

## Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

| Input Field                 | Entered                       |
|-----------------------------|-------------------------------|
| SERIAL NUMBER               | 78670975                      |
| LAW OFFICE ASSIGNED         | LAW OFFICE 106                |
| NOTICE OF ALLOWANCE         | YES                           |
| EXTENSION OF USE            | YES                           |
| REQUEST TO DIVIDE           | NO                            |
| MARK SECTION                |                               |
| STANDARD CHARACTERS         | YES                           |
| USPTO-GENERATED IMAGE       | YES                           |
| LITERAL ELEMENT             | NANOMEGA                      |
| OWNER SECTION (no change)   |                               |
| ATTORNEY SECTION (current)  |                               |
| NAME                        | Harris F. Brotman             |
| FIRM NAME                   | BioPharma Scientific, Inc.    |
| STREET                      | 9010 Kenamar Drive, Suite 101 |
| CITY                        | San Diego                     |
| STATE                       | California                    |
| POSTAL CODE                 | 92121                         |
| COUNTRY                     | United States                 |
| PHONE                       | 858-622-9493                  |
| FAX                         | 858-622-1846                  |
| EMAIL                       | hbrotman@biopharmasci.com     |
| ATTORNEY DOCKET NUMBER      | BPI-23TM                      |
| ATTORNEY SECTION (proposed) |                               |
| NAME                        | Timothy M. Brown              |
| FIRM NAME                   | BioPharma Scientific, Inc.    |
| STREET                      | 9010 Kenamar Drive, Suite 101 |
| CITY                        | San Diego                     |
| STATE                       | California                    |
| POSTAL CODE                 | 92121                         |
| COUNTRY                     | United States                 |

|  |   |
|--|---|
| PHONE  | 858-622-9493  |
| FAX  | 858-622-1846  |
| EMAIL  | tbrown@stemedica.com  |
| ATTORNEY DOCKET NUMBER   | BPI-23TM  |
| <b>GOODS AND/OR SERVICES SECTION</b>   |   |
| INTERNATIONAL CLASS  | 001   |
| CURRENT IDENTIFICATION   | Fatty acids and Omega-3 fatty acids for use as a food additive  |
| GOODS AND/OR SERVICES  | DELETE ENTIRE CLASS   |
| INTERNATIONAL CLASS  | 005   |
| CURRENT IDENTIFICATION   | Nutraceuticals for use as a dietary supplement, vitamins, dietary and nutritional supplements; Nutraceuticals for use as a dietary supplement, vitamins, dietary and nutritional supplements all containing Omega-3; nutritional additives for use in foods |
| GOODS OR SERVICES DELETED FROM THE APPLICATION OR INCLUDED IN A SEPARATE REQUEST TO DIVIDE | Nutritional additives for use in foods  |
| GOODS OR SERVICES IN USE IN COMMERCE   | Nutraceuticals for use as a dietary supplement, vitamins, dietary and nutritional supplements; Nutraceuticals for use as a dietary supplement, vitamins, dietary and nutritional supplements all containing Omega-3   |
| FIRST USE ANYWHERE DATE  | 04/07/2008  |
| FIRST USE IN COMMERCE DATE   | 04/07/2008  |
| SPECIMEN FILE NAME(S)  | <a href="#">\\TICRS\EXPORT2\IMAGEOUT2\786\709\78670975\xml1\SO U0002.JPG</a>  |
| SPECIMEN DESCRIPTION   | Product label   |
| <b>PAYMENT SECTION</b>   |   |
| NUMBER OF CLASSES  | 1   |
| SUBTOTAL AMOUNT  | 100   |
| TOTAL AMOUNT   | 100   |
| <b>SIGNATURE SECTION</b>   |   |
| SIGNATURE  | /timothy m. brown/  |
| SIGNATORY'S NAME   | Timothy M. Brown  |
| SIGNATORY'S POSITION   | Attorney of record  |
| DATE SIGNED  | 08/01/2008  |
| <b>FILING INFORMATION</b>  |   |
| SUBMIT DATE  | Fri Aug 01 20:50:00 EDT 2008  |
| TEAS STAMP   | USPTO/SOU-XXX.XX.XXX.XX-2<br>0080801205000249949-78670<br>975-400ea16e313e18a760d2a<br>928a541d95a8e-CC-3764-200<br>80801202217571248   |

**Trademark/Service Mark Statement of Use**  
**(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

**MARK:** NANOMEGA  
**SERIAL NUMBER:** 78670975

This Allegation of Use is being filed after a Notice of Allowance has issued.  
An Extension of Time form is being filed with the Allegation of Use.

