing up. One was a favorite book titled "Lulu And The Magic Day." In this book Lulu entertained her little brother Alvin with "magical" characters made out of Kleenex tissue after he lost his ice cream cone. I went through so many Kleenexes trying to duplicate Lulus' magical bunny, flower and dog from that book that my mother began to complain. I read that book to my children when they were little and I think they probably went through as many Kleenexes as I did doing the same thing.

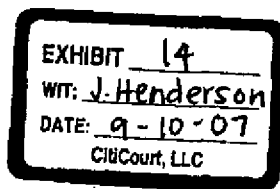
One of the grandest events for me regarding magic occurred in Elementary school when we had a real live magician come and perform. The finale scene was the one where the magician pulled the live bunny out of the empty hat! That poor bunny got away from the magician and ran around us kids in the audience trying to escape. Now talk about excitement--an auditorium full of yelling, screaming kids and this poor white bunny running everywhere trying to escape. The bunny was eventually caught, we all returned to our respective classrooms and life returned to normal with the exception of my secret love affair with magic. I never could figure out how that magician got that bunny out of the seemingly empty hat but maybe it's for the best.

Today I look around me and it seems like this world is still a place of magic; but it's a magic of a different type. It's the magic of life and people and love.

I see people reaching out and assisting one another without being asked to go that extra mile. I see the tenacity of commitment resulting in major breakthroughs in nutrition, science, medicine and modern technology etc. because the word "quit" was not acceptable. I see dreams becoming today's reality, but mainly I see a bounteous world full of opportunity waiting for the "magic" touch of man.

All we need to do is believe and then we'll see the magic. Trust yourself and allow that inner voice to guide you and we'll all discover a wonderful, magical world.

Janeel Henderson



LZ 0000279

HAPPENINGS:

We are excited about the move of the Life Zone Office to Hyde Park, Utah. This allows us to give more personalized service to Product Representatives. All shipping, orders and business will be conducted here now. Business hours are 9-5 Tuesday through Friday. Please phone ahead to make arrangements for personal product pick up. Phone Number 563-3853 • Address P.O. Box 432, Hyde Park, UT 84321

Each Wednesday Janeel will be in Salt Lake City for a presentation on the supplements and business opportunity. This is held at the Holiday Inn, off 6th South exit. At 2:00 PM skin care and cosmetic application is offered to women. That location changes so please phone Larry Ballantyne at 355-6631 for updates. He is the host of both the Wednesday afternoon and evening sessions. The evening session begins at 7:00 PM. Everyone is invited and encouraged to bring guests. The last week in April the above meetings will be on Thursday the 27th instead of the 26th but will still be at the Holiday Inn.

PRODUCT MAY BE PURCHASED BEFORE AND AFTER EACH WEDNESDAY MEETING.

We are working diligently to bring you updated sales aides and brochures to better assist you in sharing Life Zone. Effective in May will be changed enrollment form and fee, policy and procedure manual, cassette tapes discussing products, their use and an overview of the company and an upgraded enrollment packet.

We have future plans for indepth training sessions, professional sales kit beyond the enrollment packet, video tape and special classes to educate those who want to become company trainers. If you are interested in becoming a trainer, please put in writing your request, how you feel you would assist the company, your personal strengths, values and goals. There will be an interview and fee charged for training you. Upon your graduation you will become eligible for payment from Life Zone for each individual who attends a training session you conduct.

We are excited about all the upcoming positive changes and welcome any input you may have that can assist us in better serving you.

Please note: Pearl Gold Translucent Finishing Powder #05 is becoming increasingly difficult to manufacture so, it will not be continued in our product line. There is still good supply available for those of you who want to "stock" up.

NOW is the time for Natures Nutrient. As you get ready to plant your flowers and seeds, treat the seeds or plant first with seed starter to eliminate seed mold and transplanting shock. Then continue with the Growth Promoter throughout the growing season for beautiful yards and high yield nutritious gardens.

LZ 00000280

LIFE ZONE, INC.

SEPTEMBER NEWSLETTER 1990

PRESIDENT'S MESSAGE:



IT'S CONVENTION TIME!! October 20th 10:00 A.M. at
the Holiday Airport Inn, 1659 West North Temple, Salt Lake City, Utah.
You won't want to miss this one. A whole "harvest" of ideas to benefit
you, your business, and your life will be presented.

**Earn financial freedom with our new marketing plan

**Benefit from a national advertising campaign

**New Product released

**New sales aids and prices

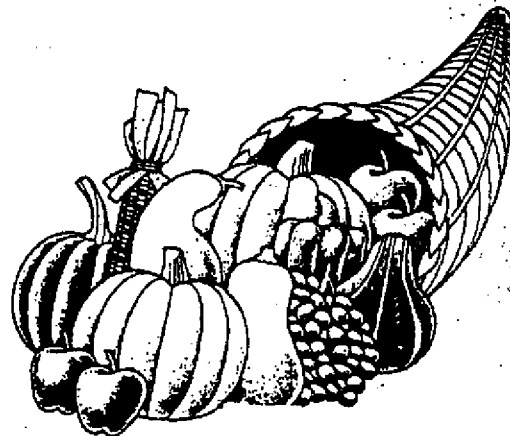
Contact Lois at the TRAVEL DESK (801) 355-2300 for airplane tickets or
write her at 326 South 500 East, Salt Lake City, Utah 84102

Contact CHRIS DRUCE at the Holiday Airport Inn for room reservation
(801) 533-9000.

SEE YOU IN OCTOBER!

HAPPENINGS: New product prices will be announced and go into effect
at the October convention, due to the Middle East oil crises, impact on
our business. We appreciate your understanding and continual support.

Life Zone convention: A "HARVEST" of new ideas for you!



17 00000281

Jack Zuefelt

Jannie Leals

619-450-3227

Grand Darnes

^{is}
call J.D. + Robbie Dodd
619 278 9855

through Mark Dittier

2 - Distributing

81.984

65.281

501.50

8224.04

LZ 0000282

84

Life Zone, Inc.

P. BOX 432
HYDE PARK, UTAH 84318-0432

NEWSLETTER

(801) 563-3853

THINK GREEN!! THINK BETTER!! THINK NATURES NUTRIENTS!! Regardless of what the weather is doing NOW is the time for Natures Nutrients. Soak your garden seeds with diluted Natures Nutrients for stronger, better germination and root system. Spray house plants, fruit trees, garden produce and ornamentals with Natures Nutrients. Protect against frosts and burning temperatures while increasing yield. Enjoy the extra benefit of building the nutrition of your soil, cutting down and/or eliminating the need for fertilizers and pesticides, while growing healthier plants.

CASE LOT SPECIAL through July on Kela F, Kela ML and Kela I. Purchase 10 bottles and receive 2 bottles FREE! Please, no product combining on special. Research shows that summertime can be particularly stressful on these three body systems. Increased activity, exercise, and hot weather combine to cause the body to lose vital minerals. This can then weaken other body systems as the body tries to compensate for its weakened reproductive and Immune systems. Prepare now to lessen the chances of entering this coming Autumn with greater susceptibility to viruses and sickness.

PAMPER YOUR SKIN with our exclusive Distinctly Me Facial treatment throughout the summer. First cleanse with our Cleansing Plus. Then apply a small amount of our Moisturing Plus and rub into the skin. Take the back of your hand and lightly stroke your skin. Any place that DOES NOT feel moist, soft and offer a resistive drag as you stroke the skin, indicates dry skin. Dry skin feel smooth, slick, sounds scratchy and can be flaky. These areas need more of our Moisturizer Plus. You can customize your personal skin needs with this facial as you continue to "type" your skin needs through repeated applications until you have a uniform, soft, moist feeling all over. Men, women and children will all benefit from our Distinctly Me facial due to our scientific formulation and patented minerals which allow "feeding" of the skin to take place. For times of extreme skin exposure, apply our Night Cream after skin feeding for even greater protection.

CLEAN UP with our ALL PURPOSE CLEANER AND LAUNDRY CONCENTRATE. In the home there's no job too tough for these two products. Change over to a natural clean. Viruses, bacteria and odor causing germs are killed without harming the environment or chemically polluting. Concentrated, they allow you to customize the product to the need. Take Along the All Purpose Cleaner on your next camping trip. You can bathe with it, wash dishes, protect your pans from smoke blackened deposits, eliminate fish odors and camping smells, without fear of polluting streams and lakes. Summertime specials are \$16.00 a gallon for the Laundry Concentrate and \$9.00 for the All Purpose Cleaner. (P.S. Delbert Rushton says he will gladly show how he cleans ovens with our All Purpose Cleaner. He LOVES it.)

Our sincere appreciation to Doug Bolton, Bill McDermott and Delbert Rushton for the many hours they volunteer in behalf of the Salt Lake City Wednesday nutritional seminars. They go the extra mile.

There are still some fingernail polishes available. Contact the home office for colors and quantities. Prices are still 2 bottles for \$6.00 or \$3.50. These make excellent hostess gifts when giving Bouquets.

LZ 0000283

APRIL 1990 NEWSLETTER

SIDENTS' MESSAGE: "To live only for some future goal is shallow. It's the sides of the mountain that sustain life, not the top."----Robert Pirsig

I love the Wasatch Mountain Range in Utah. I never tire of the golden sunrises, and velvety sunset shadows among its craggy peaks. I have spent many enjoyable hours traversing its hillsides by horseback and by foot. There is a secret the Wasatch Mountains hold that is not readily visible. Deep within her recesses, she hosts another smaller mountain range called the Uintahs. This range has the distinction of being the only mountain range that runs East to West in the United States. It is an unexpected pleasant surprise to the unaware.

I think of Life Zone that way--an unexpected refreshing delight tucked behind the boisterous, ostentatious companies typifying direct marketing: quietly going about the business of making a difference through dedicated service, quality products and proven results from advanced, scientific, technological discoveries. Life Zone differs from other companies in that it gives token lip service to. Time will show that Life Zone is like the sides of the mountain--sustaining life with unassuming results. It is the "Uintah Mountain Range" that dares to be different--to go against the conventional wisdom and alone in its pursuit of excellence.

In this uniqueness within our Life Zone 'Uintah' mountain range, we offer serendipity in the form of surveying. Surveying is the unexpected delight that allows you to enrich yourself by finding those people who already have the values Life Zone represents. It is a simple method of introducing Life Zone which opens doors to new possibilities. Surveying is the sides of the mountain that sustains your mountain for financial independence, education, success, cars, homes, whatever it is you want to create. It's the stuff dreams are made of.

Every Monday and Thursday evening Virginia Cooley and Sheleen Lanier go surveying together. This is their experience:

"I really like it! It takes me to the doors of those who are interested and can serve immediately. It is non-threatening, saves immense time and hours and is efficient, effectively building my business. It is not door-to-door sales and is easy to do".

"I enjoy myself. It's fun! I'm no longer afraid to reach out to people. I've taught me how to talk and approach people everywhere I go, not just when surveying, about the opportunities with Life Zone".

Both of these ladies have increased their organizations over 500%. They are effectively building their mountain sides that will sustain them at the top. We invite you to join them, to not be afraid to make a difference in someone's life by taking that first step and approaching them.

Janeel

ANNOUNCEMENTS: Our new Salt Lake Office is at 3337 South Main Street. The phone number is 486-1530. The office is open Monday through Wednesday. Each Wednesday at 7:15 P.M. there is a Life Zone meeting open house. Please phone Larry if you need special arrangements for product or meetings beyond the above schedule.

Orders must be on approved Life Zone forms. Due to local laws, zerox orders can no longer be accepted.

Leaflets have been included on our new products. Please keep these for future reference.

It's the time to be selling and using Nature's Nutrients. Don't overlook this opportunity in your home garden care.

The new Distinctly Me skin cleanser packaging is now available. The lid has 2 lock positions. All the way down is for travel and minimizes potential leaks and spills. Partially pushed down is for everyday closing and all the way up is for dispensing. The wholesale price of cleanser is \$10.00 for twice as much product. Suggested Retail Prices on Distinctly Me Skin Care are as follows. This is different from what is printed on your wholesale sheets and should now be followed for RETAIL SALES ONLY.

Cleansing plus \$14.95
Moisturizer plus \$19.00

Night Cream plus \$27.00
Deep Pore Facial \$19.50

The following is a simple summary sheet for using Life Zone supplements:

Basic plus--for the entire family for increasing vitamin/mineral levels throughout the body.

Life E--for targeting the Endocrine system (pancreas/insulin, thyroid, adrenals, depression, constipation, PMS along with Kela F, temperature, energy.

Life I targets the Immune-system for viruses, bacterial infection, allergies, yeast infection, free radicals and all degenerative diseases.

Life S targets the skeletal system for teeth, bones, ligaments, tendons, hips, knees, necks and necks, helps circulation and osteoporosis.

Life M targets the muscle system, (heart, stomach, intestines, eyes) connective tissue, spasms, restful sleep, spasmodic coughs, cramps, migraine headaches

Life Lite targets the cells. Stress, energy, fluid imbalances, heavy exercise. Iron for iron supplementation, anemia, all over body repair.

Life F targets the female reproductive system. Heavy menstruation, irregular cycle, bloating, PMS

Life ML targets the Male reproductive system. Prostrate gland, libido, strong body, hair loss, nail ridges, loss of taste and smell, hair loss.



LZ 0000285

ABUNDANCE ... PROSPERITY ... FINANCIAL FREEDOM ... can all be yours with Life Zone's business opportunity. Sponsoring 5 first level Distributors and then assisting each of them to sponsor five Distributors who in turn sponsor 5 Distributors can give you a monthly income of \$2,275.00 if each Distributor purchases \$100.00. If each Distributor purchases \$300.00 your monthly bonus check increases to \$8,700.00! You can increase these amounts 5%, 10% or even 15% by accessing the Presidential Program. Contact Janeel for details.

Mr. Jack Zufelt, a marketing business consultant whose income is in the top $\frac{1}{4}$ of 1 per cent in the U.S.A. presented in December to Life Zone Distributors the following formula for success. Below is an outline of his presentation to Life Zone.

— FORMULA FOR SUCCESS

1. Write down at least 100 people you know. Keep this list updated with new people you meet or people you suddenly remember or from referrals.

2. Each week telephone at least 20 people from your list with the express purpose of getting an appointment, for making a Life Zone presentation. (examples of interest getting statements for getting an appointment to make a complete presentation)

A. Bill...I want you to get involved with me marketing an incredible product called _____. Have you ever heard of it?
"No" is usually the answer. Then briefly explain the benefits of _____ product and your personal experience with it.

B. Then say...Bill if you do what I show you to do, you could earn \$2,000.00 to \$5,000.00 a month within twelve to twenty-four months. Let's get together and discuss it. Or say, get your appointment book out and let's set a time to get together.

3. At the appointment: Talk about the product(s) in detail. Always cover the following: Your personal experience with the product as well as other testimonials you are aware of. Don't make therapeutic claims. Give a brief background on the manufacturer and Life Zone company.

A. Explain the three ways they can make money with Life Zone...i.e. retail, wholesale rebate commissions, and Manager Overrides. Draw the marketing plan and show them what happens when they sponsor 5 people who each sponsor 5 people who in turn each sponsor 5 people. Use the Life Zone Presentation in your manual, show your copy of the Life Zone slide presentation or utilize Life Zone meetings.

B. End your presentation: You've just told Bill everything you know about the product(s) and the business opportunity so end this way. Say, Bill, you now have three choices.

1. You can say, "No, I'm not interested." or...

2. "I'm interested but I've got to try the product first.

If it does for me what it does for you I'll be interested in getting involved. (Say it just like this because it commits them once they have results to the product).

3. Or you can say, "let's go for it" and sign up now. And Bill the only reason you would sign up now, without having tried the product, is that you believe I am not lying about the products' benefits and you can see the vision and business opportunity and want the income.

How ask....WHICH DO YOU WANT TO DO??

HAPPENINGS: Kela I and Kela S discounted prices will end January 31, 1991. We wish to thank Dr. Ashmead for his generosity in subsidizing the cost of these products for the holidays.

Free Distributor Enrollments into Life Zone will end February 28th. Distributor Enrollments will cost \$15.00 beginning March 1st.

Product orders with accompanying money must be in the Hyde Park office (not Larry's office) on or before the last business day of the month to receive credit for that month. Product purchases need to total \$50.00 wholesale before sales tax and/or shipping in order for you to qualify for your bonuses. Product orders received after the last business day of the month will automatically be forwarded into the next month's total. Many of you are confused about the sales tax revised laws. You need to figure your sales tax based on the retail total of your order. The state of Utah now requires that sales tax be paid on all orders including out of state orders. The exception to this is if you have a state resale tax number. The State of Utah now requires that we have on file a signed document on your sales tax number. Please pick up the form from the home office, sign it, and return it to Life Zone in Hyde Park to be able to continue to declare no payment of sales tax on your orders.

BY APPOINTMENT ONLY:

Larry's office at 3337 South Main Street, Salt Lake City, is available for use to ALL Life Zone Distributors for sponsoring new Distributors or for picking up product. Please contact one of the following for your appointment for using the office or for product pick up. We would like to see the office utilized more by our Distributors. Don't forget the Wednesday night Open House Nutritional presentations at 7:15 P.M. Janeel conducts this meeting on the first Wednesday of each month. She is available to demonstrate the cosmetics and do facials at 4:00 P.M. on the first Wednesday of the Month.

CONTACT FOR PRODUCT PICK UP OR FOR SPONSORING DISTRIBUTORS

Mr. Doug Bolton 566-0551

Mr. Bill McDermott 972-3987

Mr. Gary Clawson 254-9176

Louise Ballantyne 298-2989 She also does facials and cosmetic makeover demos

We wish to give a special thanks to these individuals for their willingness to serve Life Zone and for going the extra mile. Thanks so very much from all of us!!

Remember, you may always order product direct from the home office if you choose to not utilize Larry's office. Remember to include shipping costs with your order when you mail it in.

Failure is the line of least persistence...The greatest decision you have to make today is to decide what the day will be like.

HAPPY NEW YEAR!!

