

ESTTA Tracking number: **ESTTA352297**

Filing date: **06/10/2010**

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		
Entity	nonprofit corporation	Citizenship	Texas
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 UNITED STATES tmfilings@dlapiper.com, heather.dunn@dlapiper.com, dash.mclean@dlapiper.com, jeremy.lane@dlapiper.com
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Applicant Information

Application No	77893391	Publication date	05/11/2010
Opposition Filing Date	06/10/2010	Opposition Period Ends	06/10/2010
Applicant	Humanetrics, LLC 412 SW 14th Court Ft. Lauderdale, FL 33315 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2009/09/25 First Use In Commerce: 2009/09/25 All goods and services in the class are opposed, namely: Educational and entertainment services, namely, providing motivational speaking services in the field of talent-based resumes, talent-based hiring, and identifying ones own talents

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 Date	NONE
Word Mark	LIVESTRONG		

Design Mark	LIVESTRONG
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2006/07/15 First Use In Commerce: 2006/07/15 Bicycle helmets 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 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

U.S. Registration No.	3787903	Application Date	03/25/2008
Registration Date	05/11/2010	Foreign Priority Date	NONE

Word Mark	LIVESTRONG
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Design Mark	LIVESTRONG
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 2005/08/30 First Use In Commerce: 2005/08/30 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, 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, on-line publishing of electronic
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	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.	3680140	Application Date	09/20/2006
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/11/30 First Use In Commerce: 2007/11/30 Gloves; Jogging pants; Jogging suits; Scarves; Shoes; Track suits; Warm up suits		

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			
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.	3655543	Application Date	03/25/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE

Word Mark	LIVESTRONG
Design Mark	LIVESTRONG
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 2008/09/17 First Use In Commerce: 2008/09/17 Online social networking services

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	LIVESTRONG.COM
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 2008/09/17 First Use In Commerce: 2008/09/17 On-line social networking services

U.S. Registration No.	3793801	Application Date	06/04/2008
Registration Date	05/25/2010	Foreign Priority Date	NONE

Word Mark	LIVESTRONG.COM
Design Mark	LIVESTRONG.COM
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2008/06/18 First Use In Commerce: 2008/06/18 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, 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		
U.S. Registration No.	3205197	Application Date	08/05/2005
Registration Date	02/06/2007	Foreign Priority Date	NONE
Word Mark	LANCE ARMSTRONG FOUNDATION LIVESTRONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 2004/11/30 First Use In Commerce: 2004/11/30 Jewelry</p> <p>Class 035. First use: First Use: 2005/06/08 First Use In Commerce: 2005/06/08 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: 2005/02/28 First Use In Commerce: 2005/02/28 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: 2005/05/16 First Use In Commerce: 2005/05/16 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: 2005/05/16 First Use In Commerce: 2005/05/16 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.	3363666	Application Date	05/19/2006
Registration Date	01/01/2008	Foreign Priority Date	NONE
Word Mark	LIVESTRONG YOUNG ADULT ALLIANCE		

Design Mark	LIVESTRONG YOUNG ADULT ALLIANCE		
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2006/11/10 First Use In Commerce: 2006/11/10 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 research, delivery of patient care, cancer recovery and survival by sponsoring, developing, and carrying out community and national programs; charitable services, namely organizing and conducting volunteer programs and community service projects</p> <p>Class 041. First use: First Use: 2006/11/10 First Use In Commerce: 2006/11/10 Educational services, namely, organizing and conducting conferences in the fields of cancer, cancer recovery and survival</p>		

U.S. Registration No.	3126718	Application Date	08/29/2005
Registration Date	08/08/2006	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		
Design Mark	LIVESTRONG		
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. Application No.	77936498	Application Date	02/16/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		

Design Mark	LIVESTRONG		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2010/02/01 First Use In Commerce: 2010/02/01 magazines in the field of cancer, and cancer recovery, prevention, treatment, survival, and awareness; magazines in the field of health, fitness and wellness		

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

Word Mark	LIVESTRONG
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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. Registration No.	3655696	Application Date	06/04/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE

Word Mark	LIVESTRONG.COM
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Design Mark	LIVESTRONG.COM
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. Registration No.	3520209	Application Date	03/25/2008
Registration Date	10/21/2008	Foreign Priority Date	NONE

Word Mark	LIVESTRONG
Design Mark	LIVESTRONG
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2004/04/00 First Use In Commerce: 2004/04/00 Providing a website featuring health care insurance and short term medical insurance information; providing a website featuring information in the field of health insurance, short term medical insurance, health savings accounts, and finance in the field of health care

