

ESTTA Tracking number: **ESTTA280484**

Filing date: **04/27/2009**

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	Lance Armstrong Foundation
Granted to Date of previous extension	04/26/2009
Address	P.O. Box 161150 Austin, TX 78716-1150 UNITED STATES
Correspondence information	Heather Angelina Dunn, Esq. DLA Piper LLP (US) 555 Mission Street Suite 2400 San Francisco, CA 94105-2933 UNITED STATES heather.dunn@dlapiper.com, pamela.anderson@dlapiper.com, tmfilings@dlapiper.com Phone:415.836.2557

Applicant Information

Application No	77466425	Publication date	10/28/2008
Opposition Filing Date	04/27/2009	Opposition Period Ends	04/26/2009
Applicant	STANDSTRONG CLINICS, LLC 100 FITNESS WAY HOCKESSIN, DE 19707 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Health club services, namely, providing instruction and equipment in the field of physical exercise; Educational services, namely, conducting classes, seminars, workshops and courses in the field of physical exercise and training, fitness, and health issues
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

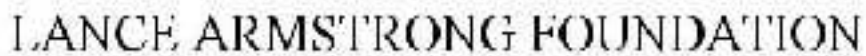
Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3202553	Application Date	05/07/2004
Registration Date	01/23/2007	Foreign Priority	NONE

		Date	
Word Mark	LIVESTRONG		
Design Mark	<p>LIVESTRONG</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2006/07/15 First Use In Commerce: 2006/07/15 Bicycle helmets</p> <p>Class 025. First use: First Use: 2005/06/01 First Use In Commerce: 2005/06/01 Clothing articles, namely, shirts, jackets, pants, shorts and jerseys, and sweatshirts, and pullovers; socks; headwear, namely, hats, caps, visors</p> <p>Class 041. First use: First Use: 2004/05/31 First Use In Commerce: 2004/05/31 Educational services, namely, organizing and conducting conferences in the field of cancer, cancer recovery and survival</p>		


U.S. Registration No.	2368904	Application Date	10/12/1999
Registration Date	07/18/2000	Foreign Priority Date	NONE
Word Mark	LIVE LONG, LIVE STRONG		
Design Mark	<p>LIVE LONG, LIVE STRONG</p>		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1997/11/05 First Use In Commerce: 1997/11/05 Consulting services in the field of personal fitness training		

U.S. Registration No.	3052284	Application Date	05/07/2004
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		
Design Mark	<p>LIVESTRONG</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 2004/05/03 First Use In Commerce: 2004/05/03 Jewelry</p> <p>Class 036. First use: First Use: 2003/12/15 First Use In Commerce: 2003/12/15 charitable fundraising services</p>		


U.S. Registration No.	3324307	Application Date	06/01/2006
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	LANCE ARMSTRONG FOUNDATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 036. First use: First Use: 1997/01/00 First Use In Commerce: 1997/01/00 Charitable fundraising services; providing research grants to organizations in the fields of public health, cancer, cancer recovery and survival; providing a website via the internet featuring information, comprehensive content and personal stories on the subjects of insurance, finances, financial and estate planning</p> <p>Class 041. First use: First Use: 1997/01/00 First Use In Commerce: 1997/01/00 Development and dissemination via the Internet of educational materials of others in the field of cancer, cancer recovery and survival; a web site featuring personal narrative stories relating to cancer, cancer recovery and survival for instructional and entertainment purposes; Educational services, namely, organizing and conducting conferences in the fields of cancer, cancer recovery and survival; organizing and conducting sporting events to raise funds and awareness in the field of cancer, cancer recovery and survival</p> <p>Class 044. First use: First Use: 1997/01/00 First Use In Commerce: 1997/01/00 Providing a website via the Internet featuring medical information in the nature of personal stories relating to cancer, cancer recovery and survival</p>		


U.S. Registration No.	3205196	Application Date	08/05/2005
Registration Date	02/06/2007	Foreign Priority Date	NONE
Word Mark	LANCE ARMSTRONG FOUNDATION		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 014. First use: First Use: 2004/05/03 First Use In Commerce: 2004/05/03 Jewelry</p> <p>Class 016. First use: First Use: 2004/05/11 First Use In Commerce: 2004/05/11 Posters; educational books in the field of public health, cancer, cancer recovery, and cancer survivorship</p> <p>Class 025. First use: First Use: 2004/06/29 First Use In Commerce: 2004/06/29 T-shirts and hats</p> <p>Class 035. First use: First Use: 2004/06/16 First Use In Commerce: 2004/06/16 Lobbying services, namely, promoting public health and cancer survivorship interests in the fields of politics, legislation and regulation; promoting public awareness of public health in the fields of cancer, cancer recovery and survival by sponsoring, developing and carrying out community and national programs</p> <p>Class 036. First use: First Use: 2004/10/31 First Use In Commerce: 2004/10/31 Providing research grants to organizations in the fields of public health, cancer, cancer recovery and survival; Charitable fundraising services; Providing a web site featuring information, comprehensive content and personal stories concerning insurance, finances, financial and estate planning in the fields of cancer, cancer recovery and survival</p> <p>Class 041. First use: First Use: 2004/05/30 First Use In Commerce: 2004/05/30 Educational services, namely, organizing and conducting conferences in the fields of cancer, cancer recovery and survival; providing a web site featuring personal narrative stories relating to cancer, cancer recovery and survival for instructional and entertainment purposes</p> <p>Class 044. First use: First Use: 2004/05/30 First Use In Commerce: 2004/05/30 Providing a web site featuring medical information, comprehensive content and personal stories in the fields of cancer, cancer recovery and survival</p>

U.S. Registration No.	3267242	Application Date	09/20/2006
Registration Date	07/24/2007	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 021. First use: First Use: 2006/07/01 First Use In Commerce: 2006/07/01 Ceramic vessels, bowls, plates, pots; plates, cups, mugs, bowls, tea kettles, tea pots not made of precious metals</p>		

U.S. Registration No.	3126718	Application Date	08/29/2005
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Registration Date	08/08/2006	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/06/30 First Use In Commerce: 2005/06/30 Computers; Notebook computers		

U.S. Registration No.	3360223	Application Date	09/20/2006
Registration Date	12/25/2007	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2006/11/28 First Use In Commerce: 2006/11/28 Collars for pets		

U.S. Application No.	77003373	Application Date	09/20/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		

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