LZ 00000287

NOVEMBER/DECEMBER NEWSLETTER

PRESIDENT'S MESSAGE:

1990 will soon be history as the Holiday Season approaches. As I reflect upon this year, I am reminded of how much Life Zone has progressed with each of your contributions. The company is debt free and has on hand paid inventory along with new product formulas for 1991.

We started 1990 with the introduction of four new products--Cell Lite, +2 Iron, Citrus Laundry Concentrate, Citrus Household All Purpose Cleaner and an improved Nature's Nutrient formula.

Our +2 Iron is now being used exclusively in all sugar and flour products in a Central America Country to combat Anemia, because you asked "if we couldn't do something about Anemia?" Our Citrus products have taken the industry by surprise and are now the standard other companies are trying to duplicate. Those who used our Nature's Nutrients this year in their garden, had a garden, while others lost plants and produce to killing frosts.

Our Life Zone products are truly World Class Products, and have behind them over 10 million dollars in research and development. NO other direct marketing company can make that claim!

Now, as we near the end of 1990, we offer you yet another World Class Product--our SUPER WHITE toothpaste! This is indeed a mizzle product in hot demand by discriminating people who want a dazzling white smile and safe, effective cleaning power all in one product. Super White is just in time for your teeth to look their best during the holidays.

Our new marketing plan rewards you each time you purchase products by moving you into higher % commissions as your purchase totals accumulate. Group qualifying requirements have been adjusted at the 15% and 20% levels with revisions on the Executive Manager Overrides. These changes should be explained to those you sponsor using our new promotional brochures. They now you to earn more money faster. The 10% discount on purchases over \$100.00 has been discontinued with this new marketing. In compliance with State and Federal guidelines, all Distributors need to pay sales tax at the retail price of products unless your tax I.D. number is on file with Life Zone. Shipping fees have been adjusted also. Please note changes in enclosed new order form.

As a special favor, may I ask each of you to 1. make copies of the enclosed form letter 2. Share this with everyone you know and get them to act 3. Sign at least two copies and send them to your two Senators. Our local library has their names and addresses 4. CALL the Senators local and D.C. offices and tell them you are strongly opposed to the '90 health claims section which is section 3 of H.R. 3562 5. Act immediately voice your feeling. We need to do everything possible to prevent this bill from passing as it now reads.

In closing may I encourage you to read the brief highlights from the October Convention. Direct any questions to your sponsor or to me.

At this time, I want to wish each of you a Happy Thanksgiving full of gratitude and thankfulness and the Merriest Christmas ever! May you enter into 1991 with abundant prosperity, health and vitality!!!

Janeel Henderson

CONVENTION HIGHLIGHTS

Distributor Enrollments are FREE for a limited time! Save the \$15.00 enrollment fee and sponsor all your friends, neighbors and associates so that they can experience the "LIFE ZONE DIFFERENCE" our products make. Product Manuals are on sale for \$15.00. They contain valuable product and company information. Write Promotion, no charge on all enrollment forms sent in.

A097 in the Business Sales Aids is a new Sponsoring Promotional Package Brochure. Cost is \$50. It contains the new marketing plan, company product information and guidelines for use, background of Life Zone, order form, and free enrollment form. This brochure is easy to mail and makes an ideal holiday gift. Special thanks to Mr. Dick Howland for designing and developing this great brochure. It's an easy, comprehensive way to build your business.

A100 in the Business Sales Aids is a new flyer on our Super White Toothpaste. This beautiful flyer is a real eye catcher. Place it on bulletin boards at check out counters, beauty salons, dental offices, etc. On the reverse side there are all the important facts about Super White and a place for your business name and number. Cost per colored flyer is \$5.

Save \$15.75 when you order BOTH Kels 3 and Kels 1 TOGETHER. Dr. Ashmead is graciously paying the difference on these two products when ordered together. This is the way to winning you a 100% holiday free from colds and upper respiratory. On your order form fill in the old prices of \$16.50 for Kels 3 and \$11.25 for Kels 1 to get this savings. Products ordered individually will be at the new increased price.

Save \$2.00 and buy 6 nail polishes for \$5.00 while quantities last. Colors are great holiday colors. Placed on top of other colors, it imparts a "twinkle" effect. Used alone, it adds a hint of color, sheen to the nails. It is great styling polish for young girls and makes an ideal Christmas stocking stuffer along with our Super White toothpaste. Individual bottles can be stored in your refrigerator door for long time storage so stock up and take advantage of this sale.

Beauty aids, facial and skin care D&C kits can be ordered in at the special price of \$129.00 as long as they are paid for completely before December 31, 1951. New D&C kit price is \$150.00, a savings of \$61.00 if you order now.

Company printouts will accompany your commission checks beginning with 1952. Commissions there will be a nominal charge deducted from your checks for this. Before January 1, 1951, you will be given your special purchase totals since joining Life Zone and also the total wholesale volume of your group. This will let you know what your commissions will be paid on with the new marketing plan. (See marketing plan enclosed)

MESSAGE FROM THE PRESIDENT OF LIFE ZONE

Welcome to the opportunity of a Lifetime!

Life Zone is a journey into the future with innovative, "state of the art, technology, scientific breakthroughs and **FIRST TIME EVER PRODUCTS** blended with an **ORIGINAL MARKETING** program designed to make a difference in your life

I am excited about your decision to take control of your life. To soar to new heights, improve your health, increase your energy, look terrific, achieve financial freedom by significantly helping others and in doing this realize your dreams! Life Zone is a well planned, systematic program for assisting you in these quests to celebrate life and live, leaving "survival" tactics behind.

Life Zone is unique! It's different! It's a company dedicated to being the very best possible, where "good" is a threat to our creed of "**EXCELLENCE**"

We don't skimp on quality and expect no less from you. We spare no cost, time, or effort in bringing you assured premiere products that are superior in every way.

We are proud to be a part of the American dream where pioneers, entrepreneurs and dedicated leaders are revered and appreciated. We dare set a new standard in the world - to be tomorrow's leaders right now. We dare do the unthinkable in the business world - we care about you, your needs and your wants.

Innovation, creativity and caring are ways of life at Life Zone. We embrace you and welcome you into our family. This is your opportunity of a lifetime.

Janeel Henderson
President

LZ 00000290

LIFE ZONE THE IDEAL BUSINESS

Harvard Business School teaches that there are three essential criteria against which any MLM program and company should be judged in order to determine its potential for success:

A company must be at least 18 months old. Most people are not aware that 90% of all MLM companies go out of business within the first year.

Products must be unique, emotional and preferably consumable. Many people fail at MLM because they try to peddle products that can be purchased at the corner store.

You must get in on the GROUND FLOOR! This is defined as 1/2 of 1% of the total population, or approximately the first 1,000,000 people.

These three categories pose problems for most companies. In fact, only a few MLM companies meet only one or two of the three ideals. In addition to fully qualifying in all three categories we also provide the following features and benefits.

FEATURE	BENEFIT
No Purchase Requirement for Compensation Bonuses	You will not lose entitled earned income-you will not lose people you have recruited or trained-you will purchase only as needed to sell or use-there is no forced management!
Vested Earnings	Because there are no purchase requirements or break-aways, the bonuses from the people you recruit and train are always yours.
Volume Purchase Discount	10% rebate on individual/wholesale purchases over \$100.00 each calendar month. This substantially increases your quick start income and decreases the cost for personal use.
No Breakaways (Keep your people and your income)	Break-aways can be beneficial to a few people, but penalize the vast majority when most the people you've recruited and trained break away from you.
Constant consumer Purchase (long term income benefit)	Because these products are so significant in their nutritional performance people will constantly use them. Nothing in the market compares with them. Once a customer always a customer.

LZ 00000291

6. Revolutionary Patented Products.

These Products are different
They perform as a result of more than 25 years of research and over 30 patents and patents pending.

7. Validated - Documented Research

Hundreds of studies & research validated by both the manufacturer and independent sources, document the performance of these products. Finally you have a product that documents what it is and what it does. We are not afraid of research.

8. Unique and Different

These products not only claim to be different and to do different things - they are different and do different things!

9. Multinational Manufacturer

Our manufacture provides plant, animal and human nutritional products through the entire world. Their production capability is from 3 to 5 tons per hour. They are recognized as international leaders in chelated mineral/nutritional research.

Exclusive Products

Janeel Henderson is the daughter of the Chairman of the Board of the manufacturer and as such has these specific products allocated to Life Zone's distribution program.

Company Sponsored Training

Life Zone's goal is to provide company sponsored training in each geographical area, with qualified trainers and standardized programs, information and techniques. We will provide each Product Representative the information and support they need and deserve.

Advanced/Management Leadership Workshops Unparalleled

Two day workshops include complete orientation in product, marketing, recruiting, managing your downline, plus management and personal development insights and skills.

Retail/Management Income

Substantial income on the retail level and attractive indepth recruiting and management income potential.

LZ 00000292

14. Cash Business

The ideal business is a business that does not tie up your money with extended credit arrangements.

15. Low Investment

The ideal business does not require huge cash expenditures or large investments in equipment or inventory. In other words there is "no going out on a limb" before proving your success.

16. Low Overhead

The ideal business has low overhead. It does not need large amounts of capital; for advertising, legal advice, bookkeeping, maintenance, etc.

17. Special Products

The ideal business produces a product which is difficult to copy or reproduce. This means the product is an original or it requires very special know-how to produce. Therefore, it has a huge market and unlimited potential.

18. Products In Demand

The ideal business has a product which is in demand. This means that people want it, regardless of price. It is not a product which people want to be without.

19. Portable

The ideal business is portable. You can put it anywhere you want, in Hawaii, New York, California, Florida, etc.

20. Compounding earnings

The ideal business will provide you with the ability of compounding your returns, thus quickly and substantially multiplying the business earnings.

21. Inventory

The ideal business will be structured so as to not require substantial inventory requirements.

QUICK START PACKAGES

LIFE ZONE provides one time purchase packages to enable each Product Representative to have enough of the product to place it in the hands of potential customers and start their business in an appropriate manner.

These packages are offered at a substantial discount.

NUTRITION QUICK START PACKAGE CONSISTS OF:

2 BASIC PLUS	RETAIL	\$321.20
2 FORMULA "E" PLUS	WHOSL.	\$237.00
2 FORMULA "I" PLUS	PACKAGE COST	<u>\$180.00</u>
2 FORMULA "S" PLUS	SAVE	\$ 57.40
2 FORMULA "M" PLUS		
2 FORMULA "F" PLUS		
2 FORMULA "ML" PLUS		
1 VIDEO...NUTRITIONAL (when available)		
1 EACH OF AUDIO TAPES		
PRODUCT BROCHURES		

(Two nutritional quick start packs can be purchased. Both must be purchased within sixty-(60) days of enrollment. 10% commission will be paid on the purchase of each pack to the enrolling sponsor only. No other levels will be paid bonuses.)

COSMETIC/SKIN CARE QUICK START PACKAGE CONSISTS OF:

4 FOUNDATIONS	7 LIPSTICKS (1 each)
1 CAMOUFLAGE	7 NAIL COLORS (1 each)
1 FINISHING POWDER	5 BRUSHES (1 each
1 AD & E STICK **ACCENTS**	1 extra angle brush)
24 EYE SHADOWS (1 each Bl.)	1 CLEANSING PLUS
4 EYE BROW PENCILS (1 each)	1 MOISTURIZING LOTION
3 MASCRAS	1 NIGHT CREAM PLUS
5 BLUSHES (1 each)	1 FACIAL PLUS
SPOUNGES	
1 COSMETIC BAG	
1 VIDEO (when available)	

RETAIL	\$466.80
WHOSL	\$341.75
PACKAGE COST	<u>\$241.00</u>
SAVE	\$100.00

<i>cosmetic bag</i>	35.00
<i>maxi and mini</i>	376.75
<i>lipstick tubes</i>	6.00
<i>eye shadow</i>	3.50
	3.00

LZ 00000294

BUSINESS AIDS ORDER FORM

NAME _____ ID# _____

ADDRESS _____ APT # _____

STREET _____ PHONE (____) _____

CITY _____ STATE _____ ZIP _____

BUSINESS AIDS	FORM #	# IN PK	QTY	PRICE	TOTAL
FORMS					
Product Representative Enrollment Form	A001	20		3.00	
Retail Order Form	A002	20		3.00	
Wholesale Order Form	A003	20		3.00	
BROCHURES					
By The Way It's Chelated		5		3.75	
Philosophy, Marketing, Incentives		5		2.50	
The Key to Human Nutrition		5		3.75	
The Co., Manufacturer, Inventor, Pres.		5		2.50	
ARTICLES					
Minerals On Target		20		2.00	
TAPES					
Life Zone Testimonials		10		12.50	
SUPPLIES					
Cosmetic Sponge		8		5.60	
Cosmetic Spatula		1		.05	
Disposable Mascara Brushes		25		6.00	
Disposable Lipstick Brushes		25		3.00	
Disposable Eyeshadow - Sponge Applicators		10		1.50	
Cosmetic Bag only				35.00	
Cosmetic/skin care kit (1 of each item) [includes bag]				35.00	35.00

LZ 0000295

Life Zone Supplements

September 2002 Price List

Product	Wholesale 12 Bottles Per Case	Wholesale Single Bottle	Sug. Retail Single Bottle
Basic Plus Multi-Vitamin Mineral	\$132.00 (\$11.00 per bottle)	\$13.00	\$22.00
Kela E Endocrine System	\$136.56 (\$11.38 per bottle)	\$13.00	\$22.50
Kela I Immune System	\$108.00 (\$9.00 per bottle)	\$11.00	\$18.00
Kela S Skeletal System	\$132.00 (\$11.00 per bottle)	\$13.00	\$22.00
Kela M Muscle System	\$130.00 (\$10.83 per bottle)	\$12.80	\$21.00
Kela Cell Lite Cellular System	\$134.40 (\$11.20 per bottle)	\$13.00	\$22.40
Kela F Female System	\$115.80 (\$9.65 per bottle)	\$11.00	\$19.26
Kela +2 Iron Blood System	\$86.64 (\$7.22 per bottle)	\$10.85	\$14.44
Kela Zinc	\$126.00 (\$10.50 per bottle)	\$15.75	\$21.00
Kela Chromium	\$114.00 (\$9.50 per bottle)	\$14.25	\$19.00

Kela Kare Skin Care

Kela Kare Cleansing Gel	\$84.00 (\$7.00 per bottle)	\$10.50	\$14.00
Kela Kare Day Lotion	\$108.00 (\$9.00 per bottle)	\$12.00	\$18.00
Kela Kare Enviro Shield	\$156.00 (\$13.00 per bottle)	\$19.50	\$26.00

Life Zone, Inc.

Price List January 2000

Code	Color	Product	Price
Nutritional Supplements			
L106	BASIC plus		18.20
L107	KELA E plus		22.50
L108	KELA I plus		21.26
L109	KELA S plus		20.24
L110	KELA M plus		19.60
L111	KELA F plus		19.26
L112	KELA CELL LITE		22.60
L113	KELA +2 IRON		14.44
L114	KELA ZINC		21.00
L115	KELA CHROMIUM		19.00

Code	Color	Product	Price
Kels Care - Skin Care			
D101	Cleansing Gel		14.00
D102	Day Lotion		18.00
D103	Enviro Shield		26.00

Distinctly Me Cosmetics and Accents

(*blue undertone **gold undertone)

Code	Color	Product	Price
FA 2	Fawn *	Foundation	15.00
FA 3	Honey Beige *	Foundation	15.00
FA 5	Rose Blush **	Foundation	15.00
FA 10	Ivory Rose **	Foundation	15.00
S24	Beige	Camouflage	11.00
004	Translucent	Finishing Powder	14.00
427	Protective Lip Balm AD & E Stick		9.00
A2	Brown Silver*	Eye shadow	7.00
A6	Blue Velvet**	Eye shadow	7.00
A12	Apricot Glaze**	Eye shadow	7.00
A14	Lavender **	Eye shadow	7.00
A15	Rich Rose*	Eye shadow	7.00
A16	Sexy Smoke**	Eye shadow	7.00
B2	Purple Smoke*	Eye shadow	7.00
B8	Sheer Aqua*	Eye shadow	7.00
B9	Tan**	Eye shadow	7.00
B11	Blue Berry*	Eye shadow	7.00
B20	Nude Matte**	Eye shadow	7.00
B22	Navy Grey Matte*	Eye shadow	7.00
B24	Blue Silver**	Eye shadow	7.00
B30	Teal Jewel*	Eye shadow	7.00
B31	Tropical Blue*	Eye shadow	7.00
B46	Seashell Pink*	Eye shadow	7.00

Distinctly Me Cosmetics and Accents Continued

Code	Color	Product	Price
541	Black	Eye-Brow Pencil	7.00
542	Med. Brown	Eye-Brow Pencil	7.00
543	Charcoal	Eye-Brow Pencil	7.00
544	Blond	Eye-Brow Pencil	7.00
516	Black	Mascara	9.00
518	Navy	Mascara	9.00
09	Russell**	Blush	9.00
10	Fawn**	Blush	9.00
11	Pink Brown**	Blush	9.00
12	Mild Pink*	Blush	9.00
13	Plum*	Blush	9.00
291	Classic Red*	Creamy Lipstick	9.00
301	Mauve*	Creamy Lipstick	9.00
304	Scarlet**	Creamy Lipstick	9.00
312	Raisin*	Creamy Lipstick	9.00
313	Amethyst*	Creamy Lipstick	9.00
316	Allspice**	Creamy Lipstick	9.00
324	Light Brown**	Creamy Lipstick	9.00
325	Mulberry*	Creamy Lipstick	9.00
347	Golden Amber**	Creamy Lipstick	9.00
442	Cashew**	Lip Contour Liner Stick	7.00
443	Eggplant*	Lip Contour Liner Stick	7.00

Business Sales Aids

A001	Key To Human Nutrition	3.00
A002	Target Your Needs	.10
A003	Product list/price sheet	.10

Brushes

AD1	Loose Powder Brush	10.00
AD2	Contour Blush Brush	9.50
AD3	Eye Shadow Fluff Blending Brush	9.00
AD4	Angle Eye shadow/Lipstick Brush	9.00

LIFE ZONE, INC.