U.S. Registration No.	3052284	Application Date	05/07/2004
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	LIVESTRONG		

Design Mark	LIVESTRONG
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2004/05/03 First Use In Commerce: 2004/05/03 Jewelry Class 036. First use: First Use: 2003/12/15 First Use In Commerce: 2003/12/15 charitable fundraising services

U.S. Registration No.	3296017	Application Date	08/05/2005
Registration Date	09/25/2007	Foreign Priority Date	NONE

Word Mark	LIVESTRONG
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Design Mark	
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Description of Mark	The mark consists of the appearance and three-dimensional design of a rubber wristband with the word LIVESTRONG impressed on the band.
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Goods/Services	Class 036. First use: First Use: 2004/05/03 First Use In Commerce: 2004/05/03 Charitable fundraising services
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U.S. Registration No.	3493993	Application Date	02/22/2006
Registration Date	08/26/2008	Foreign Priority Date	NONE

Word Mark	LIVESTRONG
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Design Mark	LIVESTRONG
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 2006/05/30 First Use In Commerce: 2006/05/30 Mutual fund investment and brokerage services; investment consulting and management; financial services, namely, an investment security; insurance underwriting in the field of health, dental, disability, life, and catastrophic event coverage; insurance administration and consulting		
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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	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		

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. Registration No.	3315119	Application Date	08/05/2005
Registration Date	10/23/2007	Foreign Priority	NONE

		Date	
Word Mark	LIVESTRONG		
Design Mark			
Description of Mark	The mark consists of the appearance and three-dimensional design of a rubber wristband with the word LIVESTRONG impressed on the band.		
Goods/Services	Class 014. First use: First Use: 2004/05/03 First Use In Commerce: 2004/05/03 Jewelry		

U.S. Application No.	85018297	Application Date	04/20/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TEAM LIVESTRONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2009/02/00 First Use In Commerce: 2009/02/00 Charitable fundraising services Class 041. First use: First Use: 2009/02/00 First Use In Commerce: 2009/02/00 Organization of sports events in the field of running, walking, cycling, and swimming; organizing community sporting events; conducting charity sporting events and tournaments		

Attachments	76977737#TMSN.gif (1 page)(bytes) 77431116#TMSN.jpeg (1 page)(bytes) 77003373#TMSN.jpeg (1 page)(bytes) 75821537#TMSN.gif (1 page)(bytes) 77431136#TMSN.jpeg (1 page)(bytes) 77431149#TMSN.jpeg (1 page)(bytes) 77490580#TMSN.jpeg (1 page)(bytes) 77490649#TMSN.jpeg (1 page)(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	/Heather A. Dunn/
Name	Heather A. Dunn, Esq.
Date	06/10/2010

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

Lance Armstrong Foundation

Opposer,

v.

Humanetrics, LLC

Applicant.

Opposition No.

NOTICE OF OPPOSITION

Opposer, Lance Armstrong Foundation, a Texas nonprofit corporation, having its principal place of business at 2201 E 6th Street, Austin, Texas 78702 ("Opposer") believes that it has been and/or will be damaged by the registration of Application Serial No. 77893391 for WORK STRONG, LIVE STRONGER and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

APPLICANT

1. According to the Trademark Office records, on or about December 15, 2009, Applicant Humanetrics, LLC ("Applicant") applied to register WORK STRONG, LIVE STRONGER, which was subsequently assigned Application Serial No. 77893391 ("Applicant's Mark") for "Educational and entertainment services, namely, providing motivational speaking services in the field of talent-based resumes, talent-based hiring, and identifying ones own talents," in class 41, alleging first use by Applicant of Applicant's Mark in commerce for the aforementioned services on September 25, 2009. This application was published in the May 11, 2010 edition of the Official Gazette.

OPPOSER

2. Opposer, Lance Armstrong Foundation, was founded in 1997 by cancer survivor and champion cyclist Lance Armstrong. Lance Armstrong was diagnosed with cancer in 1996, and went on to win awe-inspiring cycling victories in the 1999–2005 Tours de France. The Lance Armstrong Foundation supports the empowerment of individuals in

overcoming life obstacles through strength, knowledge and power through widespread use of its LIVESTRONG mark in connection with providing inspirational and motivational messages and tools, public health initiatives, national advocacy, research, and survivorship education as well as providing resources in the field of cancer and cancer survivorship. As a result of the motivational and inspirational activities mentioned above, Lance Armstrong, Lance Armstrong Foundation, and the LIVESTRONG mark have become inspirational and motivational icons.