The applicant, BioPharma Scientific, Inc., having an address of 9010 Kenamar Drive, Suite 101, San Diego, California United States 92121, is using or is using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class 001:  
Current identification: Fatty acids and Omega-3 fatty acids for use as a food additive

This **entire class** is to either be **deleted** from the application OR **processed according to a separately filed Request to Divide**.

For International Class 005:  
Current identification: Nutraceuticals for use as a dietary supplement, vitamins, dietary and nutritional supplements; Nutraceuticals for use as a dietary supplement, vitamins, dietary and nutritional supplements all containing Omega-3; nutritional additives for use in foods

The applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance, except the following: Nutritional additives for use in foods.

The following is proposed as the complete final identification once the specific good(s) or service(s) identified above is deleted: Nutraceuticals for use as a dietary supplement, vitamins, dietary and nutritional supplements; Nutraceuticals for use as a dietary supplement, vitamins, dietary and nutritional supplements all containing Omega-3. The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 04/07/2008, and first used in commerce at least as early as 04/07/2008, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Product label.

[Specimen File1](#)

The applicant hereby appoints Timothy M. Brown of BioPharma Scientific, Inc., 9010 Kenamar Drive, Suite 101, San Diego, California United States 92121 to submit this Trademark/Service Mark Statement of Use on behalf of the applicant. The attorney docket/reference number is BPI-23TM.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class.

**Declaration**

Applicant requests registration of the above-identified trademark/service mark 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). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

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. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and 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: /timothy m. brown/      Date Signed: 08/01/2008  
Signatory's Name: Timothy M. Brown

Signatory's Position: Attorney of record

Mailing Address:

BioPharma Scientific, Inc.

9010 Kenamar Drive, Suite 101  
San Diego, California 92121

Mailing Address:

BioPharma Scientific, Inc.

9010 Kenamar Drive, Suite 101  
San Diego, California 92121

RAM Sale Number: 3764

RAM Accounting Date: 08/04/2008

Serial Number: 78670975

Internet Transmission Date: Fri Aug 01 20:50:00 EDT 2008

TEAS Stamp: USPTO/SOU-XXX.XX.XXX.XX-2008080120500024

9949-78670975-400ea16e313e18a760d2a928a5

41d95a8e-CC-3764-20080801202217571248

Omega-3s are essential fatty acids (EFAs) that are important for supporting:

- heart health
- healthy brain function
- joint health
- healthy eyes (retina)
- healthy skin
- immune health
- maintenance of normal blood lipids
- general health and wellness

Truly a breakthrough functional food formula for the health practitioner, NanoOmega<sup>3</sup> provides Omega-3 essential fatty acids (EFAs) from both:

- ALA, alpha-linolenic acid, from specially stabilized, organic MeadowPure<sup>®</sup> golden flaxseed oil
- DHA oil (EPA/DHA) from Martek

Derived from plant marine algae, with synergistic vitamins E, D3, folic acid and highly bioavailable forms of B6 and B12.

DO NOT USE IF INNER SEAL IS BROKEN. Reseal after each use. Refrigerate after opening. Contents sold by weight, not volume. Contents may settle with shipping. Manufactured in GMP, Organic & FDA approved facilities in the U.S.A.

For Official Information of Health Practitioners

© 2008

BioPharma has created a quantum leap forward in nutrition with its patented "NanoSorb<sup>®</sup>" liposome technology. Our technology mimics mother nature by creating water-filled spheres smaller than 1/2 micron which are designed to naturally enhance the absorption of otherwise poorly bioavailable nutrients.