EXHIBIT J

FAX COVER SHEET

CALIFORNIA SUN

P.O. BOX 1991 · PALM DESERT, CA. 92261-1991
PHONE: (760) 837-1851 · FAX (760) 837-1855
email: calsunnews@aol.com

EXHIBIT 13
WIT: J. Henderson
DATE: 9-10-07
CHICourt, LLC

KENX
KONX
Rumbo

FROM: Nicole

TO: Jameel ATTN: Jameel ⁴³⁵⁻ 563-1950

SUBJECT: Radio Dialog DATE: 3/24/99
THURS. 25th - Radio #1 to call

Number of Sheets including cover 1 602-265-7394

Dear Jameel as my fax machine is acting
you have someone coming to fix - SORRY
Call: 602-265-7394 at 7:30 pm
Phoenix time (6:30pm California time)
Thank is one hour ahead of me.
Outlive

I. Introduction of Jameel Henderson
A. Your Bio + History

II. Developed from your father (chatting
amino acids + minerals)

III. Life Zone
A. How you formulated and the
benefits to each system
B. How to order Life Zone

and what's also do top of the hour on April
+ same on April 29th or?

You call us at 7:05 pm Phoenix time
radio ^{skilled} 602-277-1100 radio 277-433-9369

FAX COVER SHEET

CALIFORNIA SUN

P.O. BOX 1991 · PALM DESERT, CA. 92261-1991
PHONE: (760) 837-1851 · FAX (760) 837-1855
email: calsunnews@aol.com

FROM: Mike Strong
TO: Janet ATTN: Janet
SUBJECT: _____ DATE 2/24/99
Number of Sheets including cover (3)

Jan Janet,
Here is the Radio
show profile
the name of the show is:
On The Edge w/ The California Sun News
Hosted by
Mike Strong
Thurs. eve 7-8 pm

Renaissance Radio
NORTH AMERICAN BROADCASTING COMPANY, INC.

5277 N. 7th Street, Ste. 1100, Phoenix, AZ 85014
(602) 277-1100
Fax: (602) 248-1478

PROFILE

STATIONS: K.F.N.X. 1100 AM - Phoenix, AZ
W.A.L.E. 990 AM - Providence, RI

POWER: K.F.N.X. - 50,000 WATTS
W.A.L.E. - 50,000 WATTS

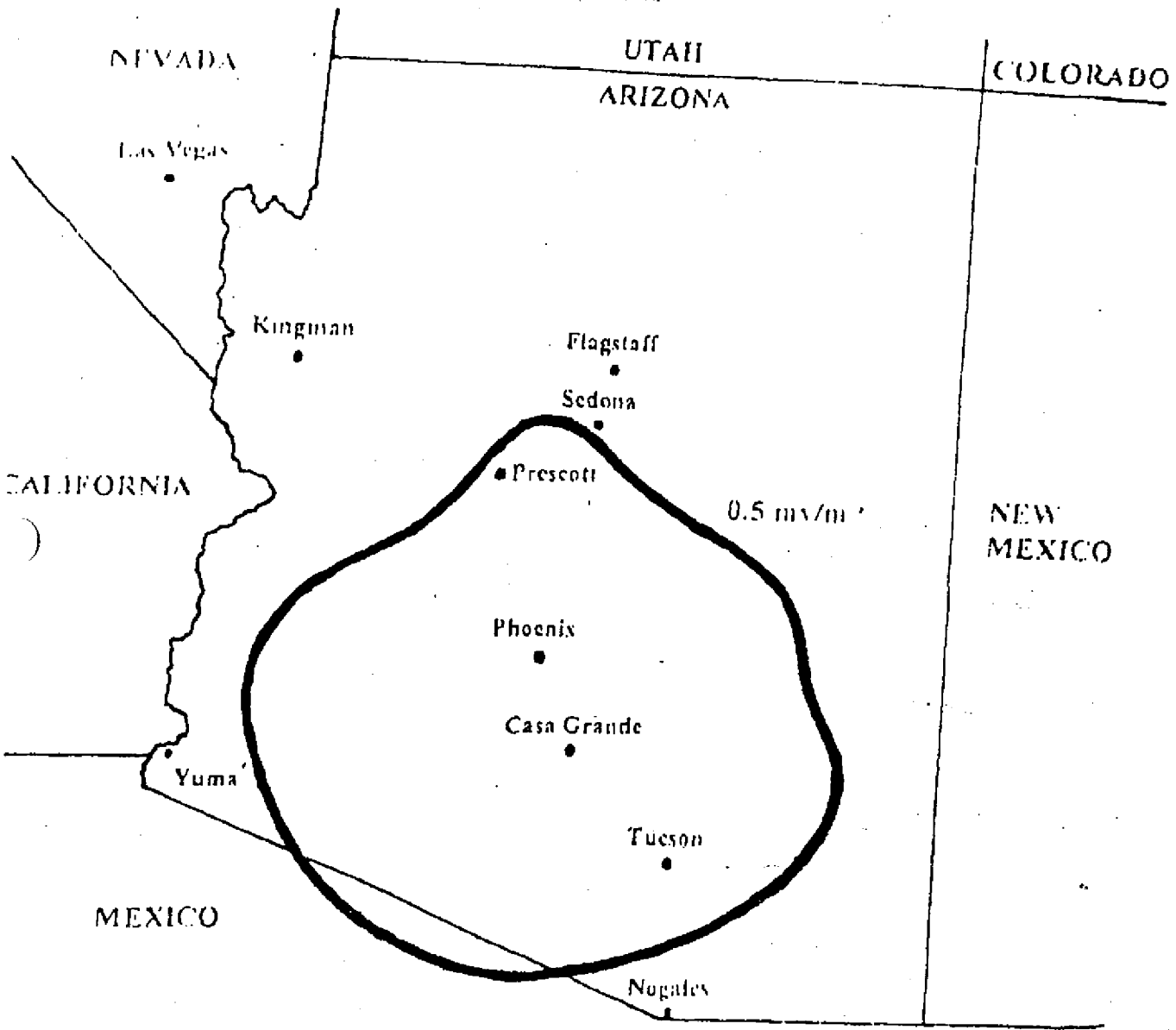
COVERAGE: Both stations are located in the most convenient position on the middle of the A.M. dial. Both stations with their powerful 50,000 watt signals are the largest A.M. stations in their regional areas. K.F.N.X. reaches an area with over four million people in Arizona. W.A.L.E. reaches an area with over three million people in Rhode Island, Massachusetts, and Connecticut. Collectively both stations cover in excess of seven million people.

HISTORY: NORTH AMERICAN BROADCASTING COMPANY was founded over thirteen years ago with the acquisition of W.A.L.E., one of the oldest and most established radio stations in all of New England with continuous broadcasting since 1948. Together with K.F.N.X. North American Broadcasting Company continues to make a tremendous impact on talk radio nationally.

FORMAT: As a pioneer of telephone talk, North American Broadcasting Company is continually setting new talk standards and constantly creating new talk limits, hence our slogan "Renaissance Radio". North American Broadcasting Company's unique blend of talk radio programming features shows addressing a wide variety of issues stressing business, financial, and health. North American Broadcasting Company's strong diversified lineup is informative, entertaining but never boring.

LZ 00000235

Renaissance Radio
KFNX 1100
North American Broadcasting Company, Inc.
5227 N 7th Street, Ste 1100, Phoenix, AZ 85014
(602) 277-1100
Fax (602) 248-1478



COVERAGE

50,000 WATTS

1100 KHz

Range of Primary Coverage Area - Not Total Coverage Area

LZ 00000236

Do you feel a difference from your vitamins
& minerals?

Discover Life Zone ... the evolutionary scientifically
derived vitamin, mineral and amino acid
nutritional supplements

Life Zone has developed a truly amazing patented
process called "pH-Neutrality"; thereby allowing
complete bio-availability and absorption that
other brands can provide.

The molecules of colloidal minerals are too
large to pass through the intestinal wall intact.
Through the "pH-Neutrality" Life Zone has
allowed complete nutritional absorption of
natural minerals as natural organic molecules,
providing more effective and reliable vitamin
& mineral nutrition. There of colloidal minerals.

Life Zone Can Make A Difference!

Life Zone targets specific body systems.

Today to receive the benefits of Life Zone
call 435-563-3853

~~to learn~~ Life Zone to receive your information
to learn what you need call 435-563-3853

FAX COVER SHEET

CALIFORNIA SUN

P.O. BOX 1991 · PALM DESERT, CA: 92261-1991

PHONE: (760) 837-1851 · FAX (760) 837-1855

email: calsunnews@aol.com

113
111
112

75840

Morgan Place
Imperial Wells
CA
92210

FROM: Nicole Stone

TO: Janeel - Life Zone

ATTN: Janeel

SUBJECT: Radio Ad

DATE: 2/28/99

Number of Sheets including cover: 2

Dear Janeel, What do you want?

• insert A could also be:

Life Zone has developed a truly amazing patented process that allows complete bio-availability and absorption through "Ph-Neutrality", that no other brand can provide.

I'll call you in morning to order products for myself.

Janeel Stone

Do you feel a difference from your vitamins and minerals? Discover Life Zone! the evolutionary, scientifically advanced vitamin and all natural, organic, amino acid chelated mineral nutritional supplement.

Life Zone uses a truly amazing patented process to guarantee "pH neutrality". "pH neutrality" allows the highest bio-availability and absorption of minerals to occur in the body, compared to other mineral forms, as proven by scientific research.

Remember colloidal mineral molecules are too large to pass intact through cell membrane walls, so have very poor absorption and bio-availability.

Life Zone's patented "pH neutral" all natural, organic minerals are so small and stable that they easily pass through cell membrane walls intact for fast, effective, reliable, nutritional results.

Start living the difference with Life Zone!

Call today for your informational packet

Call toll free 1-877-563-5433

Life Zone can make a difference!

Call 1-877-563-LIFE

LZ 00000239

Do you feel a difference from your vitamins and minerals? Discover Life Zone! Evolutionary, scientifically, advanced vitamins, and Amino Acid chelated minerals that use a patented process to target and direct nutritional supplementation directly to the job site within the body for maximum benefit.

End obsolete mega dosing that is expensive and ineffective. Life Zone targets your needs for fast, effective, proven results.

Enjoy the comfort, benefits and reassurance knowing your nutritional Supplement^{ation} is being directed and used by your body where it is needed.

Call toll free 1-877-563-5433 for your free informational packet

Remember- 1-877-563-LIFE

You owe it to yourself to "live the difference" with Life Zone

LZ 00000240

Do you feel a difference from your vitamins and minerals
Discover Life Zone! ... The revolutionary
scientifically advanced vitamin, mineral and amino
acid nutritional supplements

Life Zone has developed a truly amazing product
called "pH-Neutrality." This patented process was
developed by the late Dr. Harvey Ashmead, a
pioneer leader in the field of amino acid chelated
minerals. pH-Neutrality allows the highest bio-
availability and absorption that no other
product can provide.

The molecules of colloidal minerals are too large to
pass through the intestinal wall intact. Through
pH-Neutrality, Life Zone has produced the highest
bio-availability and absorption of all natural minerals as
organic molecules, providing more effective and
usable vitamin and mineral nutrition than other
colloidal minerals.

Life Zone's pH-Neutrality process
allows the body's digestive system
ability to receive the benefits of Life Zone

435-563-3853
Your vitamin and mineral product call

435-563-3853

Do you feel a difference from your vitamins and minerals? Discover Life Zone! The revolutionary, scientifically advanced vitamin and all natural, organic, amino acid chelated mineral nutritional supplement.

Life Zone uses a truly amazing patented process to guarantee "pH neutrality!" "pH neutrality" allows the highest bio-availability and absorption of minerals to occur in the body, as proven by scientific research.

Compared to other mineral forms

~~compare ^{consult} Life Zone with Colloidal minerals.~~

Colloidal mineral molecules are too large to pass intact through cell membrane walls, so have very poor absorption and bio-availability.

Life Zone's patented "pH neutral" all natural, organic minerals are so small and stable that they easily pass through cell membrane walls intact for fast, effective, reliable, nutritional results.

Start living the difference with Life Zone!

call today for your informational packet

call toll free 1-877-563-5433

Life Zone can make a difference!

call 1-877-563-Life.

Do you feel a difference from your vitamins and minerals? Discover Life Zone! Evolutionary scientifically advanced vitamins and amino acid chelated minerals that use a patented process to target and direct nutritional supplementation directly to the job site within the body for maximum benefit.

End obsolete mega dosing that is expensive and ineffective. Life Zone targets your need for fast, effective, proven results.

Enjoy the comfort and ^{benefits} reassurance knowing your nutritional supplementation is being directed and used by your body where it is needed.

Call toll free 1-877-563-5433

for your free informational packet.

Remember - 1-877-563-Life

you owe it to yourself to "Live the difference!" with Life Zone.

To: Mr. Devin Gilbert
Fax 602-248-1478

LifeZone spot for California Sun Corrected copy

Do you feel a difference from your vitamins and minerals? Discover Life Zone! The evolutionary, scientifically, advanced vitamins, and amino acid chelated minerals that use a special patented process for PH-Neutrality... Life Zone targets and sends nutritional supplements directly to specific systems of the body for maximum benefits. End obsolete mega doses that are expensive and ineffective! Colloidal mineral molecules are too large to pass through cell membrane walls.

With PH-Neutrality, Life Zone's patented mineral molecules are small and stable, thereby allowing the highest absorption and bio-availability in the body.

Enjoy the comfort, benefits and reassurance knowing your nutritional supplement is being directed and utilized by your body where it is needed!

Call toll-free 1-877-563-5433 for your free informational packet. Remember 1-877-563-LIFE. You owe it to yourself to "live the difference" with Life Zone.

LZ 0000244

Life Zone spot for california sun

:60 second promo:

Do you feel a difference from your vitamins and minerals? Discover Life Zone! The evolutionary, scientifically, advanced vitamins, and amino acid (chelated) minerals that use a special patented process ^{for} called PH-Neutrality. Life Zone targets and ^{sends} ~~directs~~ nutritional supplements directly to specific systems of the body for ^{fast effective} maximum-benefits. End obsolete mega doses that are ^{proven} expensive and ineffective! Life-Zone targets your needs for ^{results} fast, effective, proven results. Colloidal mineral molecules are too large to pass thru ~~the~~ cell membrane walls. Through PH-Neutrality ^{with} these molecules are ^{a Life Zone mineral process (magnesium)} made small and stable, thereby allowing the highest absorption and bio-availability ^{in the body}. Enjoy the comfort, benefits and reassurance knowing your nutritional supplement is being ^{for maximum benefits} directed and utilized by your body where it is needed! Call toll-free 1-877-563-5433 for your free informational packet. Remember 1-877-563-life. You owe it to yourself to "live the difference" with Life Zone.



Devon Gilbert
02-248-1465 Fax 602-248-1478
02 277-1100

NICOLE'S

1 (760) 837-1855 FAX #

JANELLE'S

1 (435) 563-1950 FAX #

1 (435) 563-3853

JANELLE'S
VOICE #

LZ 00000245

March 23, 1999

Nicole Shoong
California Sun
P.O. Box 1991
Palm Desert, California 92261
Fax 760-837-1855

Dear Nickole

I haven't received the fax you said you would send on Friday the 19th. I don't know if it didn't go through or what. Anyway, I need to have a list of the questions we are going to discuss on the radio show on Thursday, the time of the talk show and instructions on how it is done.

I talked to Devin about my add. He said to have your radio producer listen to it and make a judgement. He is only a radio engineer so doesn't know what sells and what doesn't sell. However, in his personal opinion, he thought the add should have brought some responses by now.

I would appreciate receiving the information as soon as possible so that I have time to prepare. I am going to be in meetings most of Thursday so only have Wednesday between appointments to get prepared.

Thanks so much,

Janeel

Janeel Henderson

Life Zone, Inc.

LZ 00000246

EXHIBIT K



INTERNATIONAL

"ACHIEVEMENT AT ITS BEST"

GAGA International, Inc. Presents:

Janeel Henderson

President of Life Zone, Inc., Biochemist, and Daughter of World Famous Albion Lab Founder
Dr. Harvey Ashmead

When & Where?

Saturday October 21st, 2000

10 AM

Fairfield Inn, Across from Utah Valley Community College
(Exit 292 in Orem)

Janeel is the biochemist who formulated our 4 Today Nutritional products. She will educate us on the Albion Chelates and the benefits of minerals in our diets. We are excited to have her speak to us, and feel very fortunate to represent products which carry 70 International Patents!

Other Speakers Include:

Tom Wright - President GAGA International, Inc.

Dave DeHoyos - 6-Time Mr. Utah

Come and enjoy an uplifting and informative meeting!

EXHIBIT	15
WIT:	J. Henderson
DATE:	9-10-07
CHICourt, LLC	

GAGA Gives You The Go-Go!

500 South Geneva Road - Suite 200 • Orem, Utah 84058 • Phone 888-750-GAGA • Fax 801-812-2386

17 00000254

**USA
GYMNASTICS
MEMO**

To: Prospective Congress Presenters

From: Jennifer Gallahue Lee

Re: 1997 National Congress

Just wanted to let you know that I have your topic(s) you submitted on file to present at the 1997 USA Gymnastics National Congress in Denver, August 14-17. We will begin the selection of presenters and topics in March.

If you haven't submitted your topics or you would like to change your original topics, please fax me. Also, if you are unable to attend Congress this year, please notify me.

Thank you for your commitment to gymnastics! I'm looking forward to a great Congress.

LZ 0000256

LIFE ZONE, INC
48 North, 100 West, Hyde Park, Utah 84318
(801) 563-3853 phone (801) 563-4115 fax

March 29th, 1996

Dear Dr Henadol,

Please find enclosed a one page presentation on Amino Acid Chelated Minerals: The key to Human Nutrition.

My presentation will cover the following topics accompanied by a slide presentation and documented scientific evidence to verify my research. I will present different themes and develop them during my lecture.

