

Request for Reconsideration after Final Action

The table below presents the data as entered.

| Input Field | Entered |
|--|----------------|
| SERIAL NUMBER | 85790718 |
| LAW OFFICE ASSIGNED | LAW OFFICE 117 |
| MARK SECTION (no change) | |
| GOODS AND/OR SERVICES SECTION (current) | |
| INTERNATIONAL CLASS | 009 |
| DESCRIPTION | |
| <p>Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and downloadable CDs featuring talk, advice in the fields of ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness; variety show episodes and entertainment in the nature of a continuing variety show; software featuring ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness, and other fields related to the foregoing; interactive video games; interactive video game programs; computer software application for mobile phones, portable media players, handheld computers; computer software application for mobile devices, tablets, laptops, PDAs, handheld devices, computers; computer software platforms for video game programs; downloadable mobile application software; computer software applications and multimedia content for mobile phones, handheld computers and mobile electronic devices; video and audio streaming</p> | |
| FILING BASIS | Section 1(b) |
| GOODS AND/OR SERVICES SECTION (proposed) | |
| INTERNATIONAL CLASS | 009 |
| TRACKED TEXT DESCRIPTION | |
| <p>Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and downloadable CDs featuring talk, advice in the fields of ayurvedic and holistic healing, the exploration</p> | |

~~of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness; Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and downloadable CDs featuring talk, advice in the fields of ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness, variety show episodes; variety show episodes and entertainment in the nature of a continuing variety show;~~ software featuring ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness, and other fields related to the foregoing; interactive video games; interactive video game programs; computer software application for mobile phones, portable media players, handheld computers; computer software application for mobile devices, tablets, laptops, PDAs, handheld devices, computers; computer software platforms for video game programs; downloadable mobile application software; computer software applications and multimedia content for mobile phones, handheld computers and mobile electronic devices; ~~video and audio streaming~~

FINAL DESCRIPTION

Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and downloadable CDs featuring talk, advice in the fields of ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness, variety show episodes; software featuring ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness, and other fields related to the foregoing; interactive video games; interactive video game programs; computer software application for mobile phones, portable media players, handheld computers; computer software application for mobile devices, tablets, laptops, PDAs, handheld devices, computers; computer software platforms for video game programs; downloadable mobile application software; computer software applications and multimedia content for mobile phones, handheld computers and mobile electronic devices;

FILING BASIS

Section 1(b)

SIGNATURE SECTION

| | |
|---------------------------------------|--|
| RESPONSE SIGNATURE | /Howard J. Shire/ |
| SIGNATORY'S NAME | Howard J. Shire, Esq/ |
| SIGNATORY'S POSITION | Attorney of Record, New York Bar Member |
| SIGNATORY'S PHONE NUMBER | 212-425-7200 |
| DATE SIGNED | 11/08/2013 |
| AUTHORIZED SIGNATORY | YES |
| CONCURRENT APPEAL NOTICE FILED | YES |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Fri Nov 08 10:58:18 EST 2013 |
| TEAS STAMP | USPTO/RFR-8.30.202.4-2013 1108105818698476-85790718 -5009caec1b7df818c46223e2 4a3ca53e2397ea56ebc7fec78 5fdc921f91c0f53-N/A-N/A-2 0131108105402294804 |

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85790718** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and downloadable CDs featuring talk, advice in the fields of ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness; variety show episodes and entertainment in the nature of a continuing variety show; software featuring ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and

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Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and downloadable CDs featuring talk, advice in the fields of ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness;~~ Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and downloadable CDs featuring talk, advice in the fields of ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness, variety show episodes; ~~variety show episodes and entertainment in the nature of a continuing variety show;~~ software featuring ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness, and other fields related to the foregoing; interactive video games; interactive video game programs; computer software application for mobile phones, portable media players, handheld computers; computer software application for mobile devices, tablets, laptops, PDAs, handheld devices, computers; computer software platforms for video game programs; downloadable mobile application software; computer software applications and multimedia content for mobile phones, handheld computers and mobile electronic devices; ~~video and audio streaming~~

Class 009 for Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and downloadable CDs featuring talk, advice in the fields of ayurvedic and holistic healing, the exploration of consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness, variety show episodes; software featuring ayurvedic and holistic healing, the exploration of

consciousness, subjective experiences and the mind/body connection, health, well-being, lifestyle, yoga, physical fitness, meditation, nutrition, mental training, spirituality, inspiration, self-help, motivation, wellness, leadership, personal and professional success, self-awareness, self-improvement, self-fulfillment, enlightenment, self-empowerment, examination, discussion, and dissemination of information on scientific research and topics, religion, consciousness, and promoting exploration of the triad of wellness, and other fields related to the foregoing; interactive video games; interactive video game programs; computer software application for mobile phones, portable media players, handheld computers; computer software application for mobile devices, tablets, laptops, PDAs, handheld devices, computers; computer software platforms for video game programs; downloadable mobile application software; computer software applications and multimedia content for mobile phones, handheld computers and mobile electronic devices;

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Howard J. Shire/ Date: 11/08/2013

Signatory's Name: Howard J. Shire, Esq/

Signatory's Position: Attorney of Record, New York Bar Member

Signatory's Phone Number: 212-425-7200

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85790718

Internet Transmission Date: Fri Nov 08 10:58:18 EST 2013

TEAS Stamp: USPTO/RFR-8.30.202.4-2013110810581869847

6-85790718-5009caec1b7df818c46223e24a3ca

53e2397ea56ebc7fec785fdc921f91c0f53-N/A-

N/A-20131108105402294804