

ESTTA Tracking number: **ESTTA333561**

Filing date: **02/22/2010**

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	02/21/2010
Address	2201 E. 6th Street Austin, TX 78702 UNITED STATES

Attorney information	Heather A. Dunn, Esq. DLA Piper LLP (US) 555 Mission Street, Suite 2400 San Francisco, CA 94105-2933 UNITED STATES tmfilings@dlapiper.com, heather.dunn@dlapiper.com, dash.mclean@dlapiper.com, jeremy.lane@dlapiper.com Phone:415.836.2557
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Applicant Information

Application No	77617826	Publication date	08/25/2009
Opposition Filing Date	02/22/2010	Opposition Period Ends	02/21/2010
Applicant	Runyan, Donald W. 2536 South Brandi Lane Yuma, AZ 85364 UNITED STATES		

Goods/Services Affected by Opposition

Class 010. All goods and services in the class are opposed, namely: Adult sexual stimulation aid, namely, penis rigidity enhancement device in the nature of an open-cylindrical shaped device which extends over the shaft of a penis in order to maintain the shaft of a penis in an erect position
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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.	2368904	Application Date	10/12/1999
Registration Date	07/18/2000	Foreign Priority Date	NONE

Word Mark	LIVE LONG, LIVE STRONG
Design Mark	LIVE LONG, LIVE STRONG
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.	3716127	Application Date	03/25/2008
Registration Date	11/24/2009	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		
Design Mark	LIVESTRONG		
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2003/12/15 First Use In Commerce: 2003/12/15 Providing a website featuring information in the field of medical symptoms, medical conditions, medical practice specialties, medical procedures, healthy living, diet, health enhancement, alternative medicine, prescription and over-the-counter drugs, and nutrition; providing a website featuring medical information; Providing a web site featuring information in the field of mental health and wellness; mental health services		


U.S. Registration No.	3719356	Application Date	03/25/2008
Registration Date	12/01/2009	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		

Design Mark	LIVESTRONG
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2008/09/17 First Use In Commerce: 2008/09/17 Providing referrals in the field of matching patients with clinical trials for new treatments in the field of cancer


U.S. Application No.	77431116	Application Date	03/25/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		
Design Mark	LIVESTRONG		
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use:</p> <p>Health club services, namely, providing instruction and equipment in the field of physical exercise; providing fitness and exercise facilities; counseling services in the field physical fitness; physical fitness consultation, instruction, and conditioning classes; educational services, namely, instruction and training in the fields of health, physical fitness, and nutrition; providing information in the field of exercise training; providing a web site featuring information on exercise, physical fitness, and sports; providing a website featuring information in the field of current events and entertainment, prerecorded music, prerecorded musical concerts, and video presentations featuring the subjects of cancer awareness, cancer education, cancer survivor stories, cancer patient support, personal memorials, honors and tributes, fund raising and charitable fund raising, charitable events, charitable activities, advocacy in the fight against cancer, news shows, sports information, and cultural events information, and featuring podcasts in the field of cancer awareness, cancer education, cancer survivor stories, cancer patient support, personal memorials, honors and tributes, fund raising and charitable fund raising, charitable events, charitable activities, advocacy in the fight against cancer, health, fitness, nutrition, diet, inspirational achievement stories, sports information, news shows, sports information, and</p>		

	cultural events information; on-line publishing of electronic publications; on-line journals, namely, blogs in the fields of health, fitness, exercise, current events, sports, entertainment, personal opinions on topics of general interest, health care insurance, short term medical insurance, health savings accounts, finance in the field of health care, medical symptoms, medical conditions, medical practice specialties, medical procedures, medical information, healthy living, diet, health enhancement, alternative medicine, and prescription and over-the-counter drugs; organization of sports events in the field of cycling, walking, running, golf; organizing community sporting and cultural events
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U.S. Registration No.	3655696	Application Date	06/04/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE
Word Mark	LIVESTRONG.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2008/05/27 First Use In Commerce: 2008/05/27 providing a website featuring information in the field of medical symptoms, medical conditions, medical practice specialties, medical procedures, healthy living, diet, health enhancement, alternative medicine, prescription and over-the-counter drugs, and nutrition; providing a website featuring medical information; Providing a web site featuring information in the field of mental health and wellness; mental health services		

U.S. Application No.	77490649	Application Date	06/04/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LIVESTRONG.COM		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 041. First use:</p> <p>Providing information in the field of exercise training; providing a web site featuring information on exercise, physical fitness, and sports; providing a website featuring information in the field of current events and entertainment, prerecorded music, prerecorded musical concerts, video presentations featuring the subjects of cancer awareness, cancer education, cancer survivor stories, cancer patient support, personal memorials, honors and tributes, fund raising and charitable fund raising, charitable events, charitable activities, advocacy in the fight against cancer, health, fitness, nutrition, diet, inspirational achievement stories, sports information, news shows, sports information, and cultural events information, and featuring podcasts in the field of cancer awareness, cancer education, cancer survivor stories, cancer patient support, personal memorials, honors and tributes, fund raising and charitable fund raising, charitable events, charitable activities, advocacy in the fight against cancer, health, fitness, nutrition, diet, inspirational achievement stories, sports information, news shows, sports information, and cultural events information; on-line publishing of electronic publications; on-line journals, namely, blogs in the fields of health, fitness, exercise, current events, sports, entertainment, personal opinions on topics of general interest, medical symptoms, medical conditions, medical practice specialties, medical procedures, medical information, healthy living, diet, health enhancement, alternative medicine, and prescription and over-the-counter drugs</p>

U.S. Registration No.	3655694	Application Date	06/04/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE
Word Mark	LIVESTRONG.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 045. First use: First Use: 2008/09/17 First Use In Commerce: 2008/09/17</p> <p>On-line social networking services</p>		

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

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