1. A breakdown of Nutrition emphasizing the role that minerals play in metabolizing fats, proteins, carbohydrates, vitamins, etc.,
2. Describing the five criteria for chelation to occur in the body.
3. Documenting the problems with soil erosion in the United States and elsewhere. Explaining why mineral supplements are necessary because they are not available in adequate supply in the soil.
4. Give a background of Albion Labs, its position in the world nutritional industry, its work with the World Health Organization, its merit from the United Nations and the process of how it got the 52 patents it possesses.
5. Present the studies done with rats, birds, dogs, cows etc. Present the study being done at the University of Utah with gymnasts from Olympus School of Gymnastics, by Dr Bill Sands from the U of U, and by Dr Harvey Ashmeade and Janeel Henderson from Albion Laboratories.
6. What this means to gymnastics performance in terms of endurance, energy, stress, healing abilities, etc.
Bottom Line: Why should athletes take this to improve their performance and give them an edge over their competitors.

Sincerely,

Janeel Henderson
Janeel Henderson

LZ 00000260

Utah State University

Department Of Business Education
And Office Administration

Presents This

Certificate Of Appreciation
To

JANEEL HENDERSON

In Recognition of a Significant Contribution to the
OFFICE SYMPOSIUM

APRIL 19, 1983
(Date)

Wayne W. Scott
(Signature)



EXHIBIT 16
WIT: J. Henderson
DATE: 9-10-07
CWCourt, LLC

Utah State University

Department Of Business Education
And Office Administration

Presents This

Certificate Of Appreciation

To

Jamel Henderson

In Recognition of a Significant Contribution to the

Office Symposium--1984



April 25, 1984
(Date)

Wayne V. Bartholomew
(Signature)

G. BROSTROM
UTAH STATE UNIVERSITY
DEPARTMENT OF BUSINESS EDUCATION
AND ADMINISTRATIVE SYSTEMS
U.M.C. 35
LOGAN, UTAH #4322

LZ 0000265

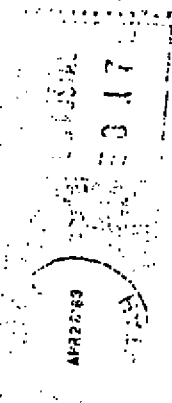
PRESORTED

FIRST-CLASS

Utah State
Evaluation of DM presentation

plus
talk given at USU

Janeel Henderson
48 North 100 West
Hyde Park, UT 84318



MEMORANDUM

DEPARTMENT OF BUSINESS EDUCATION AND OFFICE ADMINISTRATION

FROM: Gail Brostrom

DATE: April 25, 1983

TO: Janeel

SUBJECT: Office Symposium
April 19, 1983

YOUR SESSION, Developing the Personal You, received the following average rankings for each session listed. Comments follow the session rankings.

The questions asked the participants on the evaluation forms were:

	Low		Average				High	
	1	2	3	4	5	6	7	
1. The extent to which I valued information presented was								
2. The degree of openness, spontaneity, humor, and energy exhibited by the presenter(s) was								
3. The amount of learning I experienced in this session was								
4. The extent of the enjoyment I experienced in this session was								

The results from the sessions were:

9:00 session: 6.13 (7.0 highest)

10:30 session: 5.59

1:30 session: 5.45

Thanks so much for your participation! You did an excellent job--all of you.

LZ 00000266

Janeel, Comments made were as follows:

Seating and room arrangement made it difficult to see. (This was our fault; we should have put you on a raised floor--sorry.)

Very informative and excellent presentation.

Uses the local expression "And that" which I dislike. (?????)

Would like to have had more time in this session.

Janeel really knew her field.

Informative! Janeel did an excellent job. I was impressed.

Color can make a difference in personal evaluation of self-image.

Learned a lot but most of it was really general--would like to know how I could choose clothes better (like styles, colors, and so on); good slide presentation; not so much on makeup.

Mrs. Henderson was very interesting and lovely. Her information was worthwhile.

Good.

Felt it was a little too much of a sales pitch.

Very good.

Obviously knowledgeable in her field. Very interesting.

Speaker was entertaining.

Interesting.

I don't wear makeup, but this was interesting.

Very well done.

She did a terrific job and made me realize what I was doing right or wrong by her information given.

P.S. the other color analysis people work out of the Definitely Maybe store in Logan. (Never heard of it!) The name of the firm is Artistic Analysis, 460 E 1200 N. Consultants name on the business card is Joyce Waddoups, 752-0111.



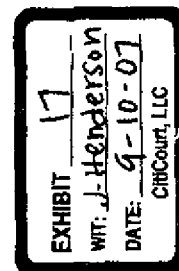
LZ 00000267

Business presentations for Utah State University

U

Thank you for that lovely introduction. I am very pleased to be here today to share with you some concepts that I hope you will find exciting. While I talk I may need to sit down or walk around. I hope it won't distract you. I have just gotten out of the hospital where I have been for the past two months recovering from major surgery. I do appologize today for my body not being quite up to par. However this doesn't mean that I don't beleive in what I teach or live it. I have been teaching and working in the field of beauty for over 20 years and it never ceases to thrill me as I watch ladies improve their image and self esteem. We women aren't just getting older, we're getting better, smarter, more capable and more exciting. You ladies are proof of that today. In fact you are living proof that women are ~~and~~ can achieve in our modern, technical business society. I applaud you, you are great!

You are here today because of something very important and that is ATTITUDE. You see your attitude is always showing. It shows when you care and it shows when you don't care. People form opinions from the silent attitudes you project. In business that can mean the difference between success or failure. In fact you ladies oft times set the entire atmosphere and theme for your boss, his business image, office rapport. You are the personal liasion and representative of the products, services, skills that your business deals with. It is so many times you who visually represent the company because the boss is behind the scenes. This shows up in your voice, mannerism, job competence and work skills and especially in your personal appearance. Your image many times is the deciding factor between job promoti9n, salary increase, or lack of. The following sli3e show is not using a professional model, rather a mother of 4 daughters under the age of five. The attitudes and personal self talk that is brought out in this presentation is just as important for the homemaker, working woman, career professional. You are a summation of the way you think, feel, act and bond to yourself, just as other people respond to those non-verbal mess signals you give out that represent what you think about yourself.



LZ 0000268

FILM STRIP DREAM AGAIN:

Wasn't that fun? Could you identify with parts of it just a little?

As the model started to physically change to fulfill her expectations of herself how did you begin to feel about her? That's what we are talking about. Subtle little plusses that add up to a whole lot more--more that is working for you, speaking for you, acting for you and you don't really have to do anything besides be competent and efficient and good at your job.

What are those plusses that work 24 hours a day for you?

They are COLOR, FIGURE ANALYSIS, WARDROBE, FASHION IMAGE, COSMETICS AND HAIRSTYLE.

Lets discuss each of them for a few minutes: *show color concept slide show*

1. COLOR: Color is one of the most versatile, fun, inexpensive yet dynamic tools that you can have going for you. Wrong undertones of color can add extra illusionary pounds of 10 to 20 extra immediately. Color is like a prism and reflects light to create mental imagery. It is used in jewelry, accessories, creates moods in Mother Nature and identifies living creatures in all their stages of life. Traditionally color is thought of in terms of the color wheel. Actually Gregor Mendel and Chevalier De Lamarch gave the real scientific clues for your own personal coloring. Before you were born, you had genetic factors called RNA and DNA determine your individual coloring. They determined your Balancing Factors of Melanin, Keratin, hemoglobin, translucency, and opaqueness which give brown, yellow, red, clarity and depth to your skin ~~and~~ along with its undertone of blue or gold. These all make up what is called your intensity. Thus no two individuals are alike, so should not be put into small narrow categories of color. An individual can wear any color that meets his undertone, balancing factors and intensity. To help you to choose those colors ~~and~~ special dictionary was developed by scientific means. By laser beam exact guidelines are reproduced so that you are guided to your color needs but not having to match the colors in the dictionary. This revolutionary concepts guides you to coordinated looks in your dress.

cosmetics, accessories, interior decorating and in anything where color is important.

2. Once color has been determined than figure analysis for the proper wardrobe proportions needs to be determined. This is done by taking several exact measurements of the body. Than it is fed into a computer and a printout comes back for your own individual body proportion requirements, ^{and} as to necklines, colars, sleeves, dress styles, skirts, jacket and hem lengths that will best balance your body visually, so that you always look your best.

3. Cosmetic application, color and placement are determined by your facial proportions not face shape, ^{by your} color analysis, your age and image you want to project.

4. Only after this should a hair style be designed for you. Your hair design should balance your facial proportions, enhance your cosmetic application and fashion image.

5. The lady in this slide series is a professional woman world famous in ^{her} field. She is one of only 8 individuals west of the Mississippi River to have a PHd ^{in her profession} and has been in many Whos Who and is world acclaimed. When she came to me at age 68 she told me people seldom took her seriously and she felt that she constantly had to "prove" herself to her male coworkers. I suggested that maybe her personal image was sending out conflicting signals and that was what people were reacting to. As we improved her image, it did indeed change ~~about~~ others responses to her and help to reinforce her professionalis ^{with the correct figure analysis wardrobe fashion image cosmetics & hairstyle} in their view. Now you have an integral-pleasing professional-confident image that works for you and not against you -

and it all starts with color!

Januel -

Thanks so much
for your presentations
at the Office Symposium.
Have included a list
of questions asked of
the participants, their
average responses for
each session, and their
comments. A job well
done!! Hope you receive
lots of business. See
you soon. Love

EXHIBIT L



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Life Zone® Frequently Asked Questions

- [What Are Minerals?](#)
- [Why Are Minerals Important?](#)
- [Are There Antagonisms Between Minerals That Affect Nutrition Responses?](#)
- [What Is Bioavailability And Why Is It Important?](#)
- [What Are Chelated Minerals?](#)
- [Why Are Minerals Bound To Amino Acids To Form A Chelate?](#)
- [Why Is It Important For The Mineral To Have A Stable Bond To The Amino Acids?](#)
- [What Makes Life Zone® Chelates So effective?](#)
- [Why Are Life Zone® Chelated Minerals Better?](#)
- [What Proof Is There Of The Greater Bioavailability Of Life Zone® Chelated Minerals?](#)
- [Is There Test Data To Prove The Superior Absorption Of Life Zone® Chelates?](#)
- [How Are Life Zone® Chelates Used?](#)
- [How Does One Evaluate Life Zone® Chelates Against Other Mineral Forms In The Marketplace Which Also Talk Of Availability?](#)

What Are Minerals?

As simple as it may seem, this question sets the stage for our concern of trace minerals in human nutrition. Webster describes minerals as solid, crystalline substances (naturally occurring elements found in the earth), not of animal or vegetable origin. Important in this definition is the indication that their origin is not from animal or vegetable sources. Minerals for nutritional purposes cannot be synthesized by animals or plants. They must be utilized as natural elements from nature.

[Back to top ^](#)

Why Are Minerals Important?

The following table shows various systems in the body which utilize trace minerals. Research is showing that imbalances or deficiencies in trace mineral nutrition can affect these systems.

System	Trace Minerals
Immune System	Cu, Zn, Fe, Se
Energy Production	Mg, P, Mn
Hormone System	Fe, Mn, Zn, Cu, Mg, K
Vitamin Production	Co
Blood Production	Cu, Fe
Enzyme Systems	Zn, Cu, Mn, Mg, Fe
Reproduction	P, Cu, K, Mn, Zn, Mg

[Back to top ^](#)

Are There Antagonisms Between Minerals That Affect Nutrition Responses?

Yes. Looking below at the mineral wheel, whenever a mineral has an arrow pointing to another mineral, it indicates interference exists. This is caused by imbalances of one mineral or the other. The antagonism can cause problems with mineral utilization.

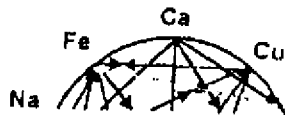
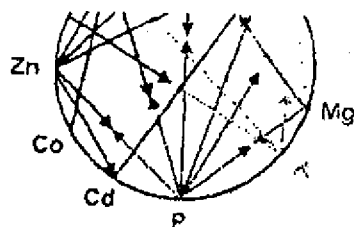


EXHIBIT 4
 WIT: J. Henderson
 DATE: 9-10-07
 CitiCourt, LLC

LZ 00000212

11/10/2004 3:23 PM



This is important because it relates to mineral balance. Not only are levels of minerals important, but the ratio of one mineral to another can affect final use. For instance, we know that high levels of molybdenum found in soils can tie up copper. Ultimately this affects the ratio of copper in the body systems.

[Back to top ^](#)

What Is Bioavailability And Why Is It Important?

One good definition put forth by Dr. E. R. Miller of Michigan State University is, "Bioavailability of a mineral element implies the availability of that element to some organism for body use."

It is important because all nutrition must be available to various body systems for growth, maintenance, reproduction; and other performance factors. No matter how high the nutrient levels or how well formulated the product, if it is not available at the cellular level, then money and effort have been wasted.

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What Are Chelated Minerals?

When minerals such as zinc, manganese, magnesium, copper, iron, cobalt, and others become surrounded by and bonded to amino acids, on a stable form, this is referred to as chelation. Chelation is a natural means for the body to transport minerals across the intestinal wall as part of digestion.

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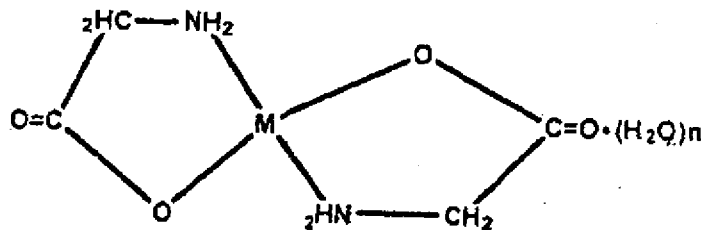
Why Are Minerals Bound To Amino Acids To Form A Chelate?

The body is very efficient at absorbing amino acids. In a priority list of nutrition substances crossing the intestinal wall after digestion, amino acids rank high. In fact, 95% of all amino acids broken down in the process of digestion are absorbed. Chelating minerals to these allows them to be "smuggled" in the transport process across the gut wall.

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Why Is It Important For The Mineral To Have A Stable Bond To The Amino Acids?

Simply mixing inorganic minerals with amino acids in a liquid or dry mixture and taking them as proposed chelates does not fall into the category of a "true amino acid chelate". This simple ionic and hydrogen bonding of minerals to amino acids does not produce a stable product. Special processing must be performed to create that stable (covalent) bonding so important to create bioavailability. Life Zone® uses patented processes to assure this.



There are many products on the market which are reported to be chelates. Some are only complexed mixtures of minerals and proteins not fitting in to the definition of true amino acid chelates. These lose integrity during digestion, becoming unstable and compromising availability.

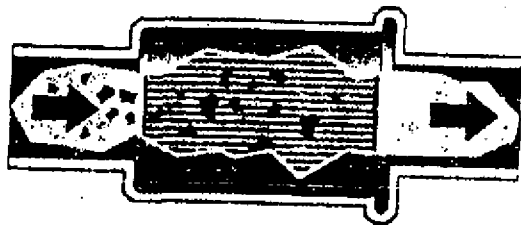
When looking for available trace minerals, look at Life Zone® chelates. We guarantee purity and stability.

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What Makes Life Zone® Chelates So effective?

A: Size

Picture in your mind the fuel filter on your car engine. The filter allows fuel to pass through but holds back large particles from entering the engine. This same idea applies to the absorption of minerals from the intestine to the blood stream. Large particles cannot easily pass through the intestinal wall. Many trace mineral products on the market have molecular weights too large to be absorbed intact.



Through patented technology, Life Zone® uses chelated trace minerals with molecular weights small enough to pass easily through the intestinal wall. The result is a compound similar to that which the body itself produces by natural chelation.

B: Stability

The chelating process used by Life Zone® guarantees pH buffered stability of the trace mineral compound even through the acidic environment of digestion. This assures total bioavailability of the mineral by absorption of the intact molecule.

What good does it do to take an inorganic mineral which breaks down during digestion only to recombine in other forms which may not be available? This is the story with our traditional mineral compounds such as zinc sulfate, iron sulfate, or any of the oxide or carbonate forms. The body cannot utilize these forms of minerals as fed. The mineral must be broken apart and reconstructed to allow transport through the intestinal wall.

A similar situation exists with some reported chelate or complexed mineral products. Not properly stabilized, they break apart, exposing the raw mineral.

It is after digestion when the mineral has been cleaved from its carrier and becomes a free radical that availability is jeopardized. These free minerals can easily recombine to form totally unavailable substances. Only Life Zone® chelates maintain that bioavailable stability.

C: Neutrality

The process of chelation results in the final mineral compound becoming neutral, i.e., containing no electric charge. Why is this important? The free metals after cleavage usually have a positive charge. This means they can become attached to a negatively charged substance.

As an example, iron sulfate in the stomach undergoes acidic cleavage which results in free iron metal ions with positive charges. In its "free" state, the iron can now bind with any negative charged substance. Phytic acid from plant sources and free phosphorus are two common materials found in the stomach and intestinal tract which can permanently tie-up the free iron, rendering it totally unavailable.

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Why Are Life Zone® Chelated Minerals Better?

Life Zone® uses chelated minerals which closely duplicate the natural chelation process which occurs in the body. This makes them highly bioavailable and therefore a more effective and reliable means of providing trace minerals nutrition.

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What Proof Is There Of The Greater Bioavailability Of Life Zone® Chelated Minerals?

Scientific procedures and testing procedures utilizing the following determinative methods are part of the proof.

1. X-Ray Diffraction
2. Nuclear Magnetic Resonance (NMR) Spectroscopy
 1. Nitrogen Scanning

2. Carbon Scanning
3. Mass Spectrometry
4. Infrared Spectrometry (IR)
5. Specific Ion Electrode
6. Atomic Absorption Spectroscopy
7. X-Ray Photoelectron Spectroscopy

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Is There Test Data To Prove The Superior Absorption Of Life Zone® Chelates?

There is both human and animal tests involving mineral movement throughout the body starting from the point of digestion. Results are available.

What About Minerals In Water? Are There Antagonisms Which Exist?

We are all familiar with the problems of high concentrations of minerals in water. Also, we know that levels vary from region to region.

