

**Trademark/Service Mark Application, Principal Register
Handwritten Signature**

To the Commissioner for Trademarks:

MARK: BALANCE BAR (Standard Characters, see mark)

The literal element of the mark consists of BALANCE.

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

The applicant, Balance Bar Company, a corporation of Delaware, having an address of
Suite 202,
115 Stevens Avenue
Valhalla, New York 10595
United States

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 July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 032: Beverages; non-alcoholic nutritional beverages and powders used in the preparation of nutrition beverages

Intent 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)).

The applicant hereby appoints David I. Greenbaum and Maria A. Scungio; David Weild III; Peter C. Schechter; Patrick J. Concannon; Allison Singh; Michael R. Rizzo; David G. Conlin; George W. Neuner; Peter F. Corless; Peter J. Manus; Christine C. O'Day; Steven J. Jensen; Peter J. Manso; John Ottaviani; Kathleen Williams; Barry Kramer; Scott F. Wofsy; George N. Chaclas; David J. Silvia; Jeffrey D. Hsi; Mark Russett; Brian M. Gaff; and F. Andrew Anderson of Edwards Angell Palmer & Dodge LLP

P.O. Box 130
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New York, New York 10150
United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 307569-TBA.

Correspondence Information: David I. Greenbaum

Edwards Angell Palmer & Dodge LLP

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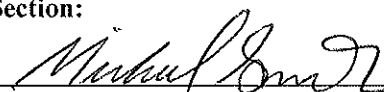
trademark@eapdlaw.com (authorized)

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

Declaration

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, declares 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 Section:

Signature: 
Signatory's Name: Michael Sands
Signatory's Position: President

Date Signed: 8/2/10