OPPOSER'S MARKS

3. Opposer is the owner of the following trademarks and trade dress, for which it has registrations or pending applications before the U.S. Patent and Trademark Office:

Trademark	Number	Date of Reg/App	Class	Goods/Services
LIVESTRONG	3202553 (Registered)	January 23, 2007	9, 25, 41	Educational services, namely, organizing and conducting conferences in the field of cancer, cancer recovery and survival Clothing articles, namely, shirts, jackets, pants, shorts and jerseys, and sweatshirts, and pullovers; socks; headwear, namely, hats, caps, visors Bicycle helmets
LIVESTRONG	3787903 (Registered)	May 11, 2010	41	Providing a website featuring information in the field of current events and entertainment, and featuring podcasts and 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, news shows, sports

Trademark	Number	Date of Reg/App	Class	Goods/Services
				information, cultural events information; on-line publishing of electronic publications; 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; 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
LIVESTRONG	3680140 (Registered)	September 8, 2009	25	Gloves; jogging pants; jogging suits; scarves; shoes; track suits; warm up suits

Trademark	Number	Date of Reg/App	Class	Goods/Services
LIVE LONG, LIVE STRONG	2368904 (Registered)	July 18, 2000	42	Consulting services in the field of personal fitness training
LIVESTRONG	3716127 (Registered)	November 24, 2009	44	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
LIVESTRONG	3655543 (Registered)	July 14, 2009	45	Online social networking services
LIVESTRONG.COM	3655694 (Registered)	July 14, 2009	45	On-line social networking services
LIVESTRONG.COM	3793801 (Registered)	May 25, 2010	41	Providing a website featuring information in the field of current events and entertainment, and featuring podcasts, 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, cultural events information; Providing information in the field of exercise training; providing a

Trademark	Number	Date of Reg/App	Class	Goods/Services
				web site featuring information on exercise, physical fitness, and sports; 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>LANCE ARMSTRONG FOUNDATION LIVESTRONG</p>	3205197 (Registered)	February 6, 2007	14, 35, 36, 41, and 44	<p>Providing a web site featuring medical information, comprehensive content and personal stories in the fields of cancer, cancer recovery and survival</p> <p>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>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</p>

Trademark	Number	Date of Reg/App	Class	Goods/Services
				community and national programs 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 Jewelry
LIVESTRONG YOUNG ADULT ALLIANCE	3363666 (Registered)	January 1, 2008	35, 41	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 research, delivery of patient care, cancer recovery and survival by sponsoring, developing, and carrying out community and national programs; charitable services, namely organizing and conducting volunteer programs and community service projects Educational services, namely, organizing and conducting conferences in the fields of cancer, cancer recovery and survival
LIVESTRONG	3126718 (Registered)	August 8, 2006	9	Computers; Notebook computers
LIVESTRONG	77936498 (Pending)	February 16, 2010	16	Magazines in the field of cancer, and cancer recovery, prevention, treatment, survival, and awareness; magazines in the field

Trademark	Number	Date of Reg/App	Class	Goods/Services
				of health, fitness and wellness
LIVESTRONG	3719356 (Registered)	December 1, 2009	35	Providing doctor and medical facility referrals services; medical referrals; physician referrals; providing referrals to mental health and psychotherapy professionals; and referrals in the field of matching patients with clinical trials for new treatments in the field of cancer
LIVESTRONG.COM	3655696 (Registered)	July 14, 2009	44	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
LIVESTRONG	3520209 (Registered)	October 21, 2008	36	Providing a website featuring health care insurance and short term medical insurance information; providing a website featuring information in the field of health insurance, short term medical insurance, health savings accounts, and finance in the field of health care
LIVESTRONG	3052284 (Registered)	January 31, 2006	14, 36	Charitable fundraising services Jewelry
LIVESTRONG and.Design	3296017 (Registered)	September 25, 2007	36	Charitable fundraising services

Trademark	Number	Date of Reg/App	Class	Goods/Services
				
LIVESTRONG	3493993 (Registered)	August 26, 2008	36	Mutual fund investment and brokerage services, investment consulting and management; financial services, namely, an investment security; administration and management of health savings accounts and charitable gift annuities; annuity underwriting; insurance underwriting in the field of health, dental, disability, life, and catastrophic event coverage; insurance administration and consulting
LIVESTRONG	3267242 (Registered)	July 24, 2007	21	Ceramic vessels, bowls, plates, pots; plates, cups, mugs, bowls, tea kettles, tea pots not made of precious metals
LIVESTRONG	3360223 (Registered)	December 25, 2007	18	Collars for pets
LIVESTRONG and Design	3315119 (Registered)	October 23, 2007	14	Jewelry
				
