

ESTTA Tracking number: **ESTTA251192**

Filing date: **11/25/2008**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Pharmavite LLC
Granted to Date of previous extension	11/26/2008
Address	8520 Balboa Blvd. Suite 300 Northridge, CA 91325 UNITED STATES

Correspondence information	Daniel J. Russell Attorney of record BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025 UNITED STATES tm_filings@bstz.com, daniel_russell@bstz.com, adriana_vidal@bstz.com Phone:310-207-3800
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Applicant Information

Application No	77299278	Publication date	07/29/2008
Opposition Filing Date	11/25/2008	Opposition Period Ends	11/26/2008
Applicant	Naturmed, Inc. Suite C 661 E. Howards Road Camp Verde, AZ 86322 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Vitamins; Dietary and nutritional supplements
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Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1963505	Application Date	05/22/1995
Registration Date	03/19/1996	Foreign Priority Date	NONE

Word Mark	NATURE MADE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1971/01/25 First Use In Commerce: 1971/01/25 vitamins, minerals and dietary supplements

U.S. Registration No.	2451597	Application Date	01/04/1999
Registration Date	05/15/2001	Foreign Priority Date	NONE

Word Mark	NATURE MADE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1999/03/01 First Use In Commerce: 1999/03/01 Vitamins, mineral supplements and dietary supplements

U.S. Registration No.	3520080	Application Date	03/24/2008
Registration Date	10/21/2008	Foreign Priority Date	NONE

Word Mark	NATURE MADE
Design Mark	
Description of Mark	The mark consists of the words "Nature Made" with two leaves above, enclosed within a lined border.
Goods/Services	Class 005. First use: First Use: 2005/11/30 First Use In Commerce: 2005/11/30 dietary supplements

U.S. Registration No.	2592200	Application Date	09/07/1999
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Registration Date	07/09/2002	Foreign Priority Date	NONE
Word Mark	NATURE MADE ESSENTIAL		
Design Mark	NATURE MADE ESSENTIAL		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1999/08/24 First Use In Commerce: 1999/08/24 vitamins, minerals and dietary supplements		

U.S. Registration No.	2753799	Application Date	03/30/2001
Registration Date	08/19/2003	Foreign Priority Date	NONE
Word Mark	NATURE MADE WELLNESS ADVISOR		
Design Mark	NATURE MADE WELLNESS ADVISOR		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2001/11/01 First Use In Commerce: 2001/11/01 Providing customized online web pages featuring user-defined information relating to health, diet and lifestyle; testing to determine personal profiles in the fields of health, diet and lifestyle via a global computer network		

Attachments	75611024#TMSN.gif (1 page)(bytes) 77429626#TMSN.jpeg (1 page)(bytes) 75792940#TMSN.gif (1 page)(bytes) 76233111#TMSN.gif (1 page)(bytes) Notice of Opposition re 77299278.PDF (6 pages)(146940 bytes)
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Certificate of Service

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

Signature	/DJR/
Name	Daniel J. Russell
Date	11/25/2008

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

Pharmavite LLC)	Trademark Application
)	Serial No. 77/299278
Opposer,)	
)	Filed: October 9, 2007
v.)	
)	Mark: NATURMED and Design
Naturmed, Inc.)	
)	Published: July 29, 2008
Applicant.)	
)	Opposition No.:
)	

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Pharmavite LLC believes that it will be damaged by the registration of the mark shown in U.S. Trademark Application Serial No. 77/299278 in International Class 5 and, by and through its undersigned attorneys, hereby opposes the same. As grounds for opposition, it is alleged that:



1. Pharmavite LLC (hereinafter "Opposer") is a California limited liability company with an address of 8520 Balboa Blvd., Suite 300, Northridge, California 91325.

2. Upon information and belief, Applicant Naturmed, Inc., (hereinafter "Applicant") is a Nevada corporation with an address of Suite C 661 E. Howards Road, Camp Verde, Arizona 86322.

3. Upon information and belief, Applicant seeks to register the mark NATURMED and Design for goods identified as "vitamins; dietary and nutritional supplements" in International Class 5.

4. Upon information and belief, the subject application was filed on October 9, 2007, based on an intent to use, and was published for opposition in the Official Gazette on July 29, 2008.

5. Opposer is the owner of numerous trademarks and trademark registrations, including marks either including or wholly comprised of the phrase NATURE MADE for various goods and services. Opposer's marks include:

Mark	Reg. No.	Goods/Services
NATURE MADE	1963505	Vitamins, minerals and dietary supplements, in International Class 5
	2451597	Vitamins, mineral supplements and dietary supplements, in International Class 5
	3520080	Dietary supplements, in International Class 5

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