

**NEOLIFE TRÉ and NEOLIFE TRÉ & design**  
**Serial Nos. 88286229 and 88286258**  
**Response to Office Action**

The Examining Attorney issued an Office Action against the above referenced marks on the bases that (1) the specimen appears to consist of a digitally altered image or a mock-up; (2) an Examiner's request for further information regarding the specimen and use in commerce; (3) a translation requirement; and (4) a notification regarding TEAS Plus status;

In response to both above-referenced Office Actions, Applicant NeoLife International, LLC ("Applicant") submits the following:

**(1) ALLEGATION OF DIGITALLY ALTERED SPECIMEN**

In Response to the Examining Attorney's allegation that the specimens "appears to consist of a digitally altered image or a mock-up of the mark on the goods or their packaging," applicant respectfully asserts that the images are accurate representations of the mark as-affixed to the actual product. Without conceding the sufficiency or legitimacy of the originally-submitted specimens, Applicant herewith submits substitute specimen images showing the mark affixed to the goods containers.

**(2) INFORMATION ABOUT SPECIMEN REQUIRED**

The Examining Attorney's next requests "additional information for the record about the specimen and how the mark as shown in the specimen is in use in commerce with applicant's goods" to permit proper examination of the application. Applicant responds to each inquiry as-follows:

***(1) How are applicant's goods sold? Specify the retail, wholesale, or other sales environment in which the goods are sold.***

Applicant's goods are sold at retail primarily through webstore-based sales and at wholesale via authorized resellers of Applicant's goods.

***(2) Please provide copies of invoices, bills of sale, or other documentation of sales of the goods.***

Applicant respectfully declines to provide invoices and bills of sale, which may contain confidential and/or proprietary or information of applicant and its resellers. Applicant herein provides exemplar web store pages showing the goods for sale and asserts that the dates of first use in commerce set forth in its application are correct.

***(3) Was the specimen created for submission with this application?***

No, the specimen image shows the product, which was in use prior to filing the subject applications. The specimen image was readily available on Applicant's websites and social media pages prior to filing.

***(4) Does the specimen show applicant's product as it is currently being sold to consumers?***

The specimen shows the applied-for mark directly affixed to the goods container.

***(5) How do applicant's goods appear in the actual sales environment? If sold in stores, provide photos showing the goods for sale in the stores. If sold online, identify the websites and provide copies of the webpages showing the goods for sale. And if sold in another type of sales environment, provide photos and/or documentation showing the goods for sale in that environment.***

The product may be purchased directly from Applicant at its retail website <https://shopneolife.com/www/store/product/3010> and is available via authorized third-party resellers. Copies of web pages showing and offering the goods are attached as Exhibits 1 and 2. Applicant respectfully notes that identical specimen images for the sites offering the goods for sale may be observed at the link above and in the attached webstore pages.

(6) [Not Applicable]

### **(3) TRANSLATION REQUIREMENT**

The Examining Attorney next requires Applicant to submit a translation that the term TRÉ in Applicant's mark translates to three. In support thereof, the Examining Attorney provides a Google Translate page showing "three" to mean "tre" in Italian.

Applicant respectfully asserts that the term TRÉ in its applied-for mark NEOLIFE TRÉ does not directly translate to "three." Applicant's mark contains an acute accent diacritic over the letter "e" of TRÉ. The number "three" in Italian does not contain this necessary diacritic, which renders the term TRÉ fanciful. Therefore, Applicant asserts it should not be required to adopt a translation of the term TRÉ in the mark.

### **(4) TEAS PLUS STATUS LOST**

Finally, the Examining Attorney states that Applicant's TEAS Plus status has been lost due to a failure to provide "a translation of all non-English wording in the mark." As discussed in Section (3) above, Applicant asserts that the term TRÉ does not require a translation due to its use of the acute accent diacritic over the letter "e" which renders the term fanciful. Applicant therefore asserts that its TEAS Plus status should be retained, and its word and design mark applications for NEOLIFE TRÉ should not require additional processing fees.

