

TTAB

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

In the matter of trademark application No: 78959396

For the mark: "HYPNOSSAGE"

Published for Opposition on: June 19, 2007

Ronald M Kaluzna (HYPNOSSAGE)

V.

International Body Works Inc DBA Massage Masters Massage Therapy Center
Corporation Florida 8588 Ostrom Way Weeki Wachee Florida 34613

NOTICE OF OPPOSITION

Ronald M Kaluzna
HYPNOSSAGE
769 Sussex Cir.
Vernon Hills, IL. 60061

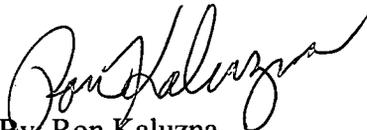
The above-identified opposer believes that he will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

Hypnossage; ie www.Hypnossage.com is my domain name and business. It is a synergistic blending of hypnosis with massage, producing in clients an optimal environment for positive change.

In 1998 I started to become aware of ways to achieve deep trance states through massage. Incorporating elements of hypnosis into my bodywork sessions with great success. Over the years I have developed Hypnossage into linguistic and physical approach designed to enhance and accelerate trance induction. On 2/19/2005 I created and registered the domain name www.Hypnossage.com.

It is my intent to further develop and market this business to spas and massage therapists through the use of: Cds, Dvds, Mp3s and Seminars.



By: Ron Kaluzna

Date: 7/12/2007



07-23-2007

U.S. Patent & TMO/™ Mail Rpt Dt. #72

07/25/2007 SMILSON1 00000030 78959396

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Scheduled Outage Notices

• Due to system maintenance, the Electronic System for Trademark Trial and Appeal will not be available beginning Saturday, July 21, 2007 starting at 10:00 PM and ending Sunday, July 22, 2007 at 2:00 AM due to system maintenance.

• What's new in ESTTA

• NOTE: If you are filing an extension of time to oppose on behalf of multiple potential opposers and against a single application, you must enter an extension request for each potential opposer. Failure to do so may result in an inaccurate calculation of fees upon the filing of a notice of opposition to the detriment of one or more opposers. See Trademark Rule 2.101.

We regret any inconvenience.

Please choose one of the following options to start filing a form for

- **Request for Extension of Time to File an Opposition**

File a request for extension of time to file a notice of opposition.

Enter the serial number of the mark to which the filing applies:

There is no filing fee associated with this form.

- **File a New Proceeding**

Use these options to file a new opposition, cancellation or appeal from a final refusal to register. Choose your filing and enter the serial number of the application to be opposed, the registration number of the registration to be cancelled, or the serial number of the application to be appealed.

Type of filing: Notice of Opposition

78959396

There is a filing fee associated with these forms.

- **File Documents in a Board Proceeding**

Use these options to file documents (motions, briefs, etc.) in an already existing opposition, cancellation, concurrent use, or appeal proceeding. Choose a filing option and enter the opposition number (91xxxxxx), cancellation number (92xxxxxx), concurrent use number (94xxxxxx), or application serial number (7xxxxxx) to which your filing applies.

Type of filing:

Most filings do not require a fee.

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Notice of Opposition.
Navigation: - TARR

ESTTA v.1.9
PTO-2120 (Exp. 9/30/2007)
OMB No. 0651-0040 (Exp. 9/30/2007)

Application Data

| | |
|-----------------------------------|------------------------------|
| Applicant | International Body Works Inc |
| Application Serial Number | 78959396 |
| Filing Date of Application | 2006-08-24 |
| Date of Publication | 06/19/2007 |
| International Classes | 009 |
| Applied-for Mark | HYPNOSSAGE |

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Notice of Opposition.
Navigation: 1289 - Goods/Services

ESTTA v.1.9
PTO-2120 (Exp. 9/30/2007)
OMB No. 0651-0040 (Exp. 9/30/2007)

Goods and Services Opposed

Application Serial No 78959396 has 1 class. Please indicate below which goods/services are being opposed.