Some specific problems are:

- Nitrates - tie up potassium.
- Sulfates - become antagonistic with magnesium, copper, calcium, and selenium.
- Iron - competes with zinc, manganese, copper, phosphorus, cobalt and copper.

With the potential for problems in both water and food, it makes sense to take a hard look at the highly available Life Zone® chelates.

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How Are Life Zone® Chelates Used?

If you read through all the current questions and concerns about minerals you will realize there is a need for more available trace minerals in our nutritional programs. Our traditional sources (sulfates, oxides, carbonates, chlorides, and others) can be formulated to meet the requirements of the label. However, we never really know where we stand on availability of these sources in practical situations. We do know that their availability is low: estimates of 4-22%. Therefore are we receiving the true formulated levels?

What about additional supplementation of inorganic sources to compensate for lower bioavailability? But the real question is: how much more inorganic mineral sources can one digest? It is a situation of diminishing availability as more inorganic mineral sources are added.

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How Does One Evaluate Life Zone® Chelates Against Other Mineral Forms In The Marketplace Which Also Talk Of Availability?

Simple, ask the following questions:

Are the minerals truly chelated to amino acids or just complexed by mixing trace minerals with protein?

Life Zone® chelates are made to fit the definition of chelation most like the body's own method; buffered, low molecular weight, neutral, natural. *We can prove it.*

Does the product have stability when subjected to various pH ranges found in digestion (2.0 - 7.5)?

Life Zone® chelates are buffered to remain intact and durable throughout digestion. *We can prove it.*

Is the mineral products small enough in size to allow unhindered movement through the intestinal wall?

Life Zone® chelates are processed to critical size requirements. In terms of molecular weight, Life Zone® chelates are suited for availability. *We can prove it.*

Is there test data to show that these minerals really work?

Accumulated data and results have resulted in over 70 patents and patents pending. This data is from analytical laboratory work.
We can prove it.

Compare pricing.

You may pay less for some reported chelates and complexes, but is it really cheaper? If the product is not truly a chelate, then you are essentially paying a premium for 'fancy' inorganic minerals. Without guaranteed availability, you lose two ways: cost and mineral utilization.

Only true amino acid chelates as described in this literature will give you your money's worth.

Don't be fooled by imitations.

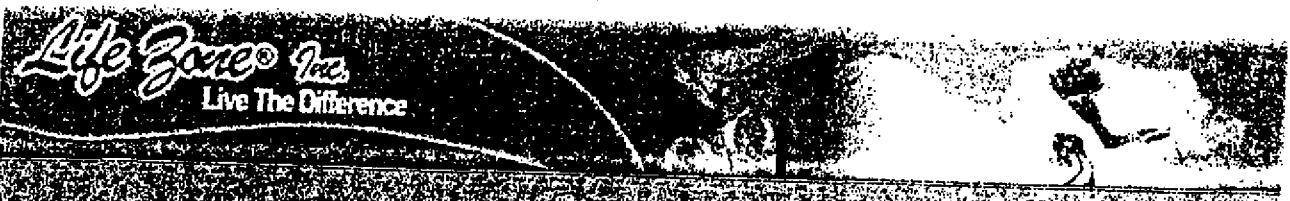
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Life Zone® Health Studies

Calcium Absorbency Test

Dr. Heaney at Creighton Medical University evaluated women ages 20 to 40 for calcium absorption. Over a period of time, each woman participating in the study received calcium supplements given in five different forms: patented amino acid chelated calcium used by Life Zone™, calcium carbonate, milk, Hydroxyapatite (Ca), and Calcium Citrate. Each woman received 300 milligrams of each form of calcium as a liquid (45Ca).

What Happened?

Blood was drawn from each woman, five hours after each calcium form had been taken, and evaluated for calcium absorption.

Type of Calcium	Percentage Absorbed into the Blood Stream
Life Zone's patented amino acid chelated calcium	44%
Calcium Citrate	25%
Calcium Carbonate	23%
Milk (calcium)	19%
Hydroxyapatite (Ca)	17%

EXHIBIT 5
 WIT: J. Henderson
 DATE: 9-10-07
 CliffCourt, LLC

Homing pigeons win a 600 mile non-stop race with the help of Life Zone® Minerals

Racing pigeons is a big industry. When homing pigeons are being raced, they are released to fly non-stop back to their home perches. Dehydration is a serious problem because the birds do not stop once released. In one 600 mile race, pigeons who had been fed the chelated minerals offered by Life Zone® returned to their home perch one-and-a-half-hours ahead of the other birds in the race and did not experience dehydration. Frequently birds will dehydrate as much as 20 percent of their body weight in a race. When you have a bird that weighs only a few ounces, losing 20% of its body weight is a significant loss. The results of the mineral (Life Zone® amino acid chelate) fortification in the birds' diets was amazing.

Iron Deficiency Anemia Test

Doctors Carlos P. Lemus, M.D. and Jose M. Perez, M.D. reported in the Journal of Applied Nutrition, Volume 46, Numbers 1&2, 1994 the following findings:

- Based on hemoglobin levels, 30 mg of amino acid chelate used by Life Zone® was absorbed four times more efficiently than 120 mg of iron sulfate which permitted recovery from iron deficiency anemia within four weeks.
- In addition, no gastro intestinal distress was experienced with the chelated iron used by Life Zone®. In general, inorganic iron salts are poorly absorbed. If absorbed, the degree of absorption is negatively influenced by other compounds present in the diet, such as fiber, phytates, phenols, and divalent anions which may bind the mineral nutrient so it can't be used by the body. In other words, inorganic iron salts (such as iron sulfate) can enter into chemical reactions with your diet. For this reason, Life Zone® amino acid chelated iron is highly recommended by Drs. Lemus and Perez because they found no unwanted reactions within the body and no potentially toxic substances excreted. Life Zone® amino acid chelated iron appears as a potentially valuable therapeutic agent due to its higher bioavailability (usage by the body) and the absence of unwanted side reactions.

How does your endurance, ability to handle stress, and energy levels compare to a rat?

Three groups of rats, six in each group, participated in a mineral test to see if Albion Laboratory minerals would improve their

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energy endurance, and ability to handle stress. Let's see how they compared after three consecutive days.

Group A - was fed the patented amino acid chelated minerals (used by Life Zone® in their nutritional supplements).

Group B -- was fed inorganic minerals as sulfates and chlorides in their food (commonly found in vitamin mineral supplements from health food stores).

Group C -- was fed regular food with no mineral or vitamin fortification.

What Happened?

After three days, each group of rats was timed to see how long it could swim non-stop.

Group A -- swam for 48.3 minutes, non-stop

Group B -- swam for 13.8 minutes, non-stop

Group C -- swam for 10.1 minutes, non-stop

As you look over the endurance levels of all three groups, which group would you be with if you were asked to swim non-stop today? The amino acid chelated minerals can make a difference for you too.

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Life Zone® Inc. - Health Journal

Health Information that you can use!

Friday, March 12, 2004

IMMUNE SYSTEM SUPPLEMENTS

Useful supplements for the Immune System begin with a basic multiple vitamin/mineral that includes all of the essential vitamins and minerals plus the important antioxidant nutrients. Care must also be taken with one's diet to obtain sufficient dietary proteins and L-amino-acids which help form the Immune System tissues and antibodies, along with essential fatty acids.

A basic Immune System Supplement should include at least 100% of the RDA for pyridoxine, pantothenic acid, and folic acid. These vitamins are needed for proper protein production along with magnesium and zinc for cell and tissue health. In addition, 100% of the RDA amounts of the anti-oxidant vitamins C, E, A, and beta-carotene and the minerals Zinc, Selenium, Copper, and Manganese should also be present in the basic multiple vitamin/mineral Immune System Supplement.

This type of Immune System Supplement functions as a preventative supplement and is designed for individuals who have excellent dietary habits, a healthy lifestyle and are in good health. Lifezone's "Basic plus" provides that type of a basic Immune System Supplement and has been formulated to meet all of the basic bodies Immune System needs.

- A deficiency of Vitamin A can reduce cellular immunity, slow tissue healing, increase infection rate, lower IgA levels which affect the defense of mucous membranes.
- A deficiency of Vitamin C can decrease phagocyte function, reduce cellular protection against various microbes, slow wound healing, reduce production of interferon, and with lower levels of bioflavonoids have less anti-inflammatory protection.
- A deficiency of Vitamin E can decrease antibody production and response, and if there is a selenium deficiency will lower cell-membrane integrity.
- A deficiency of Vitamin B2 (Riboflavin) impacts the ability to maintain electron balance.
- A deficiency of Vitamin B5 (pantothenic acid) can lower humoral immunity and increase irritation from stress.
- A deficiency of Vitamin B6 (pyridoxine) can lessen cellular immunity and slow energy metabolism.
- A deficiency of Vitamin B12 can decrease lymphocyte proliferation and PMN bacteriocidal activity.
- A deficiency of Folic Acid can reduce blood cell production and may increase susceptibility to cervical cancer.
- A deficiency of Zinc can decrease T and B cell function, thymic hormones, increase infection rates and slow healing.
- A deficiency of Iron can decrease cellular immunity and neutrophil activity.

Author Profile



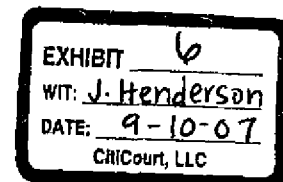
Janeel holds a B.S. from Brigham Young University, M.S. from Clayton College of Natural Health, and is a licensed Master Aesthetician, licensed massage therapist, dark field microscopist, and a nutritionalist. In addition, she also holds 1 patent and 1 patent-pending for her work in nutrition

Recent Articles

IMMUNE SYSTEM SUPPLEMENTS
Useful supplements for
ANTIOXIDANT VITAMINS/MINERALS
Antioxidants Anti

Archives

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- A deficiency of Selenium along with a vitamin E deficiency can lower antibody response and increase cellular carcinogenesis.
- A deficiency of Copper can lower resistance to infection.
- A deficiency of Iodine lessens the neutrophil killing of microbial invaders

Zinc, copper and manganese all help to reduce superoxides through the Superoxide Dismutase Enzyme. Selenium supports the production of the enzyme Glutathione Peroxidase which counteracts peroxides, stimulates immune response and protects against many toxins.

Taking a quality multiple vitamin/mineral supplement will enhance Immune System Supplement needs and provide a foundation for building good health while providing protective help to the Immune System.

posted by Janeel @ Friday, March 12, 2004

ANTIOXIDANT VITAMINS/MINERALS

Antioxidants

Antioxidant vitamins and minerals are natural compounds that help protect the body from harmful free radicals. Free radicals are atoms or groups of atoms that can cause damage to cells, impairing the immune system and leading to infections and various degenerative diseases such as heart disease, atherosclerosis, cancer, arthritis, cataracts, emphysema, retinopathy, etc.

The best known antioxidant vitamins and minerals are vitamin A, beta-carotene, vitamins C and E, the minerals Selenium, Zinc, Manganese, Copper, and Iron. The body uses these elements to make free radical enzyme scavengers; which neutralize the free radicals. The four most important enzymes that neutralize the free radicals are the superoxide dismutase (SOD) enzyme, methionine reductase, catalase, and glutathione peroxidase.

These antioxidants neutralize oxygen-derived free radicals, such as superoxide radicals, hydroxyl radicals, hypochlorite radicals, hydrogen peroxide, lipid peroxides and nitric oxide. They may be formed by exposure to radiation, the sun's rays, toxic chemicals, cigarette smoke, polluted air, industrial and household chemicals, and various metabolic processes, such as the process of breaking down stored fat molecules for use as an energy source within the body and stress.

These free radicals contain at least one unpaired electron. Electrons are negatively charged particles that usually occur in pairs, forming a chemically stable arrangement. If an electron is unpaired, another atom or molecule can easily bond with it, causing a chemical reaction. Because they join so readily with other compounds, free radicals can effect dramatic changes in the body, and they can cause a lot of oxidative damage. Each free radical may exist for only a tiny fraction of a second, but the damage it leaves behind can be irreversible, particularly damage to heart muscle cells, nerve cells, and certain immune system sensor cells.

Diet can also contribute to the formation of free radicals. A diet high in fat can increase free radical activity because oxidation occurs more readily in fat molecules than it does in carbohydrate or protein molecules. Cooking fats at high temperatures, particularly frying foods in oil, can produce large numbers of free radicals. If the diet does not contain enough antioxidant vitamins and minerals to neutralize these free radicals, they can alter the way in which the cells code genetic material. Changes in protein structure can occur as a result of errors in protein synthesis. The body's immune system may then see this altered protein as a foreign substance and try to destroy it. The formation of mutated proteins can eventually damage the immune system and lead to leukemia, and other types of cancer, autoimmune diseases as well as many other degenerative diseases. In addition to damaging genetic material, free radicals can destroy the protective cell membranes and calcium levels can be upset.

It is important to remember that the molecular weights of enzymes are quite high. For example, the copper-zinc SOD enzyme has a molecular weight in excess of 30,000 daltons.

while the manganese SOD weighs more than 60,000 daltons. Both of these structures have molecular weights that far exceed what the body and cells can absorb intact without digestion which results in the destruction of the SOD enzyme. The maximum weight of a molecule is 1,500 daltons for cellular intact absorption. In view of this, it becomes obvious that typical SOD supplements on the market have little or no value in spite of rigorous marketing strategies. Instead, the body needs through supplementation, the antioxidant vitamins and minerals in the correct ratio, molecular weight, and combination to manufacture within the body necessary SOD enzymes to neutralize free radicals and stop their damage.

Currently 3 SOD enzymes have been identified by scientific studies that the body manufactures if the proper intake of copper, zinc, and manganese are bio-available SOD-1 (Cytosolic, Copper/Zinc SOD) SOD-2 (Mitochondrial, Manganese SOD) SOD-3 (Erythrocyte, Copper/Zinc SOD)

Lifezone's Kela I targets the Immune System and delivers key antioxidant vitamins and minerals to the Immune System in a bio-available amino acid chelated process so that the body can manufacture SOD Enzymes. This is a patented process backed by medical and scientific research leading to over 70 patents.

With antioxidant vitamins and minerals bio-available to the Immune System, the SOD enzyme enzymatically converts toxic superoxide anion radicals to hydrogen peroxide, which is then converted to water via the action of glutathione peroxidase or catalase. If the antioxidant vitamins and minerals are not bio-available to the body, then the superoxide anion becomes an unstable reactive and therefore chemically dangerous as a free radical which initiates lipid peroxidation which results in the accumulation of water soluble fluorescent compounds in the liver, lungs, spleen, kidneys, heart and brain where irreversible damage can occur.

Antioxidant vitamins and minerals are included in Lifezone's Basic plus. A patented multiple vitamin/mineral supplement designed to provide essential nutrients to the entire body. Both Kela I and Basic plus offer powerful nutrition in a bio-available format for maximum nutritional antioxidant protection.

posted by Janeel @ Friday, March 12, 2004

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Supplement Information

Patented Process

Lifezone, Inc. specializes in pharmaceutical grade amino acid chelated mineral nutritional supplements that have the ability to target specific body systems for maximum nutritional delivery into the cells, tissues, and organs of that system. Different body system formulas can be combined to customize individual nutritional health needs as indicated. This is a patented process proprietary to Life Zone®.

The level of each mineral in the body has an effect on every other, so if one is out of balance, all mineral levels are affected. If not corrected, this can start a chain reaction of imbalances that leads to illness. Therefore, the human body must maintain its proper chemical balance, which is dependent on mineral nutritional levels and especially the ratios of certain mineral levels to one another. Every living cell on this planet depends on minerals for proper function and structure. They are the key to human nutrition and the level of health enjoyed. They are necessary for protein metabolism, carbohydrate metabolism, fat metabolism and vitamin absorption to take place within the body. Hormones and enzymes are also dependent on mineral nutrition. Simply stated, without minerals there is death. Without optimal levels there is illness and disease.

Targeted and Bio-available

It can be difficult, if not impossible, to obtain the amounts of minerals needed for optimum health through diet alone. Mineral supplementation must be effective to get the job done. Taking Lifezone's targeting amino acid chelated mineral supplements can help assure the minerals the body requires arrive where needed without having to mega dose the entire body for specific health needs.

Research resulting in over 70 different patents and patents pending provide proof as well as published independent scientific, medical, and university studies in professional journals, that these patented amino acid chelated minerals get the job done. In comparison to other mineral forms, the bio-availability of Lifezone's amino acid chelated minerals at the cellular level, is consistently higher than ionic minerals, oxides, sulfates, carbonates, ferrous salts, colloidal, picolates, citrates, and gluconates.

Lifezone's amino acid chelated minerals are ready for the body to use them (bio-available). They do not have to go through the process of digestion and metabolism before the body can absorb and utilize them (bio-available). They will not enter into adverse chemical reactions within the body that can interfere with mineral utilization; nor do they produce "expensive urine" because they can't be metabolized and used by the body. Research has proven that they will not build up toxic mineral levels in the kidneys, liver, gall bladder, in arterial linings, or around the joints and in fatty tissue like other forms of minerals do.

Lifezone's amino acid chelated minerals are safe, effective, pure, natural, organic minerals that duplicate the bodies mineral metabolism in a patented process so that the body doesn't have to use valuable energy or resources converting them into a compatible, useable form for bio-availability.

Lifezone's amino acid chelated minerals will not enter into adverse chemical reactions with drugs, herbs, dietary fiber, phytic acid, phosphates, caffeine, tannic acid, or other elements. They are pure, natural organic minerals that are simple to take.

It is recommended that individuals take Lifezone's Basic Plus multiple vitamin/mineral supplement to provide a balanced nutritional base for supplementing dietary deficiencies and lifestyle choices. Then, if there are specific health concerns, add the appropriate Kela targeting formula to bring that system into balance with the rest of the body. Meanwhile, taking the Basic Plus will help stop ongoing deficiencies from occurring as the body systems come back into balance. Once a body system is back in balance, the Kela targeting formulas can be eliminated or cut back as needed, allowing the Basic Plus to act as a maintenance program.**

** These statements have not been evaluated by the Food and Drug Administration. This product is not intended to treat, diagnose, cure, or prevent any disease.