TEAM LIVESTRONG	85018297 (Pending)	April 20, 2010	36, 41	Charitable fundraising services; organization of sports events in the field of running, walking, cycling, and swimming; organizing community sporting

Trademark	Number	Date of Reg/App	Class	Goods/Services
				events; conducting charity sporting events and tournaments

4. The marks identified in Paragraph 3, above, are hereinafter referred to collectively as the "Opposer's LIVESTRONG Marks." Copies of each of the registrations identified in Paragraph 3 are attached hereto as Exhibit A and made a part hereof.
5. In addition to any rights arising from the above pending applications and registrations for Opposer's LIVESTRONG Marks, Opposer has, with respect to its goods and services, valid common law rights in the trademarks set forth above.
6. Opposer has extensively advertised and marketed its goods and services and has created widespread goodwill under the LIVESTRONG Marks throughout the United States. Opposer's LIVESTRONG Marks have become valuable assets of Opposer and a principal symbol of its extensive goodwill. By reason of widespread use of the marks, the trade and purchasing public have come to recognize Opposer's LIVESTRONG Marks as signifying Opposer and as identifying Opposer as the source of goods and services offered under the Opposer's LIVESTRONG Marks.
7. Opposer, through itself or its licensees, offers a wide variety of goods and services under the LIVESTRONG Marks, including but not limited to services for providing inspirational and motivational messages and tools, public health initiatives, national advocacy, research, and survivorship education, as well as providing resources in the field of cancer and cancer survivorship.
8. Opposer is also the registered owner of the domain name <livestrong.org>, which is an integral part of its business, and Opposer's licensee also uses the domain name <livestrong.com>. Opposer uses Opposer's LIVESTRONG Marks extensively on its <livestrong.org> web site, and the LIVESTRONG Marks are featured extensively on the <livestrong.com> web site, both including, among other things, services for providing inspirational and motivational messages and tools, public health initiatives, national advocacy, research, and survivorship education, as well as providing resources in the field of cancer and cancer survivorship.
9. Opposer by itself or through its licensees has continuously used the mark LIVESTRONG since at least as early as 2004 to identify its services for providing inspirational and motivational messages and tools, described in part as "educational services, namely, organizing and conducting conferences in the field of cancer, cancer recovery and survival" and "podcasts featuring health, fitness, nutrition, diet, and inspirational achievement stories", which is prior to Applicant's filing date of December 15, 2009 for its

Application Serial No. 77893391 and Applicant's alleged first use of WORK STRONG, LIVE LONGER in commerce, namely, September 25, 2009.

10. Opposer first applied to register the mark LIVESTRONG (Registration No. 3202553) for, *inter alia*, "educational services, namely, organizing and conducting conferences in the field of cancer, cancer recovery and survival", on May 7, 2004, which filing date predates Applicant's filing date of December 15, 2009 for its Application Serial No. 77893391 and Applicant's alleged first use of WORK STRONG, LIVE LONGER in commerce, namely, September 25, 2009.
11. Opposer first applied to register the mark LIVESTRONG (Registration No. 3787903) for, *inter alia*, "providing a website featuring information in the field of current events and entertainment, prerecorded music, 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, on-line publishing of electronic publications", on March 25, 2008, which filing date predates Applicant's filing date of December 15, 2009 for its Application Serial No. 77893391 and Applicant's alleged first use of WORK STRONG, LIVE LONGER in commerce, namely, September 25, 2009.
12. The services identified in Application Serial No. 77893391 and the goods and services offered by Opposer and/or identified in Opposer's trademark registrations, pending trademark application(s), and/or the good and services with respect to which Opposer has common law rights to the LIVESTRONG Marks overlap and/or are closely related, and are of the type which could be offered in the same channels of trade and to the same prospective customers.
13. If Application Serial No. 77893391 is registered, the public will reasonably believe that Applicant's services are provided, sponsored, or endorsed by Opposer, all to the detriment of consumers and Opposer.
14. Applicant's Mark is highly similar to Opposer's LIVESTRONG Marks and is confusingly similar to Opposer's LIVESTRONG Marks and is likely to be confused therewith. Such confusion, mistake, and deception regarding the origin of Applicant's services is likely to cause irreparable harm to Opposer.
15. Opposer's LIVESTRONG mark became famous prior to Applicant's filing date of December 15, 2009 for its Application Serial No. 77893391 and Applicant's alleged first

use of WORK STRONG, LIVE LONGER in commerce, namely, September 25, 2009. Applicant's Mark dilutes the distinctive quality of Opposer's famous LIVESTRONG mark, and is likely to cause irreparable harm to Opposer.

