

ESTTA Tracking number: **ESTTA259328**

Filing date: **01/07/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Samsung America, Inc.
Granted to Date of previous extension	01/07/2009
Address	105 Challenger Road Ridgefield Park, NJ 07660 UNITED STATES
Attorney information	Robert W. Smith McCarter & English LLP 100 Mulberry Street Four Gateway Center Newark, NJ 07102 UNITED STATES mboyce@mccarter.com Phone:973 622 4444

Applicant Information

Application No	77450490	Publication date	09/09/2008
Opposition Filing Date	01/07/2009	Opposition Period Ends	01/07/2009
Applicant	AmeriMark Direct LLC 6864 Engle Road Cleveland, OH 44130 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Mail order catalog services, computerized on-line ordering services, and direct response retail services by means of print advertisements in the fields of vitamins and mineral supplements, dietary supplements, nutritional supplements, herbal remedies, body supports, homeopathic pharmaceuticals, beauty aides, health care appliances and implements, supporters and braces, general merchandise, wigs, toupees and hairpieces, general clothing, shoes and slippers, hosiery and accessories, and miscellaneous household items
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2402926	Application Date	08/12/1999
Registration Date	11/07/2000	Foreign Priority Date	NONE


Word Mark	HEALTHY LIVING
Design Mark	HEALTHY LIVING
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2000/03/21 First Use In Commerce: 2000/03/21 Blood pressure monitors

U.S. Registration No.	3393579	Application Date	09/03/2004
Registration Date	03/04/2008	Foreign Priority Date	NONE
Word Mark	HEALTHY LIVING		
Design Mark	HEALTHY LIVING		
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 Medical thermometers; medical probe protective covers		


U.S. Registration No.	3298889	Application Date	12/10/2004
Registration Date	09/25/2007	Foreign Priority Date	NONE
Word Mark	HEALTHY LIVING		
Design Mark	HEALTHY LIVING		
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2006/03/00 First Use In Commerce: 2006/03/00		


	Nebulizers for respiratory therapy; nebulizer kits for respiratory therapy composed of replacement nebulizers, air tubes and filters		
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U.S. Registration No.	3387013	Application Date	01/28/2005
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	HEALTHY LIVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2005/01/00 First Use In Commerce: 2005/01/00 Medical thermometers; blood pressure monitors; nebulizers for respiratory therapy; nebulizer kits for respiratory therapy composed of air tubes, replacement nebulizers and filters; medical probe protective covers		

U.S. Application No.	78555586	Application Date	01/28/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEALTHY LIVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Pedometers Class 010. First use: blood glucose meter; medical test strips for monitoring blood glucose; lancets		

U.S. Application No.	78914533	Application Date	06/22/2006
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEALTHY LIVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Weighing scales with body fat analyzer; weighing scales		

U.S. Application No.	78914580	Application Date	06/22/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEALTHY LIVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Weighing scales with body fat analyzer; weighing scales		

Attachments	75774364#TMSN.gif (1 page)(bytes) 78979630#TMSN.jpeg (1 page)(bytes) 78530699#TMSN.jpeg (1 page)(bytes) 78979474#TMSN.jpeg (1 page)(bytes) 78555586#TMSN.jpeg (1 page)(bytes) 78914533#TMSN.jpeg (1 page)(bytes) 78914580#TMSN.jpeg (1 page)(bytes) Samsung v Amerimark Notice Opposition.pdf (5 pages)(212715 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robert W. Smith/
Name	Robert W. Smith
Date	01/07/2009

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