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

Proceeding	92053461
Party	Defendant Raising Cane's USA, L.L.C.
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Signature	/Bryce J. Maynard/
Date	10/13/2011
Attachments	Opposer's Reply Brief in Support of its Motion for Summary Judgment.pdf (36 pages)(1728438 bytes)

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

Fifty-Six Hope Road Music Limited,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	Cancellation No. 92053461
Raising Cane's USA, LLC.	:	
	:	
Registrant.	:	

OPPOSER/REGISTRANT'S REPLY BRIEF
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

Opposer/Registrant Raising Cane's USA, LLC ("Raising Cane's") hereby submits this reply brief in support of its Motion for Summary Judgment pursuant to TBMP § 502.02(b). Opposer respectfully requests that the Board consider this reply brief since it responds to new arguments raised in Petitioner/Applicant Fifty Six Hope Road Music Limited's ("Fifty-Six Hope") Response to Raising Cane's Motion for Summary Judgment.

I. INTRODUCTION

Fifty-Six Hope has failed to produce evidence sufficient to raise any genuine issue of material fact to avoid summary judgment on the likelihood of confusion claim alleged in the Petition for Cancellation. It is clear beyond any issue of fact that Raising Cane's has priority of use of the ONE LOVE mark in connection with restaurant services, that restaurant services are unrelated to the clothing products on which Fifty-Six Hope claims priority, and that Fifty-Six Hope's claim therefore must be dismissed.

Recognizing that its Section 2(d) claim is hopelessly flawed, Fifty-Six Hope has now tried, for the first time, to claim that it also asserted a Section 2(a) claim in its Petition for Cancellation. However, even a cursory allegation of the Petition reveals that no such claim has

ever been alleged. Moreover, even if this claim had been properly pled, summary judgment is also appropriate on this claim since Fifty-Six Hope has not provided any evidence that the common phrase "One Love" points "uniquely and unmistakably" to Bob Marley.

Therefore, the Board should enter summary judgment in favor of Raising Cane's.

II. FIFTY-SIX HOPE'S SECTION 2(D) CLAIM CAN NOT SUCCEED AS A MATTER OF LAW

Fifty-Six Hope has failed to show any genuine issue of material fact with respect to its Section 2(d) claim, i.e. the claim actually pled in the Petition for Cancellation. There is no genuine dispute about Raising Canes' priority for restaurant services, since Fifty-Six Hope has not used the ONE LOVE mark for restaurant services and has not provided any evidence to support its alleged licensing of the mark to Universal Studios. In addition, Fifty-Six Hope can not rely on its alleged prior use of the mark for clothing, since clothing and restaurant services are clearly unrelated as a matter of law.

A. It is Clear Beyond Any Issue of Material Fact that Raising Cane's Has Priority for Restaurant Services

Fifty-Six Hope has failed to refute Raising Cane's showing that Raising Cane's has priority of use for restaurant services due to its use of the mark dating back to 2001, since there is no evidence that Fifty-Six Hope has ever used the ONE LOVE mark for restaurant services. As noted in Registrant's Motion for Summary Judgment, Fifty-Six Hope did not allege use of ONE LOVE for restaurant services when it filed its intent-to-use application for restaurant services in 2007, did not claim that it had used ONE LOVE for restaurant services in its Petition for Cancellation, and did not claim that it had used ONE LOVE for restaurant services in its response to Registrant's Interrogatory No. 1. Raising Cane's Motion, at 3-4. Even in its brief in

opposition to summary judgment, Fifty-Six Hope does not allege that it has itself used the ONE LOVE mark for restaurant services.

Instead, Fifty-Six Hope attempts to rely on the purported use of the ONE LOVE mark for restaurant services by Universal Studios, and has produced a single undated menu page showing "One Love" as the name of a drink sold at Universal Studios' restaurant "Bob Marley A Tribute to Freedom."¹

However, Fifty-Six Hope has not refuted Raising Canes' argument that there is no license agreement between Fifty-Six Hope and Universal Studios for the ONE LOVE mark. The purported "license agreement" provided by Fifty-Six Hope is merely a letter from Universal requesting the right to utilize the "name, likeness, and artistic performances of Bob Marley." Crujeiras Declaration, Exhibit A. In order for a license to be valid, it must at the very least identify the marks being licensed. The license never mentions the ONE LOVE mark, and the vague term "artistic performances" can not reasonably be interpreted as conveying a license to use the mark ONE LOVE. A trademark is not an "artistic performance," which is a term that would more appropriately describe a copyrighted work.

Moreover, the purported license agreement also does not appear to contain any quality control provisions, nor has Fifty-Six Hope introduced any evidence that it has in fact exercised any control over Universal Studios' use of the ONE LOVE mark.² *See Heaton Enters. of Nevada Inc. v. Lang*, 7 U.S.P.Q.2d 1842, 1847 (TTAB 1988) (finding purported license agreement invalid where "none of the contracts contained any provisions for quality control of the services

¹ Fifty-Six Hope has also provided printouts of seven other web pages pertaining to the "Bob Marley - A Tribute to Freedom" Restaurant. Crujeiras Declaration, Exhibit B. However, none of these web pages show use of the ONE LOVE mark.