16. In addition to any rights arising from the registrations and applications for Opposer's LIVESTRONG Marks, Opposer has, with respect to its goods and services, valid common law rights in the trademarks as set forth above.
19. Applicant's Mark is in violation and derogation of those common law rights and is likely to cause confusion, mistake and deception among purchasers and users as to the source or origin of the services, or their affiliation with or sponsorship by Opposer, thereby causing loss, damage, and injury to Opposer and the public.
20. If Applicant is granted the registration herein opposed, it would thereby obtain a prima facie exclusive right to its mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 77893391 be rejected, that no registration be issued thereon, and that this Opposition be sustained in favor of Opposer.

Please charge the filing fees of this Notice of Opposition to Deposit Acct. No. 07-1907. Please charge any additional fees, or credit any overpayment, to Deposit Acct. No. 07-1907.

Dated: June 10, 2010

DLA PIPER LLP (US)

By: 

Heather Angelina Dunn
DLA PIPER LLP (US)
555 Mission Street, Suite 2400
San Francisco, CA 94105
Telephone: (415) 836-2557

Attorneys for Opposer
Lance Armstrong Foundation

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION is being served by First Class mail, postage prepaid, this 10th day of June, 2010, on Applicant in care of Applicant's attorney of record:

KELLY G. SWARTZ
HAYWORTH, CHANEY & THOMAS, P.A.
202 S. HARBOUR CITY BLVD, SUITE 300
MELBOURNE, FLORIDA 32925

Executed this 10th day of June, 2010,

at East Palo Alto, California.



Allison V. Burn

Int. Cls.: 9, 25, and 41

Prior U.S. Cls.: 21, 22, 23, 26, 36, 38, 39, 100, 101, and 107

Reg. No. 3,202,553

Registered Jan. 23, 2007

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

LIVESTRONG

LANCE ARMSTRONG FOUNDATION, INC.
(TEXAS NON-PROFIT ORGANIZATION)
P.O. BOX 161150
AUSTIN, TX 787161150

FOR: BICYCLE HELMETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-15-2006; IN COMMERCE 7-15-2006.

FOR: CLOTHING ARTICLES, NAMELY, SHIRTS, JACKETS, PANTS, SHORTS AND JERSEYS, AND SWEATSHIRTS, AND PULLOVERS; SOCKS; HEADWEAR, NAMELY, HATS, CAPS, VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-1-2005; IN COMMERCE 6-1-2005.

FOR: EDUCATIONAL SERVICES, NAMELY, ORGANIZING AND CONDUCTING CONFERENCES IN THE FIELD OF CANCER, CANCER RECOVERY AND SURVIVAL, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-31-2004; IN COMMERCE 5-31-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 76-977,737, FILED 5-7-2004.

NAAKWAMA ANKRAH, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

LIVESTRONG

Reg. No. 3,787,903

Registered May 11, 2010

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

LANCE ARMSTRONG FOUNDATION (TEXAS NON-PROFIT CORPORATION)
2201 E. 6TH STREET
AUSTIN, TX 78702

FOR: 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, 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, 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, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-30-2005; IN COMMERCE 8-30-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,368,904, 3,205,197, AND OTHERS.



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 3,787,903 SN 77-431,116, FILED 3-25-2008.

LAURA HAMMEL, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 3,680,140

United States Patent and Trademark Office

Registered Sep. 8, 2009

**TRADEMARK
PRINCIPAL REGISTER**

LIVESTRONG

LANCE ARMSTRONG FOUNDATION (TEXAS
NON-PROFIT CORPORATION)
P.O. BOX 161150
AUSTIN, TX 787161150

FOR: GLOVES; JOGGING PANTS; JOGGING
SUITS; SCARVES; SHOES; TRACK SUITS; WARM
UP SUITS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-30-2007; IN COMMERCE 11-30-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,052,284.

SN 77-003,373, FILED 9-20-2006.

GEORGE LORENZO, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,368,904

United States Patent and Trademark Office

Registered July 18, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

LIVE LONG, LIVE STRONG

DEMAS BODY-SHAPING LTD. (NEW YORK COR-
PORATION)
45 FOWLER AVENUE
CORTLANDT MANOR, NY 10567

FIRST USE 11-5-1997; IN COMMERCE 11-5-1997.

SER. NO. 75-821,537, FILED 10-12-1999.

KARAN CHHINA, EXAMINING ATTORNEY

FOR: CONSULTING SERVICES IN THE FIELD OF
PERSONAL FITNESS TRAINING, IN CLASS 42 (U.S.
CLS. 100 AND 101).