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Skin Care Information

KelaKare Products

KelaKare Skin Care products offer the most advanced technologically formulated skin care protection available in the fight against aging. Each product is pH balanced and hypoallergenic.

The need for excellent skin care products which have the ability to work in harmony with the body for maximum protection has never been greater than now--this is the reason for KelaKare products. This is also the philosophy behind each and every ingredient that has painstakingly been chosen based on the latest scientific research, to be included in our formulas. In addition, each product may be used by men, women, teenagers or children. They are easy to use, fast and effective. In short, **THEY WORK!**

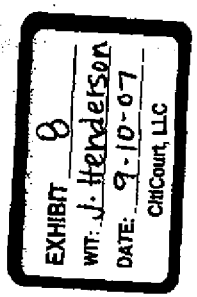
If your skin is exposed to harsh weather, dry climates, (indoors or out), polluted air, dry, chafing winds, wintery climates, harsh household chemicals, perm solutions, makeup, smog, cigarette smoke and other airborne irritants, or you use Retin-A or Glycolic Acid, **YOU NEED KELAKARE** to defend and protect your skin against the elements that lead to premature aging.

Perfumes, dyes, animal testing or animal byproducts are not used. Nor does KelaKare use any petrochemicals, mineral oil, paraffin wax, beeswax, lanolin or petrolatum in its products because these ingredients clog the pores, cause irritation and interfere with the natural function of the skin.

KelaKare Cleansing gel is a one step gentle, thorough cleanser that does not require astringents, toners or refreshers. It will not strip or dry out the skin. It is safe for all skin types. It may be used as a shaving gel, and hand and body cleansing gel. A patented ingredient known to aid healing of wounds and skin irritation is part of the formulation.

KelaKare Day Lotion contains a patented Free Radical S.O.D. formula, anti-oxidants, Natural Moisturizing Factor (NMF), and humectants for moisturizing and hydration of the skin. Special ingredients increase cell renewal, collagen and elastin formation as they help skin firmness. Liposomes, and a unique ingredient give environmental protection to the skin from damage caused by wind, heat, cold, air pollutants, harsh chemicals which all lead to premature aging of the skin, lines and wrinkles.

KelaKare EnviroShield is a lightweight cream designed to act as a protective shield for your skin from many environmental problems including dry, chafing winds, wintery climates, harsh household chemicals, perm solutions, makeup, smog, cigarette smoke and other airborne irritants. It may be used instead of a moisturizer or applied over KelaKare Day Lotion or KelaKare Night Creme for additional protection as a "breathable barrier" that prevents harmful materials from penetrating the skin which may accelerate the aging process.



Features

Patented Free Radical, Anti-Oxidant formula with T.A.M.S. (Targeting Amino Acid Mineral System). Protects against cell damage, viral and bacterial invasion, chemical and environmental pollution, which may lead to premature aging.

Liposomes. Microscopic delivery system that ensures "Time Release" and Targeted Delivery" of active ingredients onto and into the skin. Both Dispersed and Emulsified Liposomes are used.

Natural Moisturizing Factor. Binds and holds water molecules in and around the Keratin Cells to protect against cracking and peeling of the skin. Without this moist, connective environment, the Stratum Corneum would not remain intact.

Algae Peptides. Increases cell turnover, improves skin moisturization and hydration. Initiates Collagen formation in the Dermis layers of the skin.

Squalene, Squalane, Glycolipids, Phytosterols, Tocopherol. These ingredients integrate into damaged multilayer for restoring normal suppleness and flexibility to the skin. The correct combination of these ingredients can help cellular adhesion and protection for natural cellular defense against invasion of microorganisms and prevention of moisture loss.

KelaKare High Performance Ingredients for Cleansing Gel and Day Lotion

Superoxide Dismutase (SOD) is a protein-bonded form of minerals in the enzyme Superoxide Dismutase. In the aging process, it is believed that free radicals of oxygen are produced by ultraviolet exposure and react destructively with lipids in the cell membrane, causing severe, long term damage at the cellular level. This is believed to be a major cause for premature aging. Technically, free

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radicals are molecules that lack an electron so constantly attack cells to obtain the needed electron to be stable. The patented formula for Free Radical scavengers found in KelaKare can help augment natural protection by destroying already formed Free Radicals and blocking the production of new Free Radicals.

Dimethicone

Protects skin from damage caused by wind, heat, cold, air pollutants and other contaminants which all contribute to premature aging of the skin.

Liposomes

Microscopic delivery system that ensures "time release" and "targeted delivery" of active ingredients onto and into the skin. Two forms of Liposomes are used in KelaKare products: Dispersed and Emulsified. Dispersed Liposomes are produced with solutions of water soluble agents captured in the interior compartment of the vesicle as well as being present in the continuous phase of the dispersion. Emulsified Liposomes capture lipids within the bilayer of the vesicles.

Vitamin E Acetate (Tocopherol Acetate)

Moisturizes the skin from within, blocks lipid peroxidation as a free radical scavenger. It slows down the conversion of soluble collagen (predominant in young skin) to insoluble collagen. It also improves skin smoothness.

Vitamin E (Tocopherol)

Protects finished products themselves from the action of free radicals. It blocks the oxidation of many oxygen sensitive materials, helps prevent the formation of nitrosamines, free radicals and lipid peroxides, extends the shelf life and helps maintain product stability and consistency when applied onto the skin.

Squalene, Squalane, Glycolipids, Phytosterols, Tocopherol

These ingredients integrate into damaged multilayer, quickly restoring the skin to normal suppleness and flexibility. The use of soaps and detergents lead to pronounced loss of lipid material from the skin. Moisture is then lost which leads to further damage of the permeability barrier, due to its reliance on water for its stability. This leads to excessive dehydration which causes dry, scaly and cracked skin. The correct combination of these ingredients can help cellular adhesion and protection for natural cellular defense system against invasion of microorganisms and prevention of moisture loss.

Algae Peptides

Improves skin moisturization and hydration. It increases cell turnover and enhances skin smoothness and the reduction of fine lines. It improves skin firmness and elasticity. It provides superior skin soothing properties. The rich hydroxyproline content initiates collagen formation, stimulates fibroblast and keratinocyte protein synthesis and proliferation. It positively affects wound epithelialization and faster cell mitosis in the epidermis and dermis layers of the skin. It can increase the density of collagen bundles in the upper dermis which leads to greater plasticity and elasticity of the skin. This leads to increased firmness in the skin, improved cosmetic properties of the skin for wrinkle reduction, improved short and long term moisturization.

Copper Amino Acid Chelate

Copper helps protect cell membranes from oxidation damage. It is a component of tyrosinase, the enzyme in skin that helps create the UV protecting pigment, melanin. This trace mineral helps strengthen the skin by assisting with production of collagen and elastin, the two protein fibers that give skin support and elasticity. It is a key ingredient in the production of the S.O.D. enzyme.

Manganese Amino Acid Chelate

As a supplement, Manganese helps skin functions "catch-up". Imbalances such as premature aging, irritations and blemishes are corrected when Manganese triggers energy production and activates certain skin enzymes including the S.O.D. enzyme.

Natural Moisturizing Factor

A group of chemicals in the Stratum Corneum has the ability to bind and hold water molecules in and around the Keratin cells. Without this moist, connective environment, the Stratum Corneum would not remain intact. The cells would separate, causing severe cracks and peeling. This group of chemicals is called the Natural Moisturizing Factor (NMF). Chemical analysis has revealed the chemical composition of the NMF. Life Zone has used this valuable information to formulate KelaKare skin care products with ingredients that are actual components of the NMF to enhance your skin's natural moisturizing capability and help the Stratum Corneum stay smooth and intact.

It is vitally important to know that the chemicals in the Natural Moisturizing Factor are easily washed out of the Stratum Corneum by Alkaline Soaps, harsh chemicals, detergents, and environmental conditions (extremes of heat, cold, wind, low humidity, chemical and air pollution). Protecting the skin's Natural Moisturizing Factor can make a big difference in the beauty and health of the skin.

LZ 0000224

11/19/2004 3:33 PM

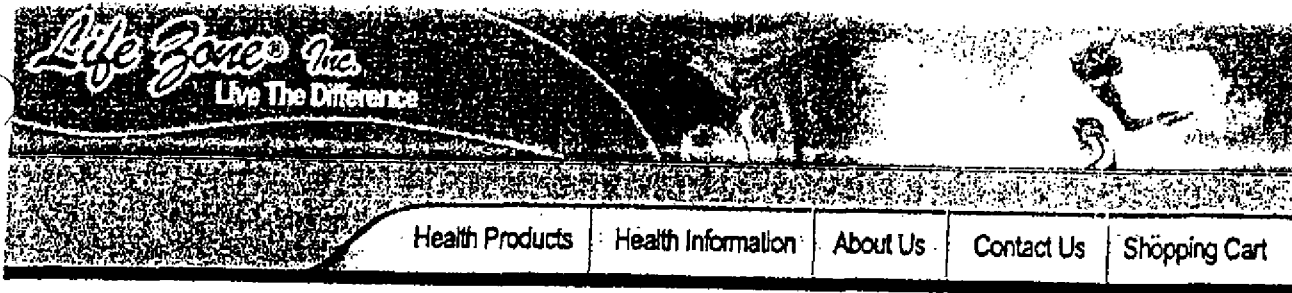
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LZ 0000225

11/19/2004 3:33 PM

EXHIBIT M



Continuing Education

For information on personal development through continuing educational workshops, seminars, lectures, classes or private consultation, please [contact us](#).

Educational services may include the following topics:

1. The elements of nutrition
2. Stress, diet and lifestyle
3. Bio-availability and the body
4. Myths about dieting and weight management
5. Skin care and make up application
6. Self esteem and leadership skills
7. Dress for success/color analysis/fashion image/line and design
8. Body Elite figure shaping

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EXHIBIT	9
WIT:	J. Henderson
DATE:	9-10-07
CHICourt, LLC	

LZ 0000226

11/19/2004 3:33 PM

EXHIBIT N

Desiderata

4653 Alice St.
San Diego, CA 92115

May 27, 2004

To Whom It May Concern.

For the past eleven years, I have been a recipient of the various professional development and educational services provided by Life Zone. The many hours of informational dissemination and educational materials I have received have greatly enhanced my competency in my business here at *Desiderata* where I serve as owner, consultant, and distributor of health products. Because of the expert knowledge and training I have received from the highly competent staff at Life Zone, my own customers have greatly benefited as well.

Knowledge of the product, knowledge of overall health issues, leadership, and management are a few of the areas in which I have received training from Life Zone. I have attended seminars and have been the recipient of the distribution of educational materials that help me in my business on a daily basis.

On another note, I have received great benefit to my personal life and overall health due to what I have learned through the excellent training and educational programs offered by Life Zone.

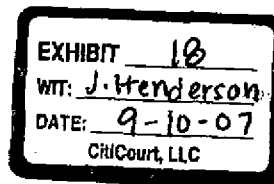
Even in my work elsewhere, I have been able to utilize the leadership skills I have acquired through my association with Life Zone. I also work in the health profession in the guidance department of San Diego Unified School District here in California. The knowledge I have attained through the educational training and materials from Life Zone has greatly helped me in my collaboration with the school nurse, to provide guidance to the students and their families.

In conclusion, I am very grateful to Life Zone for the continuous dedicated commitment to excellence in providing high quality educational seminars and materials, leadership and management training, professional development, and ongoing care and support of my business of servicing the greater community.

Sincerely,



Fred Laskowski
Owner/Manager



LZ 0000051

Gloria Warren
1540 So. Vernal Ave.
Vernal, UT 84078
(435) 781-1209

May 28, 2004

To Whom It May Concern:

I have been associated with Janeal Henderson since 1978. I first met Janeal when she spoke at a Women's Conference in Vernal, Utah. Her speech was on personal development. I was impressed with Janeal's knowledge and abilities from the first time I met her. I was interested in knowing more because I am a cosmetologist. I invited her to come to my home and do a make-over and talk to me personally about all of her products. I purchased skin care, makeup and supplements at that time and have continued to use the products since. I invited her to come to Rangely and Meeker, Colorado (where I lived at the time) on several occasions to do seminars and training. I became a distributor for Life Zone, Inc. and trained several times under Janeal for color analysis, product knowledge, personal development, and an isotomic Body Elite exercise program.

I have purchased and distributed Life Zone, Inc. products through my salon to many people that have believed in them strongly. I have also attended some seminars in which Janeal and her deceased father, Dr. Harvey Ashmead, have both spoken. Last February, I met a doctor at a seminar on integrative medicine in Houston, Texas, who had been an associate and advocate of Harvey Ashmead. He spoke very highly of Dr. Ashmead's chelation processes and research.

I have a lot of respect for Janeal and her credibility. She stands strong for what is right for people and her company. I would do anything to see Life Zone, Inc. stay strong and continue to manufacture the reputable products that I have used for so many years.

Sincerely,

Gloria Warren

Gloria Warren

Gloria Warren

appeared before me on May 28, 2004. Gloria Warren

Heather Neal
Notary Public
HEATHER NEAL
801 West Highway 40
Vernal, Utah 84078
My Commission Expires
January 9, 2015

LZ 0000053

To: Jancee Hendersen Fax: 1-801-593-8818
c/o Life Zone

From: Sharon L. McGlinchey Date: 5/26/2004

Re: Health Education Pages: 1

CC:

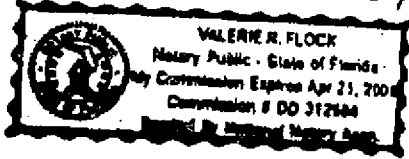
Comment For Review Please Comment Please Reply Please Reply

worked with Life Zone and consulted with them on several health issues. They have
trained and trained me and continue to do so. They have advised me on amino acid
nutrition, mineral nutrition and the correlation between health and available alternative
health procedures.

Sharon L. McGlinchey
10052 48 Ave North
St. Petersburg, FL, 33708
727-398-5205

STATE OF FLORIDA
COUNTY OF Pinellas
Sworn to (affirmed) and subscribed before me this 27th
day of May 2004
by Sharon L. McGlinchey
 PERSONALLY KNOWN TO ME
 PRODUCED AS IDENTIFICATION
FLDL # M245-791-418630
Type of Identification

Valerie R. Flock, Notary



Sharon L. McGlinchey



**AREA CLINIC
DR. TODD N. GRANT, D.C., P.C.**

280 West 200 North, Suite A
Kaysville, UT 84037
Telephone: (801) 546-CARE
(2273)

May 27, 2004

Regarding: Life Zone Products

This is an affidavit that Mrs. Janeal Henderson presented a seminar on health improvement with supplementatinn of Life Zone vital chelated minerals and vitamins in April of 2003.

I personally testify that this occurred as indicated by this signing of my affidavit in front of a notary.

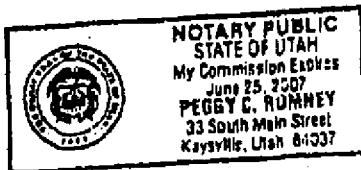
Todd N. Grant D.C.

Todd N. Grant DC

COUNTY OF DAVIS }
STATE OF UTAH } ss.

On the 28 day of May, personally
appeared before me Todd N. Grant who duly
acknowledged to me that he executed the same.

Peggy C. Romney



June 02, 2004

To Whom It May Concern,

Five years ago I first became a beneficiary of the information and services provided by Life Zone, Inc. in Fruit Heights, Utah. Due to personal health issues, I was interested in understanding how nutritional supplements could aid in regaining my health.

Life Zone owner, Janeel Henderson, with an impressive background and wealth of knowledge, freely gave of her time to begin educating me and provide me with insights on supporting and maintaining the body's health. Since that time, I have attended and completed medical school, earning a Doctorate of Podiatric Medicine. Over the course of these years, I have spent several hours in consultation with Janeel receiving further direction and education not only for my own health, but also the health of my wife, other family members, and friends. Through Life Zone, I have been provided information in books, consultation, and training. This information has been invaluable in understanding correct principals behind maintaining the bodies systems through nutritional supplementation.

In Podiatric Medicine, poor health manifests itself in various ways, exhibiting neurological, vascular, and dermatological disorders. Education gained through materials and consultation provided by Life Zone parallels the medical training I've received and consistently falls within the lines of ongoing medical literature. I am currently working as a medical resident at a three-year surgical residency program in Salt Lake City, Utah. Upon completion of this training, and as I begin my career, I look forward to making Life Zone, and the nutritional education they offer, a part of my Podiatric services to the public.

Along with others of my family and friends, I appreciate the services offered by Life Zone. Through, lectures, consultations, books, and brochures, I have gained information about my personal health and well-being. These resources continue to have a remarkable impact on my life.



Dr. Daniel Huff, DPM
Medical Resident VA Salt Lake City

LZ 00000056

May 27, 2004

To whom it may concern:

I am writing this letter to inform you that I have been using Life Zone products since approximately 1985. During that time I have attended numerous training sessions sponsored by Life Zone. They have been on an individual, and group basis. I have benefitted much from the information that has been presented to me and to my clients and family through the Life Zone company. I have received numerous written materials at seminars and meetings which have been most helpful to me in my life and have found their trainings valuable, businesslike, and informative.

Life Zone has offered me and those I associate with as clients and peers resources that I could not have found anywhere else. I have learned much from the scientific research they have disseminated, from the courses in selling and business techniques they have presented, and from the lectures to groups and on an individual basis they have so graciously provided on topics ranging from chelation of minerals to beauty products, to proper and ethical selling practices. They have truly provided a broad spectrum of information for which I will always be grateful.

Sincerely,

Sue Ann Capcner

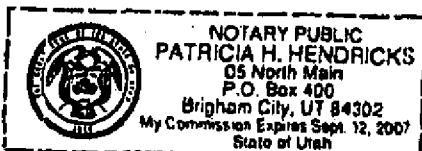
Sue Ann Capcner
Certified Hypnotherapist
Reiki Master
RET Technician

STATE OF UTAH
COUNTY OF BOX ELDER

On the 15th day of June 2004 A.D.
personally appeared before me

Sue Ann Capcner the signer
of the above instrument, who duly
acknowledged to me that he executed
the same.