**IMPORTANT:** Once it is opened, NanoOmega<sup>3</sup> must be stored in cool, dark conditions. After each use, close tightly and refrigerate immediately to help preserve potency and freshness. Once opened NanoOmega<sup>3</sup> is best completely consumed within 45 days.

Researched and Developed by BioPharma Scientific, Inc. San Diego, CA 92121  
www.BioPharmaSci.com

PHOTO MICROGRAPH SHOWING THE NANO SORB<sup>®</sup> LIPOSOME TECHNOLOGY. THE LIPOSOME IS A WATER-CONTAINING SPHERE WITH A DIAMETER OF APPROXIMATELY 0.5 MICRONS.

**PHYSICIAN STRENGTH FORMULA**

**bioPharma<sup>®</sup> SCIENTIFIC**

*Pineapple Orange*

# NanoOmega<sup>3</sup>

Golden Flax, Vegan DHA & Synergistic Vitamins

**life's DHA**

**NanoSorb<sup>®</sup> TECHNOLOGY**

**DIETARY SUPPLEMENT**

**NET WT. 12.7 OZ (360g)**

**YES:**

- Great tasting, instant mixing
- Made with organic ingredients
- Good source of fiber
- Vegan & non-GMO
- Low net carb
- Low peroxide value (pvi)
- Nitrogen packed for freshness

**NO:**

- Fishy tastes, smells or toxins
- Fish oil "burps"
- Animal or fish products
- Eggs, dairy, wheat, yeast, or gluten
- Artificial flavors, MSG or glutamate peptides

**SUGGESTED USE:**

Mix one scoop (12 g) with 6-8 ounces of cold water, juice or milk to taste. Stir or shake briskly. Drink immediately. Supply one to two times a day with each meal directed by your health provider. Children under 12 take 1/2 dose. Drinking an extra glass of water may result in a feeling of fullness and improve elimination. Designed and formulated for use with NanoGreens<sup>®</sup> and/or NanoSorb<sup>®</sup>.

**Allergens:** Contains lecithin from soy.

**Ingredients:** Martek's Pure<sup>®</sup> Omega-3 Ultra Golden Flax<sup>®</sup> with Martek's DHA oil derived from organic brown seaweed (EPA), Natural Flavors (plant based), inulin, vegetable lecithin, life's DHA<sup>®</sup> (EPA/DHA), L-carnitine, natural curcumin color (plant based), and NanoSorb<sup>®</sup> (phospholipids, food grade) Organic.

**Supplements Facts**

Serving Size: 1 scoop (12 g)  
Servings Per Container: 30

| Amount Per Serving           |        | % Daily Value* |
|------------------------------|--------|----------------|
| <b>Calories</b>              | 120    |                |
| Total Fat                    | 12.5 g | 25%            |
| Saturated Fat                | 2.5 g  | 5%             |
| Trans Fat                    | 0.5 g  | 10%            |
| Sodium                       | 5 mg   | <1%            |
| Potassium                    | 30 mg  | 1%             |
| Total Carbohydrate           | 1 g    | 2%             |
| Dietary Fiber                | 2.5 g  | 10%            |
| Sugars                       | 1 g    |                |
| <b>Protein</b>               | 1 g    |                |
| Vitamin B12 (cyanocobalamin) | 400 µg | 100%           |
| Vitamin E (d-α-tocopherol)   | 40 IU  | 100%           |
| Vitamin B6 (pyridoxine HCl)  | 1 mg   | 50%            |
| Vitamin D3 (cholecalciferol) | 200 IU | 50%            |
| Vitamin B9 (folic acid)      | 80 µg  | 140%           |
| Copper (II) (cuprous)        | 25 mg  | 2%             |
| Iron (ferrous sulfate)       | 40 mg  | 2%             |
| Magnesium                    | 22 mg  | 5%             |
| Total Omega-3                | 100 mg |                |
| Omega-3 DHA                  | 100 mg |                |
| Omega-3 EPA                  | 100 mg |                |
| Omega-3 DHA+EPA              | 200 mg |                |
| Vitamin C (ascorbic acid)    | 70 mg  |                |

\*Percent Daily Values are based on a diet of other people's secrets.

© 2008 BioPharma Scientific, Inc.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.