United States of America

United States Patent and Trademark Office

LIVESTRONG

Reg. No. 3,716,127 LANCE ARMSTRONG FOUNDATION (TEXAS NON-PROFIT CORPORATION)
Registered Nov. 24, 2009 2201 E. 6TH STREET
AUSTIN, TX 78702

Int. Cl.: 44 FOR: 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;
SERVICE MARK PROVIDING A WEBSITE FEATURING MEDICAL INFORMATION; PROVIDING A WEB
PRINCIPAL REGISTER SITE FEATURING INFORMATION IN THE FIELD OF MENTAL HEALTH AND WELLNESS; MENTAL HEALTH SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 12-15-2003; IN COMMERCE 12-15-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,052,284, 3,202,553, AND OTHERS.

SN 77-431,136, FILED 3-25-2008.

LAURA HAMMEL, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,655,543

Registered July 14, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

LIVESTRONG

**LANCE ARMSTRONG FOUNDATION (TEXAS
NON-PROFIT CORPORATION)**

P.O. BOX 161150

AUSTIN, TX 787161150

**FOR: ONLINE SOCIAL NETWORKING SERVI-
CES, IN CLASS 45 (U.S. CLS. 100 AND 101).**

FIRST USE 9-17-2008; IN COMMERCE 9-17-2008.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**OWNER OF U.S. REG. NOS. 3,052,284, 3,202,553,
AND OTHERS.**

SN 77-431,149, FILED 3-25-2008.

LAURA HAMMEL, EXAMINING ATTORNEY

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,655,694

Registered July 14, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

LIVESTRONG.COM

**LANCE ARMSTRONG FOUNDATION (TEXAS
NON-PROFIT CORPORATION)**

P.O. BOX 161150

AUSTIN, TX 787161150

**FOR: ON-LINE SOCIAL NETWORKING SERVI-
CES, IN CLASS 45 (U.S. CLS. 100 AND 101).**

FIRST USE 9-17-2008; IN COMMERCE 9-17-2008.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**OWNER OF U.S. REG. NOS. 3,052,284, 3,202,553,
AND OTHERS.**

SN 77-490,580, FILED 6-4-2008.

LAURA HAMMEL, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

LIVESTRONG.COM

Reg. No. 3,793,801

Registered May 25, 2010

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

LANCE ARMSTRONG FOUNDATION (TEXAS NON-PROFIT CORPORATION)
2201 E. 6TH STREET
AUSTIN, TX 78702

FOR: 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, 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, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-18-2008; IN COMMERCE 6-18-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,368,904, 3,205,197, AND OTHERS.

SN 77-490,649, FILED 6-4-2008.

LAURA HAMMEL, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

Int. Cls.: 14, 35, 36, 41 and 44

Prior U.S. Cls.: 2, 27, 28, 50, 100, 101, 102 and 107

Reg. No. 3,205,197

United States Patent and Trademark Office

Registered Feb. 6, 2007

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



LANCE ARMSTRONG FOUNDATION, INC.
(TEXAS NON-PROFIT CORPORATION)
P.O. BOX 161150
AUSTIN, TX 787161150

FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 11-30-2004; IN COMMERCE 11-30-2004.

FOR: 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, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-8-2005; IN COMMERCE 6-8-2005.

FOR: 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, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-28-2005; IN COMMERCE 2-28-2005.

FOR: 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, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-16-2005; IN COMMERCE 5-16-2005.

FOR: PROVIDING A WEB SITE FEATURING MEDICAL INFORMATION, COMPREHENSIVE CONTENT AND PERSONAL STORIES IN THE FIELDS OF CANCER, CANCER RECOVERY AND SURVIVAL, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 5-16-2005; IN COMMERCE 5-16-2005.

OWNER OF U.S. REG. NO. 3,052,284.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FOUNDATION", APART FROM THE MARK AS SHOWN.

THE NAME SHOWN IN THE MARK IDENTIFIES LANCE ARMSTRONG, WHOSE CONSENT TO REGISTER IS SUBMITTED.

SER. NO. 78-687,069, FILED 8-5-2005.

BRENDAN REGAN, EXAMINING ATTORNEY

Int. Cls.: 35 and 41

Prior U.S. Cls.: 100, 101, 102 and 107

Reg. No. 3,363,666

United States Patent and Trademark Office

Registered Jan. 1, 2008

Corrected

OG Date Dec. 1, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

LIVESTRONG YOUNG ADULT
ALLIANCE

LANCE ARMSTRONG FOUNDATION
(TEXAS NON-PROFIT CORPORATION),
2201 E. 6TH STREET
AUSTIN, TX 78702

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,052,284.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "YOUNG ADULT ALLIANCE", APART FROM THE MARK AS SHOWN.

