Attorney Docket No.: c32865.105267

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

VITAL FORMULATIONS

Serial No.: 75/301,779

PUBLISHED: October 6, 1998

ALLOWED: December 29, 1998

Mark: VITAL FORMULATIONS

COMBINED DECLARATION AND STATEMENT OF USE UNDER 37 CFR § 2.88 AND EXTENSION OF TIME REQUEST

Assistant Commissioner for Trademarks Box ITU 2900 Crystal Drive Arlington, VA 22202-3513

Dear Sir/Madam:

Applicant requests registration of the above-identified trademark in the United States Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. § 1051 et seq., as amended). Applicant is using the mark in commerce on or in connection with the goods as identified in the Notice of Allowance of this application, except: (None). The date of first use of the mark was 3-12-98. The date of first use of the mark in interstate commerce was 3-12-98.

The mark is applied to the packaging. Three specimens showing the mark as used in commerce are submitted herewith.

Applicant believes that it has made valid use of the mark in commerce with respect to the goods identified in this Declaration and Statement of Use. However, if the Statement of Use does

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Mark:

VITAL FORMULATIONS

Serial No.:

75/301,779

not meet the minimum requirements under 37 CFR § 2.88(e), Applicant hereby conditionally requests an extension of time in which to file a new Statement of Use.

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. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that undersigned is properly authorized to execute this statement of use on behalf of the applicant; undersigned believes the applicant to be the owner of the mark sought to be registered thereby, that the mark is now in use in commerce; and that all statements made herein of undersigned's own knowledge are true and all statements made on information and belief are believed to be true.

5-11-99

Date

Name (printed): Clark Hansen

Name (printed): Clark Hansen
Title: Depos of a series

RECEIPT ACKNOWLEDGED OF THE FOLLOWING DOCUMENTS VIA US XPRESS MAIL-LABEL EL193416819US

 Transmittal letter (in duplicate);
 Combined Declaration and Statement of Use Under 37 CFR § 2.88 and Extension of Time Request;

(3) Check in the amount of \$200.00; and

(4) Postcard (addressed, stamped) to confirm receipt

Applicant: VITAL FORMULATIONS Serial No. 75/301,779 Mark: VITAL FORMULATIONS May 17, 1999

REVIEWED DOCKETED

05-17-1999

U.S. Patent & TMOfe/TM Mail Ropt Dt. #54

BRYAN CAVE LLP

Box ITU
Re: VITAL FORMULATIONS
May 14, 1999
Page 2

CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10

I hereby certify that this document and any as referred to as being attached or enclosed is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service, mailing label number E 19 59 19 50 1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration issued thereon.

Dawn M. Van Ness, Legal Secretary

BRYAN CAVE LLP

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JOHN D. TITUS
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ST. LOUIS, MISSOURI

WASHINGTON, D.C. NEW YORK, NEW YORK KANSAS CITY, MISSOURI

OVERLAND PARK, KANSAS SANTA MONICA, CALIFORNIA IRVINE. CALIFORNIA

May 14, 1999

Assistant Commissioner for Trademarks Box ITU 2900 Crystal Drive Arlington, VA 22202-3513 EL193415B19US

Re:

U.S. Trademark/Service Mark Application for

VITAL FORMULATIONS Serial No. 75/301,779 Filed: June 2, 1997

Our Reference No. C32865.105267

REVIEWED
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FOLLOW UP

FILE 1105267
DATE 5-17-95

Dear Sir/Madam:

Enclosed herewith for filing in the above-identified application are the following:

- Combined Declaration and Statement of Use Under 37 CFR § 2.88 and Extension of Time Request
- 2. Check in the amount of \$200.00; and
- Self-addressed, prepaid, postcard to acknowledge receipt of documents.

Please charge any deficiency in the enclosed fee or credit any overpayment, to Deposit Account No. 02-4467. A duplicate copy of this letter is enclosed.

Very

John D. Titus

JDT:dmv Enclosure ST. LOUIS, MISSOURI
WASHINGTON, D.C.
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KANSAS CITY, MISSOURI
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'AN CAVE LLP

ST. LOUIS, MISSOUF WASHINGTON, D.C. NEW YORK, NEW YOF KANSAS CITY, MISSOU OVERLAND PARK, KAN: SANTA MONICA, CALIFO IRVINE, CALIFORNIA

05-17-1999 U.S. Patent & TMOfc/TM Mail Rcpt Dt. #54 SUITE 2200

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May 14, 1999

Assistant Commissioner for Trademarks Box ITU 2900 Crystal Drive Arlington, VA 22202-3513

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John D. Titus

JDT:dmv Enclosure

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BRYAN CAVE LLP

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Re: VITAL FORMULATIONS

May 14, 1999

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration issued thereon.

Dawn M Van Ness Legal Secretary