Patricia H. Hendricks
NOTARY PUBLIC



LZ 0000057

Symmetry Health
"Improving every part of your life"
11369 Cloudcrest Drive
San Diego, CA 92127-2001

Thursday, June 03, 2004

To Whom It May Concern:

My relationship began with Life Zone in August of 1999. I found out in June of that same year that I had a chronic, incurable and life-threatening disease which was not only affecting me physically, but emotionally. I was severely depressed and overwhelmed with life. I was the mother of four children at the time and looking for some answers and help.

I found Life Zone! The company started by helping with information regarding their minerals, my diet and understanding of the way that my body functioned. In addition to information regarding their products, I received copies of medical research and studies supporting the nutritional changes we were applying to my life in order to improve my physical and mental health.

During the first year, I spent most of my time in bed as I was not able to do much more than that due to my lack of health. I continued to get information and direction from the company regarding every aspect of my life. I attended workshops and private consultation sessions which educated and motivated me to take care of myself, how to improve my health and how to achieve the goals I desired to achieve in my life. They addressed each facet of my personal development with their program.

After the first year my physical health had greatly improved and my mental health had improved dramatically. I was so inspired by their program that I wanted to share their information and products with others that I knew. I discussed this concept with Life Zone and they directed me to start my own business. They taught me how to set up a business and provided me with the leadership training I needed via speeches, seminars, printed materials and one-on-one sessions for running a small company. I learned everything from

LZ 0000058

how to listen to the customers and educate them to how to set up a web-site. The information they provided was invaluable and expansive. I relied heavily on their training to teach me and support me in running my business and helping it grow. Eventually, my business became large enough, that they advised me set up an LLC and then they guided me through the process via training workshops, classes and printed materials.

For nearly five years I have been affiliated with Life Zone. When I found them I had health problems and was facing the prospect of dieing prematurely. During that period of time, they have educated me via workshops, speeches, seminars, classes, printed materials and personal coaching sessions, regarding: my nutritional health, goal-setting, overcoming obstacles, relationships with my children and husband (my children and husband have also attended their seminars and classes in addition to individualized coaching which has help them in their own personal development), overcoming depression, exercise, retaining my personal motivation, financially (my husband lost his job due to 9/11 and we were unemployed for 1 year - they guided us through the financial set-backs we suffered and their information has been invaluable in our financial recovery) setting up and running a business, inter-personal skills, customer relations and most areas of my personal and business endeavors. On a whole, I would probably not be alive and I would certainly not have the satisfying and enjoyable life that I am currently living (and loving) if it had not been for the products and education which I received from Life Zone. Their program brought HUGE changes in my health, my life, my business and the quality of all three. I will be forever grateful that I found Life Zone - the company that motivated & taught me how to change every aspect of my life.

Sincerely,

Kelly Hansen

Kelly Hansen

Member and Manager, Symmetry Health, LLC

LZ 0000059

May 26, 2004

TO WHOM IT MAY CONCERN

From 1996 until the present time, our family has been the recipient of excellent information and services from Life Zone, Inc. in Fruit Heights, Utah with regards to personal development and health educational training services.

Various family members have benefited from these services—written information, consultation and training in improving personal health and aiding personal development. It would be difficult to put a value on the importance of information that has been gathered through personal and group consultation. The knowledge and background of Life Zone owner, Janceel Henderson is very comprehensive and she has provided services that are extremely helpful in educating family members with specific personal development or personal health issues. A wealth of information is available through professional literature and brochures she has developed and which she makes available to individuals when a specific or general request is made.

One family member was diagnosed with bipolar disorder. The individual was living in the East but made an appointment for a consultation with Ms. Henderson. Through consultation and follow up contacts, written articles and brochures, the impact of the disorder was greatly minimized and the family member gained enough information to initiate a plan of action. She now leads a normal life, free of the debilitating effects of medication. Ms. Henderson continues to supply her with literature when needed and consults with her when questions arise.

Another family member was diagnosed with an autoimmune liver disease. Thanks to the knowledge she gained from Life Zone in the form of consultation, literature, etc., she was also able to gain improved health and a much improved overall state of being.

One son has been a medical student for the past four years. He has been impressed with Ms. Henderson ability to teach and provide information about the normal functioning of the human body. He has pressed her for more extensive literature and publications than are usually given to individuals. He found the information very helpful and dovetailed well into his medical studies.

Again, through literature and some time in consultation, another son learned to better understand nutritional needs and made changes that allowed him to gain control over several physical problems, including acid reflux and irritable bowel syndrome, and that has improved his quality of daily life immensely.

LZ 00000060

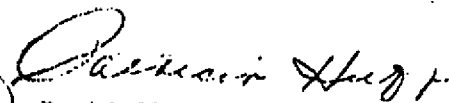
We have not attended a lecture given by Ms. Henderson although I am aware that, although she does not personally set up seminars, she has been the guest speaker at seminars organized by various organizations.

Patricia suffered a stroke nearly four years ago. Printed materials prepared by Life Zone and consultation with Ms. Henderson provided information that personally applied to her and allowed her to create a better life for herself. The lasting of the effects of the stroke were not major and, by putting into practice that which was learned from Life Zone, the effects have been totally reversed.

We truly appreciate the opportunity to benefit from the education services, personal development knowledge and materials that are available through Life Zone through brochures, lectures, consultation, etc. These resources have made a remarkable impact on our lives



Duane Huff
Retired professor



Patricia Huff
University academic advisor and former university instructor

LZ 0000061

May 26, 2004

To whom it may concern,

For approximately nine years, I have personally and professionally used and benefitted from the professional educational services of LifeZone, Inc. which is owned and operated by Mrs. Janel Henderson. I met Mrs. Henderson in September of 1995 at an educational seminar held at the Salt Lake Airport Hilton and sponsored by Eleva, Inc., my employer at the time.

She was the most prominently featured speaker among the five invited guests to address our group that day. I remember her speech vividly. She made a dramatic impact on my life that day. At that seminar, her main topic was mineral nutrition and the physiology of the body. Among many other things discussed that day, she explained to us in much detail, how the body assimilates and uses mineral nutrition.

In April of 1997 a potential business partner and I started exploring the possibility of setting up our own company. We contacted LifeZone, Inc. to consult with us about our options regarding the business and type of products we had in mind. With LifeZone, Inc. and Janel Henderson's help, we made firm decisions on our product line, put together a solid business plan, created a very strong company structure, secured the necessary contracts, took the steps to trademark our company name, and finally, incorporated 4 Today, Inc. in December of 1997. We applied for two patents in 1998. 4 Today, Inc. launched as a company with a complete line of products and services to offer in March of 1999 at the Natural Products Expo in Anaheim, CA.

Since then 4 Today, Inc. has used LifeZone, Inc.'s services several times to educate our vendors, distributors, representatives, and customers. We have organized and sponsored several educational and training seminars as well as personal consultations for the benefit of our business associates, clients and customers. Janel Henderson has lectured for 4 Today, Inc. in the areas of health and nutrition, skin care, personal development, human physiology, personal image, color matching, mental and emotional health, exercise, energy production, sales and marketing ideas, and many other topics too numerous to mention.

Without the ongoing support of LifeZone, Inc. and Janel Henderson, 4 Today, Inc. would not be where we are today...a strong and growing industry leader in the field of health and nutrition. 4 Today, Inc. has recently been granted one of three patents pending for our nutritional products, and we are expanding.

Thank you Janel and LifeZone, Inc. we couldn't have done it without you!

With sincerely appreciation and gratitude,



Jan L. Kerr
President

LZ 0000062



4 TODAY INC.

Customer Service & Sales

1905 W. 4700 S

#444

10000 Lake City, UT 84118

1-800-FREE 877-44-TODAY

(877-448-6329)

TEL 801-281-2938

FAX 801-281-4737

Graphic Planning

Graphic Marketing

10000 Thousand Oaks Blvd

Suite 208

10000 Thousand Oaks, CA 91360

TEL 818-889-2100

FAX 818-889-7900

Accounting & Legal

10000 North Carson St.

Suite 208

10000 North Carson City, NV 89701

Web Site

4TODAY.com

Allergy & Health Success Center, L.L.C.

1510 Stuart Rd. NE, Suite # 106
Cleveland, TN 37312

Phone: (423) 472-1455
Toll Free (800) 461-2245
Fax: (423) 472-1150

May 27, 2004.

Janeel Henderson
Life Zone
15 South Country Lane
Fruit Heights, Utah 84037

To Whom It May Concern:

My company has been doing business with Life Zone beginning April 1995, as Microzyme Corporation and currently as Allergy and Health Success Center, L.L.C. During this period of time, Life Zone has carried on a continuous educational and marketing program with our Corporation. Education has taken the role of seminars, direct mail, brochures on product information, and workshops. I have in my file extensive compendia related to a workshop and seminar sponsored by Life Zone and Albion involving national and international speakers on the Role of Human Nutrition and the Application of Chelated Minerals. Monthly I receive both electronic and hard copy of nutritional information related to Life Zone products as well as Albion. The company has also involved us with tele-conferences that cover marketing and research information.

As stated above we have been marketing Life Zone products since 1995. We attribute the success we have had with these products to the quality of the products and the continual educational program that Life Zone has made available to those who promote and utilize their products.

Should additional information be required, we will be happy to comply with the requests.

Cordially,

Robert I. Fulford, R. Ph.

Allergy and Health Success Center, LLC
Robert I. Fulford, R. Ph.

Margaret A. Cole
3-17-2005

LZ 0000063

David and Patrese Huff
18-02 Hunter Place
Fair Lawn, New Jersey 07410

RECEIVED

JUN 07 2004

Thorpe, North & Western

June 3, 2004

To Whom It May Concern:

We are writing this letter out of concern for Lifezone, Inc. with which we have had association for four years. Lifezone has been instrumental in making our family healthier and happier. Both the products Lifezone sells and the consultation we have received in person and by telephone have been vital to the improvement of our lives. We have a whole new perspective from the continuing education we get from Lifezone. It has changed our lives dramatically.

We have told friends and acquaintances about Lifezone everywhere we have lived (New York, New Jersey and soon to be Pennsylvania). Some have responded and have also found drastic improvement in health and lifestyle. Others have not responded yet, and we worry that if Lifezone were forced to change its name, those we have talked to would not know where to find the products and services we recommended.

We think it only fair that Lifezone's trademark be protected in this realm of business. Thank you.

Sincerely,

David J. Huff
Patrese B. Huff

David J. Huff
Patrese B. Huff

LZ 0000064

November 16, 2004

Life Zone
Attn: Janceel Henderson
15 South Country Lane
Fruit Heights, Utah 84037

— Dear Janceel:

I am writing in order to offer my personal witness to your long-time ownership and operation of Life zone, a Utah-based company. I have known you as the owner/operator of Life Zone since April of 1987. And during my 17-year association with you and Life Zone, I have personally intermittently worked as one of your Life Zone associates, offering Life Zone training seminars, business and marketing classes and nutrition and cosmetics classes as part of the Life Zone team.

Sincerely,



Louise Andersen
1048 North 650 East
Bountiful, Utah 84010

LZ 00000318

Brent E. Peterson, D.C.
Dee S. Stevens, D.C.

I have been using Life Zone's KELA Targeting Mineral Supplements for more than fifteen years in my practice.

When I have a patient who has severe health problems that require mineral nutrition for the body to heal; such as Osteoporosis, stress fractures, herniated discs, muscle spasms, or Immune System problems, I use Life Zone.

Consistently, I get results with Life Zone. The Targeting formulas allow me to direct mineral nutrition where it is needed in the body and in amounts my patients require.

My patients heal faster, pain is reduced and in some cases eliminated, energy is increased and annoying aches and pains disappear.

The products are natural, have high bioavailability, are safe and effective. They are easy to use and have high patient compliance.

Brent E. Peterson, D.C.

July 29, 1998

To whom it may concern:

I have been acquainted with Janes Henderson and the line of Life Zone products for approximately ten years. During that time, I have seen improvements in my own and other's health. I take the Basic and the Zinc on a daily basis to maintain health. I feel that I put in many hours a week in my profession as a dentist, and in my work within my church, community, and family. I feel that optimum health is something I very much want to maintain into my later years that I may accomplish the many goals that I and my family have set.

My wife had brain surgery about eight years ago and she felt that the Kela-I and the Basic and other Life Zone supplements she was taking at the time helped her prepare for and recover from that surgery very quickly. At one point after surgery she was having quite severe pain in the skull area where the incision had been made. The physicians attributed it to the incision and trauma to the muscles, nerves, and bone of the area. She began increasing the doses of Kela-S and Kela-M and found that within two days the soreness had receded remarkably. She has felt that the supplements have been key to her health to this point.

My wife also had been troubled with tendonitis in her wrists, especially during canning season where she was twisting lids onto bottles of fruit. She found that as she began taking the vitamins and mineral supplements that her tendonitis disappeared and she has not had problems with it since, even though she continues to bottle fruit.

My daughter had a hard pregnancy with her third child and was diagnosed as being anemic. They gave her a week to get her blood up before they were going to take her into the hospital and give her a transfusion. She began taking the 2 plus Iron and within that week her readings were out of the danger zone and she no longer required the transfusion.

My son in law has a motorcycle accident and was in a great deal of pain from a broken collar bone and thumb. He began taking the Kela-S, Kela-M, and the Basic and within two days the pain had lessened considerably and he said that he felt much better.

My sister-in-law has taken the Kela-I and swears by it, saying that she is never ill when she is on it, but that if she runs out of the product, she is much more likely to get ill. She went through a stomach staple operation about a year and a half ago, and claims to feel better now than she has for a very long time. She places part of that success on the Life Zone supplements that she has been taking.

I have carried Life Zone products in my office for the past few years and have recommended them to patients. I think it would be very desirable for the insurance companies to cover these supplements, as they are the best I have found available on the market.

Sincerely


Jerry R. Capener, D.D.S

LZ 0000321

EXHIBIT O

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

LIFE ZONE, INC.,	)	Deposition of:
Opposer,)	
vs.	)	<u>JANEEL HENDERSON</u>
TMMG, Inc. (Formerly	)	Opposition No.
Middleman Group, Inc.),	)	91/160,999
Applicant.)	

September 10, 2007 * 11:00 a.m.

Location: Thorpe, North & Western
8180 South 700 East, Suite 350
Sandy, Utah 84070

Reporter: Diana Kent, CSR, RPR, CRR
Notary Public in and for the State of Utah.

1 healing. We answer dermatological questions. We
2 answer questions on starting businesses, running
3 businesses, marketing. We handle questions on
4 self-esteem and emotional issues.

5 Q. Anything else?

6 A. That pretty much covers it right now.

7 Q. Okay. Do you provide - you personally
8 yourself - provide all of these services?

9 A. Yes. But I also have distributors who
10 provide these services.

11 Q. Do you have any medical staff in-house
12 that are employees, full-time employees of Life Zone,
13 Inc.?

14 A. No.

15 Q. Do you have any accredited teachers or
16 educators that are full-time employees of Life Zone,
17 Inc.?

18 MR. HILL: Objection. Relevance. You can
19 go ahead and answer.

20 A. I have accredited medical staff, teachers,
21 an array of people who are distributors and
22 representing Life Zone. But they are independent.

23 Q. Thank you for that piece of information
24 but, again, I was asking specific questions. Do you
25 have any accredited educators, teachers that are on

1 staff as employees of Life Zone, Inc.?

2 A. No.

3 Q. These distributors, how do they receive
4 compensation, if they do receive compensation?

5 A. Through their business. Through their
6 business dealings.

7 Q. So in other words, that has nothing to do
8 with you?

9 A. Yes, it does.

10 Q. Okay. Isn't it a fact that they receive
11 their income from the sale of your products?

12 A. That is a vague question when you look at
13 the scope of Life Zone.

14 Q. How do you receive -- how do you receive
15 money from distributors? Is it by contract?

16 A. Some of the distributors purchase product
17 in bulk and they turn around and sell that product
18 within their business. And how they sell that or how
19 they make money, it's their business. And I am not
20 privy to their internal affairs so I cannot answer in
21 that scope. I have, in the past, had employees under
22 contract. I presently do not have any employees
23 under contract.

24 Q. So you and you alone are Life Zone, Inc.;
25 employee, president, secretary, everything. Is that

EXHIBIT P

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

In the Matter of Application Serial No. 78307830, "LIFEZONE", Filed Oct. 3, 2003

Life Zone Inc.)	
)	
Opposer)	
	)	Opposition No. 91160999
v.)	
	)	Mark: LIFEZONE
TMMG, Inc. (formerly The Middleman Group,)	
Inc.))	
Applicant.)	

APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES

GENERAL OJECTIONS: The requests made by Opposer, except as where specifically identified otherwise, are vague, unduly burdensome, irrelevant, overbroad, and not designated to lead to discoverable or relevant information. Much of the information requested by Opposer is in the possession of Opposer, easily accessible to it, not located in the United States and relevant to non-U.S. markets, or easily accessible to Opposer by other means.

Opposer also seeks extremely long and narrative responses to many of its interrogatories which are inappropriate and unduly burdensome as they often seek to establish proof of a 'negative' condition which is neither relevant nor a burden to be carried by Applicant.

INTERROGATORY NO. 1

State the address of each location at which Applicant maintains a place of business and list the ongoing business activities (e.g. manufacture, development, sale, rendering, distribution, promotion, etc.) that occur at each stated location.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant would identify:

Randy Moser, President
TMMG, Inc.
1589 Skeet Club Rd.
Suite 102, Box # 133
High Point, NC 27265

INTERROGATORY NO. 2

Identify Applicant's supervisory employees who have the most knowledge regarding the development, sale, rendering, distribution, and promotion of Applicant's goods/services in connection with Applicant's mark.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant would identify:

Randy Moser, President
TMMG, Inc.
1589 Skeet Club Rd.
Suite 102, Box # 133
High Point, NC 27265

INTERROGATORY NO. 3

Identify Applicant's supervisory employees who have the most knowledge regarding the selection and adoption of Applicant's mark.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant would identify:

Randy Moser, President
TMMG, Inc.
1589 Skeet Club Rd.
Suite 102, Box # 133
High Point, NC 27265

INTERROGATORY NO.4

Describe in detail all goods/services for which Applicant's mark and any variations of Applicant's mark have been used or are contemplated to be used in connection therewith.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant would identify the services described in the attached production. Applicant will provide seminar services relating to life/work/play balance for personal and emotional growth and happiness. Applicant's mark also covers educational services, namely, conducting seminars, speeches, workshops, lectures and classes in the field of personal development, leadership and management, and distributing course materials in connection therewith Applicant does not deal in any goods or services that encompass cosmetics other than possibly recommending their use for personal development. However, Applicant does envision expanding the use of its mark into other goods and services where there is not any conflict with the limited rights of any other trademark owners.