FOR: 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

RESEARCH, DELIVERY OF PATIENT CARE, CANCER RECOVERY AND SURVIVAL BY SPONSORING, DEVELOPING, AND CARRYING OUT COMMUNITY AND NATIONAL PROGRAMS; CHARITABLE SERVICES, NAMELY ORGANIZING AND CONDUCTING VOLUNTEER PROGRAMS AND COMMUNITY SERVICE PROJECTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-10-2006; IN COMMERCE 11-10-2006.

FOR: EDUCATIONAL SERVICES, NAMELY, ORGANIZING AND CONDUCTING CONFERENCES IN THE FIELDS OF CANCER, CANCER RECOVERY AND SURVIVAL, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-10-2006; IN COMMERCE 11-10-2006.

SER. NO. 78-887,770, FILED 5-19-2006.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 1, 2009.*

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,126,718

United States Patent and Trademark Office

Registered Aug. 8, 2006

**TRADEMARK
PRINCIPAL REGISTER**

LIVESTRONG

**LANCE ARMSTRONG FOUNDATION, INC.
(TEXAS NON-PROFIT CORPORATION)**

P.O. BOX 161150

AUSTIN, TX 787161150

**FOR: COMPUTERS; NOTEBOOK COMPUTERS,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

FIRST USE 6-30-2005; IN COMMERCE 6-30-2005.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

OWNER OF U.S. REG. NO. 3,052,284.

SER. NO. 78-702,767, FILED 8-29-2005.

BRENDAN REGAN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

LIVESTRONG

Reg. No. 3,719,356 LANCE ARMSTRONG FOUNDATION (TEXAS NON-PROFIT CORPORATION)
Registered Dec. 1, 2009 2201 E. 6TH STREET
AUSTIN, TX 78702

Int. Cl.: 35 FOR: PROVIDING REFERRALS IN THE FIELD OF MATCHING PATIENTS WITH CLINICAL TRIALS FOR NEW TREATMENTS IN THE FIELD OF CANCER, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK
PRINCIPAL REGISTER FIRST USE 9-17-2008; IN COMMERCE 9-17-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,052,284, 3,363,666, AND OTHERS.

SN 77-431,059, FILED 3-25-2008.

LAURA HAMMEL, EXAMINING ATTORNEY



David J. Kyfas

Director of the United States Patent and Trademark Office

Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

Reg. No. 3,655,696

United States Patent and Trademark Office

Registered July 14, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

LIVESTRONG.COM

LANCE ARMSTRONG FOUNDATION (TEXAS
NON-PROFIT CORPORATION)
P.O. BOX 161150
AUSTIN, TX 787161150

FOR: 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, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 5-27-2008; IN COMMERCE 5-27-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,052,284, 3,202,553, AND OTHERS.

SN 77-490,623, FILED 6-4-2008.

LAURA HAMMEL, EXAMINING ATTORNEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,520,209

Registered Oct. 21, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

LIVESTRONG

LANCE ARMSTRONG FOUNDATION (TEXAS
NON-PROFIT CORPORATION)
P.O. BOX 161150
AUSTIN, TX 787161150

FIRST USE 4-0-2004; IN COMMERCE 4-0-2004.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: PROVIDING A WEBSITE FEATURING
HEALTH CARE INSURANCE AND SHORT TERM
MEDICAL INSURANCE INFORMATION; PROVID-
ING A WEBSITE FEATURING INFORMATION IN
THE FIELD OF HEALTH INSURANCE, SHORT
TERM MEDICAL INSURANCE, HEALTH SAVINGS
ACCOUNTS, AND FINANCE IN THE FIELD OF
HEALTH CARE, IN CLASS 36 (U.S. CLS. 100, 101
AND 102).

OWNER OF U.S. REG. NOS. 3,052,284, 3,296,017
AND OTHERS.

SER. NO. 77-431,086, FILED 3-25-2008.

LAURA HAMMEL, EXAMINING ATTORNEY

Int. Cls.: 14 and 36

Prior U.S. Cls.: 2, 27, 28, 50, 100, 101 and 102

Reg. No. 3,052,284

United States Patent and Trademark Office

Registered Jan. 31, 2006

Corrected

OG Date Oct. 31, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

LIVESTRONG

LANCE ARMSTRONG FOUNDATION,
INC. (TEXAS NONPROFIT CORPORATION),
P.O. BOX 161150
AUSTIN, TX 787161150

FOR: JEWELRY, IN CLASS 14 (U.S.
CLS. 2, 27, 28 AND 50).
FIRST USE 5-3-2004; IN COMMERCE
5-3-2004.