Based on the forgoing, Applicant respectfully requests that the Examining Attorney approve its applications for publication.

# EXHIBIT 1



Enlarge Image

### Tré Nutritional Essence

Not just juice, Tré harnesses the power of pomegranate, acai berry, and green tea to promote a healthy heart and sharp mind.

\$64.60

**Quantity**

ADD TO CART

or

ADD TO AUTO-SHIP

CONTINUE SHOPPING

CHECKOUT

**Fast Facts**

**Ingredients**

**Get the Science**

### Highlights



**20X**

the punicalagins of FRESH POMEGRANATE JUICE!

A powerful bioactive anti-oxidant.\*



**5-10X**

the resveratrol of FINE RED WINE!

A nutrient studied for its cardiovascular and genetic protection properties.\*



**7X**

the antioxidant power of RIPE RED TOMATOES

Protects cells from free radical damage.\*



**6X**

the alpha-lipoic acid of FRESH SPINACH!

A powerful, water and fat soluble antioxidant that regenerates vitamins C and E and reduces oxidative stress.\*



**PROPRIETARY**

Influx Berry Blend

· Heart Health · Brain Health · Memory · Immunity  
· Eye Health · Urinary Tract Health · Prostate & Breast Health.\*



**ABSOLUTELY**

No artificial colors, flavors, or



sweeteners added.

## Key Benefits

- Powerful antioxidants promote overall good health.
- Provides 20 times the punicalagins of fresh pomegranate juice.
- Provides 5-10 times the resveratrol of fine red wine.
- Provides 7 times the antioxidant power of ripe red tomatoes.
- Provides 6 times the alpha-lipoic acid of fresh spinach.

## Details

Potent and unique, a combination of the purest extracts of Pomegranate, Acai Berry, and Green Tea, along with GNLD's proprietary Inflox berry blend, enhanced with resveratrol and alpha-lipoic acid, and sweetened naturally with the nectar of the Agave cactus.

Powerful, with standardized amounts of active ingredients such as punicalagins in Pomegranate and polyphenols in Green Tea.

Delicious and concentrated—from the first sip, you will experience its refreshing taste and invigorating potency.

Healthy and smart, Tré is a revitalizing essence with a low glycemic response.

## Usage

Drink 1 fl oz (30ml), 1-2 times daily. Serve Chilled. Shake well before use.

- [Nutritional Keys for Lifelong Eye Health](#)
- [Tré' Brochures](#)
- [Tré' PowerPoint Presentation \(English, Spanish\)](#)
- [Cognitive Function \(English, Spanish\)](#)
- [Anjana Srivastava on the Amazing Ingredients in Tré!](#)
- [Dr. Arianna Carughi on Tré' & Teens!](#)
- [John Miller's powerful video presentation on the science behind Tré!](#)
- [Tré' e-Postcard-Send to Friends! \(Preview\)](#)
- [Tré' Mini Site](#)

## Your Tré—Every Day!

Drawn from a broad spectrum of powerful, bioactive ingredients, each daily serving of Tré delivers the nutrient density and diversity your body needs—and nature intended!

### NUTRITIONAL VALUE OF TRÉ

**20 TIMES**

the punicalagins of  
**FRESH  
POMEGRANATE  
JUICE!**



**5-10**

**TIMES**  
the resveratrol of  
**FINE RED WINE!**



**7 TIMES**

the antioxidant power  
of  
**RIPE RED  
TOMATOES!**




**6 TIMES**

the alpha-lipoic  
acid of **FRESH  
SPINACH!**



\* 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.

 Sales Support: 800.432.5842

Sales Support

Contact Us

Website Support

Returns

Company







About Us

Product Catalog

Download Apps

Convention

Connect with Us

-  NeoLife Club
-  NeoLife Club
-  Official NeoLife
-  NeoLife Blog
-  NeoLife Club
-  NeoLife Podcast

We are proud members of the DSA. To view the Code of Ethics by which we abide please click here [Code of Ethics](#). To file a complaint, please contact us at NeoLife International at 800.432.5842. If you are unsatisfied with the resolution, you may escalate your complaint to the DSA by [clicking here](#).