² Although the agreement gives Fifty-Six Hope the right to approve or reject the use of certain elements of Bob Marley's persona, this is not adequate quality control for a trademark license. There is nothing in the agreement that guarantees the quality of the services to be offered under the ONE LOVE mark and/or whatever other marks were purportedly licensed under this agreement.

to be performed. Nor is there anything in the record from which it may be determined that quality control was, in fact, being exercised").

Therefore, any use of the ONE LOVE mark by Universal Studios is an unlicensed use which Fifty-Six Hope can not rely upon to claim priority. Accordingly, there is no evidence that Fifty-Six Hope has ever used or licensed the ONE LOVE mark in connection with restaurant services, and it is clear beyond any genuine issue of material fact that Raising Cane's is the senior user with respect to restaurant services.

B. Restaurant Services and Clothing Are Unrelated as a Matter of Law

Fifty-Six Hope also claims that it has priority by virtue of its alleged use of ONE LOVE for clothing dating back to 1991. However, it is clear as a matter of law that clothing and restaurant services are not related, and Fifty-Six Hope has not provided any evidence to the contrary. Fifty-Six Hope's only support for its argument that the parties' goods and services are related are the third party registrations listed in Fifty-Six Hope's counsel's declaration, as well as the fact that Raising Cane's once filed for an extension of the opposition period for an application involving clothing. Fifty-Six Hope Brief, at 10-11.

It is "obvious" that clothing and restaurant services are not related, as the Board itself declared in *CNL Tampa Int'l Hotel Partnership LP v. Palazzolo*, Opp. No. 91163724, at 9 (TTAB Mar. 7, 2007) ("The central issue in this case is whether restaurant services and shirts are related. . . [I]t is obvious that they are distinctly different."). The fact that there are a few third party registrations containing both types of goods and services does not change this fact, particularly since Fifty-Six Hope Limited has not shown that these marks are in use, or that consumers are familiar with them. *See id.* at 9 ("We will not draw an inference from the third-party registrations that restaurant services and clothing are legally related products.").

It is also clear that restaurant services are not within the zone of expansion for a mark used in connection with clothing products. As the Board explained in *Palazzolo*, in order to show that unrelated products are within the zone of 'natural expansion,' the senior user must show that its mark is "well-known, if not famous, as a result of extensive advertising and promotion and that the senior user had made use of its mark on 'collateral materials.'" *Id.* at 10 (citations omitted). As in *Palazzolo*, the evidence in this case "falls far short of the type of evidentiary showing necessary to establish the facts supporting the doctrine of 'natural expansion.' That is, Opposer has failed to prove that purchasers generally expect restaurant services and shirts to emanate from a single source." *Id.* It is thus clear beyond any genuine issue of material fact that restaurant services and clothing are not related.

The mere fact that Raising Cane's once filed an extension to oppose an application for OL ONE LOVE covering clothing in Class 25 is also insufficient to establish that restaurant services and clothing are related. Fifty-Six Hope fails to mention that this application (Serial No. 78/615,003) also covered goods in several other classes, and that Raising Cane's ultimately did not oppose the application. Regardless, Raising Cane's is entitled to vigilantly monitor and protect its mark, including extending the opposition periods of marks that may conflict with Raising Cane's ONE LOVE mark in order to allow Raising Cane's time to investigate a potentially conflicting mark.

Therefore, since Fifty-Six Hope can not show prior use in connection with restaurant services and can not rely upon its alleged prior use in connection with unrelated clothing products, it is clear as a matter of law that Raising Cane's has priority, and that Fifty-Six Hope's Section 2(d) claim must fail.

III. FIFTY-SIX HOPE'S SECTION 2(A) CLAIM WAS NOT PLEADED AND CAN NOT SUCCEED AS A MATTER OF LAW

A. Fifty-Six Hope Did Not Allege a Section 2(a) Claim In its Petition for Cancellation

Fifty-Six Hope also claims that "in addition to its likelihood of confusion claim (addressed below), Fifty-Six Hope, pursuant to 15 U.S.C. § 1052(a) has petitioned to cancel Registrant's ONE LOVE registration on the grounds that it consists of or comprises matter which may falsely suggest a connection with Bob Marley." Fifty-Six Hope Brief, at 7.

This is blatantly false. The Petition for Cancellation alleges only that Registrant's ONE LOVE mark "would cause a likelihood of confusion, mistake, or deception as to the source, association, origin, affiliation, endorsement, or sponsorship of Registrant's ONE LOVE services with Fifty-Six Hope and Fifty-Six Hope's ONE LOVE Mark." Petition for Cancellation, ¶ 10. Contrary to Fifty-Six Hope's allegations in its brief, there is no reference to 15 U.S.C. § 1052(a) in the Petition for Cancellation, no use of the term "false suggestion," and nothing that can be reasonably implied as alleging a claim under Section 2(a).