| | |
|---|---|
| <input checked="" type="radio"/> All of the goods in this class | IC 009. Opposed Goods and Services: |
| <input type="radio"/> Some of the goods in this class (deletions only) | Prerecorded audio CDs, cassettes and MP3s featuring hypnosis to be used in conjunction with massage |
| <input type="radio"/> None of the goods in this class | |

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Electronic System for Trademark Trials and Appeals

Notice of Opposition.
Navigation: - Opposer

ESTTA v.1.9
PTO-2120 (Exp. 9/30/2007)
OMB No. 0651-0040 (Exp. 9/30/2007)

Opposer Information

Enter opposer information

| | | | | | |
|--|--|--------------|----------------|-------------|--------|
| <input type="checkbox"/> Check here if opposer/petitioner is represented by an attorney <small>Only attorneys qualified under Patent and Trademark Rule 10.14 may represent others before the Trademark Trial and Appeal Board.</small> | | | | | |
| <input type="radio"/> Company | Name * | | | | |
| | <input type="radio"/> Corporation Type * <input type="radio"/> Partnership <small>Name and citizenship of the general partners (List the first 10 only) *</small> <input type="radio"/> Other <small>Entity type *</small> | | | | |
| | Incorporated or registered in * <small>state:</small> <small>or country:</small> | | | | |
| <input checked="" type="radio"/> Individual | Prefix | First Name * | Middle Initial | Last Name * | Suffix |
| | | Ronald | M | Kaluzna | |
| Country of Citizenship * UNITED STATES Other: <small>If the country is not on the list, please, specify the country name</small> | | | | | |
| Address | Street * 769 Sussex Cir. | | | | |
| | <small>(continued)</small> | | | | |
| | City * Vernon Hills | | | | |
| | State * ILLINOIS | | | | |
| | <input type="button" value="Switch to non US address"/> | | | | |
| Country * UNITED STATES | | | | | |
| Postal code * 60061 | | | | | |

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ESTTA v.1.9
PTO-2120 (Exp. 9/30/2007)
OMB No. 0651-0040 (Exp. 9/30/2007)

Add/Modify Information

Please choose one of the following actions:

- Add another serial number to the request

Enter the serial number of the mark:

Add Property

- Add another opposer to the request

Click this button to enter information about additional opposer:

Add Opposer

- Change information in the request

Opposed application

Serial #: 78959396
Mark: HYPNOSSAGE
Applicant: International Body Works Inc

Remove

Class 009
Opposed all goods and services in the class: Prerecorded audio CDs, cassettes and MP3s featuring hypnosis to be used in conjunction with massage

Edit

Opposer

Ronald M Kaluzna
Individual: Nationality: UNITED STATES
769 Sussex Cir.
Vernon Hills, IL 60061
UNITED STATES

Edit

- Continue
If you do not need to change the above information, click "Next" button below to proceed with correspondence information

Next

Cancel

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ESTTA v.1.9
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OMB No. 0651-0040 (Exp. 9/30/2007)

Related Proceedings

If the parties are involved in proceedings involving the same or similar marks, identify those proceedings below

| | |
|---------------------|--|
| Related Proceedings | |
|---------------------|--|

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ESTTA v.1.9
 PTO-2120 (Exp. 9/30/2007)
 OMB No. 0651-0040 (Exp. 9/30/2007)

Opposer's Correspondence Information

Enter the address at which you would like to receive correspondence regarding this filing.

| | |
|--------------------------|--|
| Name * | Ronald M Kaluzna |
| Title | |
| Business | |
| Street address * | 769 Sussex Cir. |
| (continued) | |
| City * | Vernon Hills |
| State * | ILLINOIS |
| Zip/Postal Code * | 60061 |
| Country * | UNITED STATES <input type="button" value="Switch to non US address"/> |
| E-mail Address * | ronkaluzna@yahoo.com Note: The TTAB will respond to this request via e-mail. Later communications may be in paper form. Multiple e-mail addresses may be provided separated by commas |
| Telephone Number | |

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ESTTA v.1.9
 PTO-2120 (Exp. 9/30/2007)
 OMB No. 0651-0040 (Exp. 9/30/2007)

Grounds for opposition

Please check as many grounds for opposition as are applicable. If a particular ground is not listed, check the "Other" box and fill in the ground in the text box provided.

