

ESTTA Tracking number: **ESTTA202289**

Filing date: **04/02/2008**

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	L.I.F.E., LLC
Granted to Date of previous extension	04/02/2008
Address	600 Julian Lane Suite 650 Arden, NC 28704 UNITED STATES

Attorney information	Christine McLeod BEUSSE WOLTER SANKS MORA & MAIRE PA 390 N ORANGE AVENUE, SUITE 2500 Orlando, FL 32801 UNITED STATES cqm@patentorlando.com Phone:407-926-7723
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### Applicant Information

Application No	77219627	Publication date	12/04/2007
Opposition Filing Date	04/02/2008	Opposition Period Ends	04/02/2008
Applicant	Benedict III, Howard M 102 Sand Pond Road Hamburg, NJ 07419 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Shirts; Hats; Sweaters; Jackets; Pants; Belts; Sandals
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### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3336578	Application Date	10/19/2005
Registration Date	11/13/2007	Foreign Priority Date	NONE
Word Mark	L.I.F.E. LOVE IS FOR EVERYONE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2005/12/15 First Use In Commerce: 2005/12/15 Costume jewelry; Jewelry; Pins being jewelry Class 016. First use: First Use: 2005/12/15 First Use In Commerce: 2005/12/15 non-fiction and fiction books in the field of inspirational stories; Decals; Greeting cards Class 025. First use: First Use: 2005/12/15 First Use In Commerce: 2005/12/15 Caps; Hats; Jackets; Shirts

U.S. Registration No.	3077644	Application Date	06/03/2004
Registration Date	04/04/2006	Foreign Priority Date	NONE

Word Mark	L.I.F.E. LOVE IS FOR EVERYONE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 006. First use: First Use: 2005/12/12 First Use In Commerce: 2005/12/12 Metal key fobs Class 016. First use: First Use: 2005/12/12 First Use In Commerce: 2005/12/12 paper products, namely, greeting cards, postcards, posters, calendars, books, decals, bumper stickers, book covers, bookmarks Class 020. First use: First Use: 2005/12/12 First Use In Commerce: 2005/12/12 Key fobs, not of metal Class 021. First use: First Use: 2005/12/12 First Use In Commerce: 2005/12/12 ceramic mugs, glass mugs, beverage glassware, coffee cups, paper cups, plastic cups Class 025. First use: First Use: 2005/12/12 First Use In Commerce: 2005/12/12 Clothing, namely shirts, pants, shorts, skirts, dresses, pajamas, underwear, jackets, belts, caps, wraps, aprons, bandanas, bathing suits, and hats
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U.S. Registration No.	3150059	Application Date	10/19/2005
Registration Date	09/26/2006	Foreign Priority Date	NONE

Word Mark	L.I.F.E. LOVE IS FOR EVERYONE
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Design Mark	
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Description of Mark	The mark consists of heart and smile design with wording L.I.F.E. LOVE IS FOR EVERYONE
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Goods/Services	Class 014. First use: First Use: 2005/12/15 First Use In Commerce: 2005/12/15 Bracelets; Clocks; Costume jewelry; Earrings; Jewelry; Jewelry chains; Jewelry watches; Jewelry, namely, amulets; Necklaces; Pins being jewelry; Rings being jewelry; Watches
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U.S. Application/Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
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Word Mark	L.I.F.E.
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Goods/Services	clothing
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Attachments	78736504#TMSN.jpeg ( 1 page )( bytes ) 78429116#TMSN.jpeg ( 1 page )( bytes ) 78736428#TMSN.jpeg ( 1 page )( bytes ) TTAB notice of opposition LIFE.pdf ( 4 pages )(28631 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	/cqmcleod/
Name	Christine McLeod
Date	04/02/2008

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

In the Matter of Application Serial No. 77219627

Published on 2007-12-04

Extension Of Time To Oppose until April 2, 2008

L.I.F.E., LLC.

Opposer,

v.

Benedict III, Howard M.,

Applicant.

**NOTICE OF OPPOSITION**

**NOTICE OF OPPOSITION**

L.I.F.E., LLC., (“Opposer”), is a Florida Limited Liability Company located and doing business at 600 Julian Lane, Suite 650, Arden, NC 28704.

To the best of Opposer's knowledge, the name and address of Applicant is as follows:

HOWARD M. BENEDICT III  
102 SAND POND RD  
HAMBURG, NJ 07419-9617  
Phone Number: 973 827-5786  
Fax Number: 973 827-0851

Opposer believes that it will be damaged by and opposes the grant of the application **Serial Number:** 77219627 **Filing Date:** 2007-06-29 for the mark LIFE IS LOVE for Shirts; Hats; Sweaters; Jackets; Pants; Belts; Sandals in International Class 025.

As grounds therefor, it is alleged that:

1. Opposer is the owner of the following federal trademark registrations:

Serial #: 78-736504  
Reg #: 3336578  
Trademark: L.I.F.E. LOVE IS FOR EVERYONE  
Filed: 2005-10-19  
Registered: 2007-11-13

Serial #: 78-429116  
Reg #: 3077644  
Trademark: L.I.F.E. LOVE IS FOR EVERYONE (and design)  
Filed: 2004-06-03  
Registered: 2006-04-04

Serial #: 78-736428  
Reg #: 3150059  
Trademark: L.I.F.E. LOVE IS FOR EVERYONE (and design)  
Filed: 2005-10-19  
Registered: 2006-09-26

and the following common law trademarks/service marks:

L.I.F.E. and L.I.F.E. LOVE IS FOR EVERYONE

(hereinafter collectively Opposer's marks).

2. Well prior to Applicant's use and/or filing of an application for the trademark LIFE IS LOVE, Opposer filed for and used and has continued to use its marks in interstate commerce, for a wide variety of goods and services, including clothing.

3. As a result of the widespread use in interstate commerce by Opposer of the aforesaid marks, Opposer's marks have acquired extensive goodwill, have developed a high degree of distinctiveness and are well known and recognized as identifying high quality goods, which have their origin with or have been authorized by Opposer.

4. Upon information and belief, Opposer's filing date and use of Opposer's marks predates any use by Applicant of his LIFE IS LOVE trademark on clothing in interstate commerce.

5. Applicant's mark LIFE IS LOVE is confusingly similar to Opposer's marks creating a likelihood of confusion.

6. Applicant's goods are identical or nearly identical to the goods sold and provided in connection with Opposer's marks and such goods would travel and/or be promoted through the same channels of trade for sale to, and use by, the same class of purchasers.

7. Applicant's use of the mark LIFE IS LOVE in connection with its proposed goods is likely to cause confusion, mistake or deception as to the source of origin of Applicant's goods in that the public, the trade and others are likely to believe that Applicant's goods are: (a) the same goods as Opposer's; or (b) provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Opposer and/or its goods.

**WHEREFORE**, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark LIFE IS LOVE be denied in all respects.

Dated: April 2, 2008

Respectfully submitted,

/cqmcleod/

Christine Q. McLeod  
Attorney for Opposer  
Beusse Wolter Sanks Mora & Maire, P.A.  
390 N. Orange Avenue, Suite 2500  
Orlando, FL 32801  
(407) 926-7723  
Fax: (407) 926-7720  
Email: cqm@patentorlando.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was mailed to Applicant on **April 2, 2008**, by first class mail, postage prepaid, at the following address:

HOWARD M. BENEDICT III  
102 SAND POND RD  
HAMBURG, NJ 07419-9617

/cqmcleod/  
Christine Q. McLeod