

February 27, 2006

VIA EXPRESS MAIL

Ms. Elizabeth A. Dunn
Trademark Trial & Appeal Board
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Alexandria, VA 223131451

Priscilla L. Dunkel
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Re: *Poly-Labs Pharma Inc. v. Dennison, Stan*
Opposition No. 91166682
Our File: 076654.0104

Dear Ms. Dunn:

Pursuant to the Order dated February 19, 2006 I have enclosed several key pleadings in the related federal litigation styled *Poly-Labs Pharma, Inc. v. Stan G. Dennison and Nature's Treat, L.L.C.* (3:05-CB-1082-P).

The enclosures are as follows:

1. Plaintiff's Original Complaint (5-26-2005)
2. Defendant Nature's Treat, L.L.C.'s Original Answer and Counterclaim (6-28-2005)
3. Plaintiff's First Amended Complaint (8-4-2005)
4. Defendant Nature's Treat, L.L.C.'s Answer to Plaintiff's First Amended Complaint (8-18-2005)
5. Defendant George Stanley Dennison's Answer to Plaintiff's First Amended Complaint (9-27-2005)
6. Defendant Nature's Treat, L.L.C.'s First Amended Counterclaims and Third-Party Claims (9-29-2005)
7. Counter Defendant Poly-Labs Pharma, Inc.'s Answer to Nature's Treat L.L.C.'s First Amended Counter Claims and Third-Party Claims
8. Third Party Defendant Gary Krahmer's Answer to Nature's Treat L.L.C.'s First Amended counter Claims and Third-Party Claims



We have provided you with the same documents as we did in the related Opposition proceeding number 91166685. If you find later that you will need copies of key pleadings in the pending state litigation, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Priscilla L. Dunkel". The signature is written in a cursive style with a large initial "P".

Priscilla L. Dunkel

PLD:ckp
Enclosures

cc: Matthew Booth (w/o encls.)
Lawrence Fleishman (w/o encls.)

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

MAY 26 2005

CLERK, U.S. DISTRICT COURT

By

Deputy

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISIONPlaintiff Poly-Labs Pharma, Inc., a Delaware
Corporation

Plaintiff,

v.

Stan G. Dennison and Nature's Treat, L.L.C.,
an Oklahoma Limited Liability Company,

Defendants.

Civil Action No. ~~305~~ CV 1082 - P

PLAINTIFF'S ORIGINAL COMPLAINT

Nature of the Action

1. This is an action for injunctive relief, damages and other relief based on Defendants' infringement of Plaintiff's trademarks, unfair competition, internet piracy and injury to business reputation in connection with Defendants' advertising and sale of goods in violation of federal law and the law of the State of Texas.

Parties

2. Plaintiff Poly-Labs Pharma, Inc. is a Delaware corporation whose principal office is at County Road 211 Gainesville, Texas 76240-0888.

3. Defendant Stan G. Dennison ("Dennison") is a natural person who resides at 1080 Hanks Trail, Woodward, Oklahoma 73801. Mr. Dennison may be served at this address or at his place of business at 1222 8th Street Woodward, Oklahoma 73801.

4. Defendant Nature's Treat, L.L.C. ("Nature's Treat") is an Oklahoma Limited Liability Company whose principal office is at 1222 8th Street Woodward, Oklahoma 73801 and can be served by serving its registered agent for service, Gary W. Derrick at 100 North Broadway 20th

PLAINTIFF'S ORIGINAL COMPLAINT

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Floor Oklahoma City, Oklahoma 73102 or its member/manager Stan G. Dennison at his home or the business address in paragraph 3.

Jurisdiction and Venue

5. This Court has subject matter jurisdiction because it is an action for federal trademark infringement and unfair competition under 15 U.S.C. §§1114 and 1125. This Court has supplemental jurisdiction over the state law claims herein because they involve use of the same marks and are so related to the federal claims that they form part of the same case or controversy and are derived from a common nucleus of operative facts.

Factual Background

6. Plaintiff develops, manufactures and sells organic, nutritional supplements to customers throughout the United States.

7. Plaintiff is the sole owner of the following trademarks: NATURE'S TREAT, CITRI-MATE, NATURALLY HEALTHIER LIFESTYLE, ENERGY PLUS, SLIMBOLIC, STA-YOUNG, MVP, BIO-FUEL, RESTORATION, BIO-TREAT, CARDIO-TREAT, HOPE and STA-SOUND. NATURE'S TREAT, CITRI-MATE and NATURALLY HEALTHIER LIFESTYLE are registered by Plaintiff on the principal register of the United States Patent Office. Plaintiff's registered marks are entitled to treatment under 15 U.S.C § 1115.

8. Plaintiff uses these marks to advertise and sell organic, nutritional supplements throughout the country.

9. Defendants sell organic, nutritional supplements throughout the United States. On information and belief, Defendants advertise and sell their products through the internet and direct mail to distributors, retailers and consumers.

10. Defendants uses or has used the following marks to advertise and sell its goods:

PLAINTIFF'S ORIGINAL COMPLAINT

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NATURE'S TREAT, CITRI-MATE, NATURALLY HEALTHIER LIFESTYLE, ENERGY PLUS, SLIMBOLIC, STA-YOUNG, MVP, BIO-FUEL, RESTORATION, BIO-TREAT, CARDIO-TREAT, HOPE and STA-SOUND. The Defendant has registered and used NATURESTREAT as a domain name. In addition, Defendants have recently started using the mark STA-NATURAL to advertise and sell its products.

11. In the past, Defendants have simply used counterfeits of Plaintiff's marks. Recently, in using the foregoing marks, Defendants have obliterated the words NATURE'S TREAT on Plaintiffs' distinctive labels and substituted STA-NATURAL.

12. Defendants advertise and sell to the same type of customer as Plaintiff, and Defendants conduct business in substantially the same trade channels as Plaintiff.

First Claim for Relief

Federal Trademark Infringement

13. Plaintiff incorporates by reference the statements and allegations in paragraphs 1 through 12.

14. Defendants' use in commerce of the marks NATURE'S TREAT, CITRI-MATE and NATURALLY HEALTHIER LIFESTYLE is likely to cause confusion, mistake or deceive as to the affiliation, connection or association of Defendants with Plaintiff or as to the origin, sponsorship or approval of Defendants goods or commercial activities by Plaintiff and is an infringement of Plaintiff's registered mark in violation of 15 U.S.C. §1114.

15. Defendants' acts of infringement with respect to this mark have caused, and will continue to cause Plaintiff to suffer damages. On information and belief, Defendants have made profits by using this mark..

16. Defendants' acts of infringement have caused and will continue to cause immediate and

PLAINTIFF'S ORIGINAL COMPLAINT

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