

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

CV

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.

same

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

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

VITAL FORMULATIONS

Clark Hansen, N.M.D.
Name (printed): Clark Hansen
Title: President

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

- (1) Transmittal letter (in duplicate);
- (2) 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



05-17-1999

U.S. Patent & TMO/TM Mail Rpt Dt. #54

REVIEWED	_____
DOCKETED	_____
FOLLOW UP	_____
FILE	105267
DATE	5-16-99

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 1193415819 US on May 17, 1999 and addressed to Assistant Commissioner for Trademarks, Box ITU, 2900 Crystal Drive, Arlington, VA 22202-3513.

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
Dawn M. Van Ness, Legal Secretary

BRYAN CAVE LLP

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KUWAIT CITY, KUWAIT
ABU DHABI, UNITED ARAB EMIRATES
DUBAI, UNITED ARAB EMIRATES
HONG KONG
ASSOCIATED OFFICE IN SHANGHAI

JOHN D. TITUS
REGISTERED PATENT ATTORNEY
DIRECT DIAL NUMBER
(602) 364-7321

INTERNET ADDRESS
JTITUS@BRYANCAVE.COM

May 14, 1999

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

EL193415819US

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	
DOCKETED	-
FOLLOW UP	-
FILE	105267
DATE	5-17-99

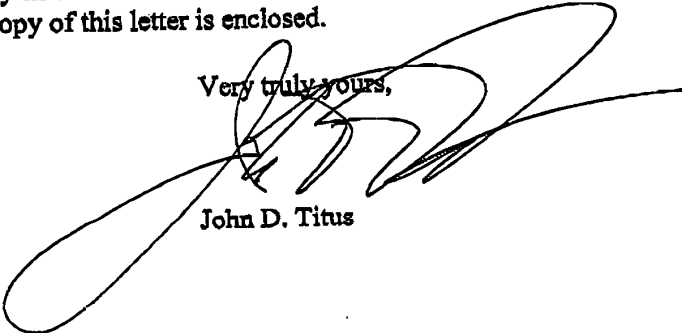
Dear Sir/Madam:

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

1. 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
3. 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 truly yours,



John D. Titus

JDT:dmv
Enclosure

ITU



BRYAN CAVE LLP

ST. LOUIS, MISSOURI
WASHINGTON, D.C.
NEW YORK, NEW YORK
KANSAS CITY, MISSOURI
OVERLAND PARK, KANSAS
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05-17-1999

U.S. Patent & TMO/TM Mail RptDt. #54

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JTITUS@BRYANCAVE.COM

May 14, 1999

12-29-98

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

Re: U.S. Trademark/Service Mark Application for
VITAL FORMULATIONS
Serial No. 75/301,779
Filed: June 2, 1997
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99 JUN 11 PM 1:46

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06/08/1999 SHOPPER 00000003 75301779

01 FC:363
02 FC:364

100.00 OP
100.00 OP

JDT:dmv
Enclosure

BRYAN CAVE LLP

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

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Dawn M. Van Ness, Legal Secretary