THE MARK CONSISTS OF STANDARD
CHARACTERS WITHOUT CLAIM
TO ANY PARTICULAR FONT, STYLE,
SIZE, OR COLOR.

FOR: CHARITABLE FUNDRAISING
SERVICES, IN CLASS 36 (U.S. CLS. 100,
101 AND 102).
FIRST USE 12-15-2003; IN COMMERCE
12-15-2003.
SER. NO. 76-591,079, FILED 5-7-2004.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Oct. 31, 2006.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,296,017

United States Patent and Trademark Office

Registered Sep. 25, 2007

**SERVICE MARK
PRINCIPAL REGISTER**



LANCE ARMSTRONG FOUNDATION, INC.
(TEXAS NON-PROFIT CORPORATION)
P.O. BOX 161150
AUSTIN, TX 787161150

FOR: CHARITABLE FUNDRAISING SERVICES,
IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-3-2004; IN COMMERCE 5-3-2004.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE THE DESIGN OF A RUBBER

WRISTBAND, APART FROM THE MARK AS
SHOWN.

THE MARK CONSISTS OF THE APPEARANCE
AND THREE-DIMENSIONAL DESIGN OF A RUB-
BER WRISTBAND WITH THE WORD LIVESTRONG
IMPRESSED ON THE BAND.

SER. NO. 76-644,417, FILED 8-5-2005.

RENEE MCCRAY, EXAMINING ATTORNEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,493,993

United States Patent and Trademark Office

Registered Aug. 26, 2008

Corrected

OG Date Dec. 1, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

LIVESTRONG

LANCE ARMSTRONG FOUNDATION
(TEXAS NON-PROFIT CORPORATION),
2201 E. 6TH STREET
AUSTIN, TX 78702

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,052,284.

FOR: MUTUAL FUND INVESTMENT AND BROKERAGE SERVICES; INVEST-

MENT CONSULTING AND MANAGEMENT; FINANCIAL SERVICES, NAMELY, AN INVESTMENT SECURITY; INSURANCE UNDERWRITING IN THE FIELD OF HEALTH, DENTAL, DISABILITY, LIFE, AND CATASTROPHIC EVENT COVERAGE; INSURANCE ADMINISTRATION AND CONSULTING, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-30-2006; IN COMMERCE 5-30-2006.

SER. NO. 78-821,024, FILED 2-22-2006.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 1, 2009.*

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 3,267,242

United States Patent and Trademark Office

Registered July 24, 2007

Corrected

OG Date Dec. 1, 2009

**TRADEMARK
PRINCIPAL REGISTER**

LIVESTRONG

LANCE ARMSTRONG FOUNDATION
(TEXAS NON-PROFIT CORPORATION),
2201 E. 6TH STREET
AUSTIN, TX 78702

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,052,284.

FOR: CERAMIC VESSELS, BOWLS, PLATES, POTS; PLATES, CUPS, MUGS, BOWLS, TEA KETTLES, TEA POTS NOT MADE OF PRECIOUS METALS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 7-1-2006; IN COMMERCE 7-1-2006.

SER. NO. 77-003,313, FILED 9-20-2006.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 1, 2009.*

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

Reg. No. 3,360,223

United States Patent and Trademark Office

Registered Dec. 25, 2007

Corrected

OG Date Dec. 1, 2009

**TRADEMARK
PRINCIPAL REGISTER**

LIVESTRONG

LANCE ARMSTRONG FOUNDATION
(TEXAS NON-PROFIT CORPORATION),

2201 E. 6TH STREET
AUSTIN, TX 78702

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,052,284.

FOR: COLLARS FOR PETS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 11-28-2006; IN COMMERCE 11-28-2006.

SER. NO. 77-003,358, FILED 9-20-2006.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 1, 2009.*

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

United States Patent and Trademark Office

Reg. No. 3,315,119

Registered Oct. 23, 2007

TRADEMARK
PRINCIPAL REGISTER



LANCE ARMSTRONG FOUNDATION, INC.
(TEXAS NON-PROFIT CORPORATION)
P.O. BOX 161150
AUSTIN, TX 787161150

WRISTBAND, APART FROM THE MARK AS SHOWN.

FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

THE MARK CONSISTS OF THE APPEARANCE AND THREE-DIMENSIONAL DESIGN OF A RUBBER WRISTBAND WITH THE WORD LIVESTRONG IMPRESSED ON THE BAND.

FIRST USE 5-3-2004; IN COMMERCE 5-3-2004.

OWNER OF U.S. REG. NO. 3,052,284.

SER. NO. 76-644,416, FILED 8-5-2005.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE DESIGN OF A RUBBER

ALICIA COLLINS, EXAMINING ATTORNEY