# EXHIBIT 2



Based in Nature, Backed by Science.

Search all products...



CART

Home Browse Products Shop by Collection FAQs Contact Us Sign Up NeoLife Independent Distributor Daniel J.

Home > Tré - Nutritional Essence



### Tré - Nutritional Essence

\$57<sup>25</sup> ~~\$64<sup>60</sup>~~

Size

Bottle - 32 Fl. Oz.

Singles or Case of 6

Singles

Quantity

- 1 +

In Stock - Choose an Option Below

One-Time Purchase

Save 5% with Auto Delivery (\$54.39) See details

ADD TO CART

VISA



AMERICAN EXPRESS

DISCOVER

PayPal

Not just juice, Tré harnesses the rejuvenating power of pomegranate, acai berry, and green tea to promote a healthy heart and sharp mind.\*



Fast Facts



Ingredients



Get the Science

### Highlights







- **20X**

**the punicalagins of FRESH POMEGRANATE JUICE!**

A powerful bioactive anti-oxidant.\*



- **5-10X**

**the resveratrol of FINE RED WINE!**

A nutrient studied for its cardiovascular and genetic protection properties.\*



- **7X**

**the antioxidant power of RIPE RED TOMATOES**

Protects cells from free radical damage.\*





- **6X**

the alpha-lipoic acid of **FRESH SPINACH!**

A powerful, water and fat soluble antioxidant that regenerates vitamins C and E and reduces oxidative stress.\*



- **PROPRIETARY**

**Influx Berry Blend**

· Heart Health · Brain Health · Memory · Immunity · Eye Health · Urinary Tract Health · Prostate & Breast Health.\*



- **ABSOLUTELY**

No artificial colors, flavors, or sweeteners added.

---

### Key Benefits

- Powerful antioxidants promote overall good health.
- Provides 20 times the punicalagins of fresh pomegranate juice.
- Provides 5-10 times the resveratrol of fine red wine.
- Provides 7 times the antioxidant power of ripe red tomatoes.
- Provides 6 times the alpha-lipoic acid of fresh spinach.

---

### Details

- Potent and unique, a combination of the purest extracts of Pomegranate, Acai Berry, and

Green Tea, along with GNLD's proprietary Influx berry blend, enhanced with resveratrol and alpha-lipoic acid, and sweetened naturally with the nectar of the Agave cactus.

- Powerful, with standardized amounts of active ingredients such as punicalagins in Pomegranate and polyphenols in Green Tea.
- Delicious and concentrated-from the first sip, you will experience its refreshing taste and invigorating potency.
- Healthy and smart, Tre is a revitalizing essence with a low glycemic response.

### Usage

Drink 1 fl oz (30ml), 1-2 times daily. Serve Chilled. Shake well before use.

Item #3010 & #3011

\* 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.



## We Also Recommend



NeoLife Shake  
~~\$52<sup>05</sup>~~ ~~\$58<sup>60</sup>~~



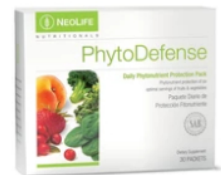
Omega-III Salmon Oil Plus  
~~\$39<sup>40</sup>~~ ~~\$44<sup>40</sup>~~



Pro Vitality  
~~\$57<sup>45</sup>~~ ~~\$64<sup>80</sup>~~



Tre-en-en Grain Concentrates  
~~\$57<sup>10</sup>~~ ~~\$64<sup>26</sup>~~



PhytoDefense  
~~\$109<sup>10</sup>~~ ~~\$122<sup>66</sup>~~

1-800-408-8584

Questions? [Contact us](#)  
[Click to View Product Catalog PDF](#)

Join the List to Get Updates

Email Address

SIGN UP

Quick links

- [Search](#)
- [Blog](#)
- [Join NeoLife](#)
- [Return Policy](#)
- [Privacy Policy](#)
- [Terms of Service](#)



Trustpilot

© 2019 NeoLife Vitamin Shop



DISCOVER



PayPal