The grounds for opposition are as follows:

| | | |
|-------------------------------------|---|--|
| <input type="checkbox"/> | Immoral or scandalous matter | Trademark Act section 2(a) |
| <input type="checkbox"/> | Deceptiveness | Trademark Act section 2(a) |
| <input checked="" type="checkbox"/> | False suggestion of a connection | Trademark Act section 2(a) |
| <input type="checkbox"/> | Geographic indication which, if used on or in connection with wine or spirits, identifies a place other than the origin of the goods | Uruguay Round Agreements Act section 2(9) |
| <input type="checkbox"/> | Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof | Trademark Act section 2(b) |
| <input type="checkbox"/> | Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse | Trademark Act section 2(c) |
| <input checked="" type="checkbox"/> | Priority and likelihood of confusion | Trademark Act section 2(d) |
| <input type="checkbox"/> | The mark is merely descriptive | Trademark Act section 2(e)(1) |
| <input type="checkbox"/> | The mark is deceptively misdescriptive | Trademark Act section 2(e)(1) |
| <input type="checkbox"/> | The mark is primarily geographically descriptive | Trademark Act section 2(e)(2) |
| <input type="checkbox"/> | The mark is primarily geographically deceptively misdescriptive | Trademark Act section 2(e)(3) |
| <input type="checkbox"/> | The mark is primarily merely a surname | Trademark Act section 2(e)(4) |
| <input type="checkbox"/> | The mark comprises matter that, as a whole, is functional | Trademark Act section 2(e)(5) |
| <input type="checkbox"/> | Dilution | Trademark Act section 43(c) |
| <input type="checkbox"/> | Fraud | <i>Torres v. Cantine Torresella S.r.l.</i> 808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986) |
| <input type="checkbox"/> | Genericness | Trademark Act section 23 |
| <input type="checkbox"/> | Other (please concisely indicate grounds and statutory or common-law basis for opposition) | |

| | | | |
|--|--|--|--|
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Notice of Opposition.

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ESTTA v.1.9

PTO-2120 (Exp. 9/30/2007)

OMB No. 0651-0040 (Exp. 9/30/2007)

Opposer's Pleaded Mark(s)

You have indicated a ground for opposition based on your ownership of a trademark. Enter the trademark or trade name upon which you intend to rely in this proceeding. Enter as many as applicable.

If you are alleging prior use of a mark which is the subject of a U.S. registration or application, you may indicate the number and the necessary information will be retrieved from the USPTO database.

Enter the appropriate application Serial or Registration No.

Add

If the asserted mark is not the subject of a U.S. Registration or pending application, enter the mark below. If the mark consists of words or letters only, type the mark in uppercase letters in the space below. If the mark features a design or special characters, attach a JPEG image showing your mark. If the mark is not capable of representation in either words or an image, (i.e., sound marks), enter a concise description of the mark.

Type the mark (or a concise description) below

HYPNOSSAGE

||

||

Upload Mark image

Click Browse button and select a JPEG file with a mark

Browse...

Add

List the goods and services concerned below: *

I am opposing their use of the name "HYPNOSSAGE" and the use & sale of prerecorded cd, cassettes and MP3's featuring hypnosis to be used in conjunction with massage under said name.

||

||

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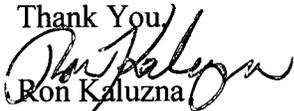
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7/18/07

Enclosed please find:

1. Letter of Opposition
2. Pages completed and printed from ESTTA Web site
3. Check for \$300.00

Thank You



Ron Kaluzna

ronkaluzna@yahoo.com

Note: These items were mailed prior to deadline for this opposition.