INTERROGATORY NO. 5

For Applicant's goods/services which have been sold and are intended to be sold in connection with Applicant's mark, describe the channels of trade by which the sales reach the ultimate consumer, the type of sales (e.g. wholesale, retail, direct mail, etc.), the approximate cost of the goods/services, the identity of the vendors, the time period of such use, and the type of purchasers of the goods/services.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant would identify the services described in the attached production. The offering of said services would be made through advertising in all media services, direct, mail, and in person sales. Applicant's mark also covers educational services, namely, conducting seminars, speeches, workshops, lectures and classes in the field of personal development, leadership and management, and distributing course materials in connection therewith. However, Applicant does envision expanding the use of its mark into other goods and services where there is not any conflict with the limited rights of any other trademark owners.

INTERROGATORY NO. 6

Identify the geographical area by State over which Applicant has used Applicant's mark.

Response:

Objection. See General Objections. Furthermore, this request is irrelevant in light of Applicant's federal trademark rights and Opposer's lack of rights in the

applicable trademark class. However, without waiving said objections, Applicant has filed an application for a federal registration, and has trademark rights in all U.S. states. In addition, Applicant has targeted his advertising to be employed throughout the U.S.

INTERROGATORY NO. 7

State the period of time for each State during which Applicant used Applicant's mark.

Response:

Objection. See General Objections. Furthermore, this request is irrelevant in light of Applicant's federal trademark rights and Opposer's lack of rights in the applicable trademark class. However, without waiving said objections, Applicant has filed an application for a federal registration, and has trademark rights in all U.S. states. In addition, Applicant has targeted his advertising to be employed throughout the U.S.

INTERROGATORY NO. 8

Describe in detail any evaluative investigations (e.g. surveys, searches, studies, etc.) conducted at the direction of Applicant concerning Applicant's mark.

Objection. See General Objections. However, without waiving said objections, Applicant is unable to understand the request "concerning Applicant's mark". However, Applicant has not conducted any surveys. It has performed trademark searches (see recent summary produced to Opposer in response to its production request)) and was aware of Opposer's mark for goods filed in classes other than and unrelated to Applicant's services.

INTERROGATORY NO. 9

Describe all written and oral agreements (e.g. assignments, licenses, security agreements, etc.) entered into by Applicant or negotiated by Applicant, but not consummated, concerning Applicant's mark.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant is unable to understand the request "concerning Applicant's mark". However, Applicant has not entered into any trademark assignments or licenses regarding the mark.

INTERROGATORY NO.10

Identify all persons and entities previously asserted by Applicant to be using a

mark confusingly similar to Applicant's mark.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant can identify that the term 'lifezone' is broadly used as indicated on any internet (google) web search and PTO (TESS) search (see recent summary produced to Opposer in response to its production request).

INTERROGATORY NO.11

State with particularity how and when Applicant first learned of Opposer's marks.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant learned upon receipt of the Opposition herein. However, Applicant was aware of a previously filed application and mark (see recent summary produced to Opposer in response to its production request) other than Opposer's mark filed in the class applicable to Applicant's mark.

INTERROGATORY NO.12

State whether Applicant sought or received any opinion concerning a likelihood of confusion.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant has contacted experienced trademark counsel and has discussed same with him.

INTERROGATORY NO.13

Describe in detail any instance of apparent confusion by anyone between Opposer and Applicant, e.g. a communication intended for Opposer that was received by Applicant.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant cannot identify any at this time and would further submit that said request is irrelevant relating to Applicant's mark for the class in which it was filed and for the goods and services identified.

INTERROGATORY NO.14

Describe in detail the Applicant's decision to select and adopt Applicant's mark in U.S. Application No. 78//307,830 for the goods described therein.

Response:

Objection. See General Objections and further submit said interrogatory is irrelevant. However, without waiving said objections, Applicant would submit that the mark was available due to the cancellation of a near identical mark covering the same goods and services (see recent summary produced to Opposer in response to its production request). Said mark also covers educational services, namely, conducting seminars, speeches, workshops, lectures and classes in the field of personal development, leadership and management, and distributing course materials in connection therewith.

INTERROGATORY NO.15

Describe in detail the commercial meaning or connotation of Applicant's mark.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant's mark is suggestive but distinctive of its services offered to consumers. Applicant is uncertain as to the meaning of Opposer's request but would submit that it is irrelevant as the mark had previously and now currently employed by others for other goods and services.

INTERROGATORY NO.16

For each of Applicant's goods/services which have been sold in connection with Applicant's mark, state the dates for which each good/service was sold, the gross sales volume (in units) for each good/service by year, the gross revenues (in dollars) for each good/service by year, and all distributors or wholesale customers for each good/service by year.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant has not compiled any such information sought by Opposer.

INTERROGATORY NO.17

Describe in detail any circumstances under which a third party asserted the invalidity of Applicant's mark, or under which Applicant considered the validity or invalidity of Applicant's mark.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant is not aware of any except those asserted by Opposer.

INTERROGATORY NO.18

Provide a written report as specified by F.R.C.P. 26(a)(2)(B) for every expert witness expected to testify.

Response:

Objection. See General Objections. However, without waiving said objections, Applicant will supply said information when it becomes available.

INTERROGATORY NO.19

Identify those persons who have provided materials or information for responding Opposer's discovery requests, and identify what material or information each person provided.

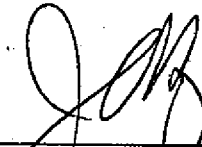
Response:

Objection. See General Objections. However, without waiving said objections, Applicant would identify:

Randy Moser, President
TMMG, Inc.
1589 Skeet Club Rd.
Suite 102, Box # 133
High Point, NC 27265

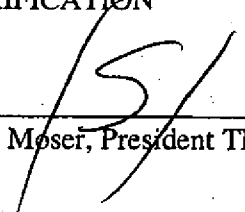
Respectfully submitted,
Applicant, TMMG, Inc.

By: _____



James A. Zehinger
Attorney for Applicant
23 Brookglen La.
Greensboro, N.C. 27410
(336) 632-7835 (B)
(336) 605-0555 (Fax)

VERIFICATION



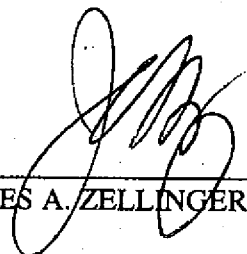
Randy Moser, President TMMG, Inc.

CERTIFICATE OF SERVICE

I, JAMES A. ZELLINGER, attorney for Applicant, do hereby certify that I have mailed a copy of the above and foregoing APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES to the attorney of record as listed below by placing a copy of same in the U. S. Mail, properly addressed and postage prepaid, to:

Dec 6, 2004

Peter de Jonge
Thorpe, North, & Western
P.O. Box 1219
Sandy, Utah 84091-1219



JAMES A. ZELLINGER

EXHIBIT Q

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

LIFE ZONE, INC.,	)	Deposition of:
Opposer,	)	<u>JANEEL HENDERSON</u>
vs.)	
TMMG, Inc. (Formerly	)	Opposition No.
Middleman Group, Inc.),	)	91/160,999
Applicant.)	

September 10, 2007 * 11:00 a.m.

Location: Thorpe, North & Western
8180 South 700 East, Suite 350
Sandy, Utah 84070

Reporter: Diana Kent, CSR, RPR, CRR
Notary Public in and for the State of Utah

1 officer for juvenile delinquents and developed a
2 program for leadership, problem solving, trying to
3 take care of some of the poor attitudes or self-
4 defeating behaviors that the students are exhibiting,
5 and worked with that throughout BYU University and in
6 the Third District Court of Utah.

7 From there, the need expanded and I was
8 using the name Life Zone clear back since 1973. And
9 in 1978 I started coming out with products to support
10 the self-esteem and the development that I had seen
11 clear back in the early '60s.

12 Q. Okay. You mentioned BYU earlier. That's
13 Brigham Young University; is that correct?

14 A. That is correct.

15 Q. Okay. And can you tell me a little bit
16 more about the products that you brought out.

17 MR. ZELLINGER: Objection. Again, this is
18 outside the scope of any Applicant's testimony.

19 Go ahead.

20 Q. (By Mr. Hill) You can answer.

21 A. I can answer? Okay.

22 The first product that I developed was a
23 cosmetic that balanced the tones of the skin and also
24 worked with the texture and the nutrition of the
25 skin. At that point there was a lot of problems with

1 women -- their self-esteem oftentimes is caught up with
2 their image and they would have a ring around their
3 neck with their makeup not matching and not knowing
4 what to do. So the very first thing that I started
5 was a color analysis and a color cosmetic and it was
6 called Distinctly Me by Life Zone.

7 And from there the next product line that
8 was developed was a skin care that nutritionally
9 balanced the skin and was free of petrochemicals,
10 mineral oil, bees wax, et cetera, which was very
11 unique. That had never been done before and we were
12 the first out there in the industry. And then from
13 there I went into the nutritional arena. But even
14 before the products, I was lecturing about
15 self-esteem, business skills. And that was actually
16 my first product was my lectures within Life Zone.

17 Q. And could you tell me what year that was?

18 A. The first official lectures that I did
19 started back in 1973. In 1974 I was on television in
20 Columbus, Georgia for programming that was leadership
21 programming for women in Columbus, Georgia and that
22 was televised on television. And then in 1978 the
23 lectures expanded and went all across the Western
24 United States.

25 Q. And when did you start making products?

1 A. I started making products in 1978.

2 Q. Okay. We are going to move to some of the
3 deposition exhibits now. And I'm going to hand the
4 witness and the court reporter what I have described
5 as or what I'm going to have marked as Exhibit 1.

6 And Mr. Zellinger, from the list earlier,
7 do you have what I said would be Exhibit 1?

8 MR. ZELLINGER: Yes.

9 (EXHIBIT-1 WAS MARKED.)

10 Q. (By Mr. Hill) I want the witness to take
11 a look at this exhibit and let me know when you have
12 read it and are prepared to answer questions about
13 it.

14 A. I'm ready.

15 Q. Okay. Do you recognize this exhibit?

16 A. Yes, I do.

17 Q. How would you describe it?

18 MR. ZELLINGER: First of all, before she
19 answers, I'm going to object to the introduction of
20 this evidence. Again, this is not proper rebuttal
21 testimony, not proper rebuttal evidence, not proper
22 rebuttal documents.

23 Go ahead.

24 A. This is the home page to my web site that
25 was developed in 1998, and on here there is a picture

EXHIBIT R

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

COPY

3 LIFE ZONE, INC.,

4 Opposer,

5
6 -vs-

7 TMMG, INC. (formerly The
8 Middleman Group, Inc.),

9 Applicant.
10

11 Greensboro, North Carolina

July 17, 2007

12 8:35 a.m.
13
14
15
16
17
18

19 - - - - -
20 DEPOSITION

21 OF

22 RANDY MOSER
23 - - - - -
24
25

1 School of Business. Thirty-plus years in corporate
2 America prior to this company.

3 Q Okay. Just tell us some of those companies
4 that you've worked and in what positions.

5 A Okay. I worked for Ciba-Geigy as a
6 territorial manager. I worked for Novartis as a
7 director. And then most recently, before I retired, I
8 worked for Syngenta as a senior business development
9 manager.

10 Q And then what did you do after Syngenta?

11 A I started my own company, TMMG, Inc. to
12 pursue the opportunities full time.

13 Q Okay. And what is the business of TMMG?

14 A TMMG is a company that focuses on Fortune
15 1000 companies, with the main focus would be
16 performance optimization -- working with their
17 employees to increase productivity, and also to try to
18 optimize fit between personnel and the jobs.

19 Q Okay. And you offer some programs to these
20 corporations?

21 A Yes, we do. We have several programs, one
22 of which is called LifeZone Balance Four. And that is
23 a program on work/life balance, working with the
24 various business units of the companies to try to get
25 them to balance all of their life dimensions,

1 utilizing the circumplex modeling and other models
2 that we have that are proprietary developed.

3 Q And how do you -- how are these services
4 delivered to the corporation? By whom and in what
5 manner?

6 A Well, we have certified coaches that go
7 through -- and, actually, it takes months before it is
8 even delivered. Some are upward of a year before we
9 come in and actually do the program. And then we go
10 in groups of 25. It's an all day type of a program.
11 And the actual individuals or employees come in and
12 they go through a whole series of a four-step process.
13 And then ultimately they will come out of there with
14 an action plan to optimize their performance and
15 enhance their work/life balance.

16 Q Okay. A couple of questions about that, the
17 statement you just made. What do you mean "coaches"?
18 Well, who are these coaches, certified coaches?

19 A They would be -- well, it would be myself,
20 and there are several other coaches that are trained
21 in the methodology of a LifeZone Balance Four, because
22 it is proprietary. It utilizes -- it identifies key
23 life dimensions, and then utilizes a circumplex
24 modeling and other tools to help them establish their
25 key life dimension they need to work on, and then

1 determine whether their expectations are realistic or
2 not. And through that process they're able to
3 establish one key expectation to work on which will
4 help them -- you know, the theory is help them enhance
5 their work/life balance.

6 Q Okay. You made the statement "they." I'm
7 confused. Who are you referring to by "they"?

8 A The employees of the corporation.

9 Q Okay. And those are different -- are those
10 customers of yours?

11 A No. My customer is the corporation.

12 Q Okay.

13 A I work strictly with corporations.

14 Q Do you sell any products?

15 A No.

16 Q Do you sell any things like cosmetics or
17 coffee mugs ---

18 A No.

19 Q --- or anything in conjunction with the
20 programs that you ---

21 A No, we're strictly selling to corporations
22 services to help optimize their performances of their
23 employees.

24 Q Okay. And when you say "optimize," this is
25 something to do with -- explain to me what you mean by

1 that. Is this something to do with business or ---

2 A Well, there's a lot ---

3 Q --- psychology or what?

4 A Right.

5 Q You ---

6 A Right.

7 Q --- tell us.

8 A Yeah. The behavioral scientists and a lot
9 of the various psychologists have shown that increased
10 work/life balance will increase productivity, reduce
11 absenteeism, increase loyalty. There's a lot of the
12 empirical data out there that shows that if somebody
13 has an optimum work/life balance, they'll be a higher
14 -- they'll produce more as an employee and they'll
15 feel better about themselves, as well as the company
16 will receive the performance level they're looking
17 for.

18 Q Now, you also said that these individuals
19 aren't your customers. Who are your customers?

20 A I'm sorry, one more time?

21 Q You said the people that you do the training
22 with or ---

23 A Yes.

24 Q --- for ---

25 A Yes.

1 Q --- or to ---

2 A Yes.

3 Q --- are not your customers. Who are your
4 customers?

5 A The customers are the corporations, the
6 Fortune 1000 companies. We work for large chemical
7 companies, pharmaceutical, financial institutions, and
8 we work directly with them. My revenue, the actual
9 check when it comes to me is from that entity. And it
10 is a service that they offer as a resource to their
11 employees.

12 Q And how do you sell to these companies?

13 A It's a long process. It takes somewhere,
14 anywhere from six months to a year. And the majority
15 of it is one-on-one selling, either through referral
16 or through networking and where we come through and we
17 give a series of presentations so they can understand
18 the benefits of it. And mainly because the ticket,
19 the revenue per customer far exceeds any kind of
20 consumer product, because you could look upward of
21 \$50,000 per customer if, you know, the corporation
22 opts to have their -- all their employees go through
23 it.

24 Q Do you do any advertising?

25 A No, not per se at this time. And the reason

1 is, we do not work with consumers, so there's no --
2 there is no benefit for us to do advertising because
3 -- unless at some point it may be a journal, a
4 professional journal where you would want to
5 advertise. We have not had to have that tool, because
6 we've had enough referrals that we didn't have to go
7 out and advertise.

8 Q Okay. And you use the term "consumers,"
9 what do you mean? Who do you mean by that?

10 A Individuals. You know, the individuals in
11 the workplace or at home.

12 Q You're differentiating consumers from
13 corporations?

14 A Absolutely.

15 Q Okay.

16 A In our world we call it B to B, business to
17 business, versus B to C, which would be business to
18 consumer.

19 Q Who is Tony Robbins?

20 A Tony Robbins is a motivational,
21 inspirational, self-help guru out on the West Coast
22 that has built quite an organization utilizing various
23 methodology and also various programs.

24 Q Is your business at all similar to his
25 business?

1 expanded using some of the methodology that we
2 developed using circumplex modeling, and we've been
3 able to broaden our offering into doing job
4 assessments and talent management -- you know, looking
5 at the various dimensions of the job and seeing --
6 circumplex modeling is a great way to look at inner
7 relationship between dimensions, and it shows you
8 where you have voids or gaps. It can be used in
9 career development of those individuals by the
10 corporation.

11 Q And you stated earlier you don't do any
12 advertising, but have you had any contact with radios
13 or newspapers?

14 A We've been featured guests on radio
15 programs, specifically public radio, talking about
16 what we're doing.

17 Q And how about newspapers?

18 A Newspaper is just a limited feature, you
19 know, public releases and, you know, people that hear
20 about -- well, you've got different news, you know,
21 agencies that put things out on the wire.

22 Q And after all of these, after these
23 advertising or rather -- I'm sorry, strike that --
24 these media events, radio coverage or newspaper
25 coverage, have you received any phone calls or any