Therefore, the Board should disregard all of Fifty-Six Hope's arguments pertaining to its purported Section 2(a) claim, since this claim was never properly pled in its Petition for Cancellation.

B. The Board Should Dismiss Fifty-Six Hope's Alleged Section 2(a) Claim

Even if Fifty-Six Hope was attempting to allege a Section 2(a) claim in its Petition for Cancellation, this claim should be dismissed for failure to state a legally cognizable claim pursuant to Rule 12(b)(6). The TBMP states that the defense of failure to state a claim can be raised even after an Answer is filed if it is raised as part of a Motion for Summary Judgment rather than as a separate motion. TBMP § 503.01.

Fifty-Six Hope's Petition for Cancellation clearly fails to state a valid claim for false suggestion under Section 2(a). In order to be valid, a Petition must "state the grounds for cancellation....The true test is whether the pleading gives fair notice and states the elements of the claim plainly and succinctly. Sufficient detail must be given so that the defendant may obtain a fair idea of the Plaintiff's complaint and of the legal basis for recovery." *See McDonnell Douglas Corporation v. National Data Corporation*, 228 U.S.P.Q. 45, 47 (TTAB 1985) (dismissing Section 2(a) claim in Petition for Cancellation for failure to state a claim).

Fifty-Six Hope's purported Section 2(a) claim suffers from the same flaws as the Petition for Cancellation in *McDonnell Douglas*.³ In that case, the Board stated that "the allegation that respondent's mark is a close approximation or a simulation of petitioner's corporate identity or "persona" [is] merely conclusory and unsupported by factual averments. To establish a claim of the suggestion of false connection under Section 2(a), ***petitioner must allege, and prove, a connection with [Petitioner] and not merely the use of confusingly similar marks.***" *Id.* at 48 (emphasis added). Likewise, in this case, Paragraphs 9 and 10 of Fifty-Six Hope's Petition for Cancellation merely allege a "likelihood of confusion, mistake, or deception," which is insufficient to state a claim for false suggestion under Section 2(a).

Therefore, Fifty-Six Hope's purported Section 2(a) claim must be dismissed as a matter of law.

C. Fifty-Six Hope's Section 2(a) Claim Can Not Survive Summary Judgment

Finally, even if the Board were to somehow interpret the Petition for Cancellation as alleging a valid Section 2(a) claim, Fifty-Six Hope has not provided any evidence sufficient to avoid summary judgment on this claim.

³ The *McDonnell Douglas* case was decided even before the Supreme Court's decision in *Bell Atlantic Corp. v. Twombly*, 550 US 554, 570 (2007), which raised the bar for avoiding a Motion to Dismiss by stating that a complaint must also allege a "claim to relief which is plausible on its face."

In order for a claim of false suggestion to succeed, the senior user must show that the junior user is using a mark which "uniquely and unmistakably" points to the senior user. TMEP § 1203.03(e); *In re White*, 73 U.S.P.Q.2d 1713, 1718 (TTAB 2004). Fifty-Six Hope has not shown that the term "One Love" points "uniquely and unmistakably" to Bob Marley.⁴ Although Fifty-Six Hope has alleged that "'One Love' has become a phrase closely associated with Bob Marley and his musical legacy," Fifty-Six Hope Brief, at 6, it has not provided any evidence to support this claim.

Fifty-Six Hope relies heavily upon *Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428, 429 (TTAB 1985), in which the Board found that the applicant's registration of MARGARITAVILLE for restaurant services would create a false suggestion of a connection with singer Jimmy Buffett. However, there are several important differences between *Buffett* and the present case. First, in *Buffett*, the Board found that there was significant evidence of association between the MARGARITAVILLE mark and Jimmy Buffett, including articles referring to Buffett as "Jimmy (Margaritaville) Buffett," "The Monarch of Margaritaville," and "The Poet of Margaritaville." *Id.* at 430.

In the present case, Fifty-Six Hope has failed to produce any similar evidence showing a direct public association between "One Love/People Get Ready" and Bob Marley. The articles provided by Fifty-Six Hope may demonstrate that "One Love/People Get Ready" is a popular song, but they do not in any way show that the song is an integral part of Bob Marley's public image in the way that "Margaritaville" is for Jimmy Buffett.

In fact, to the extent that the articles demonstrate any public association connected with the song, the association is with the country of Jamaica, not with Mr. Marley. For example,

⁴ In fact, the actual title of Mr. Marley's song is not even "One Love," but rather "One Love/People Get Ready."

Fifty-Six Hope claims that "'One Love' has been licensed by the Jamaican tourism organization, and is repeatedly played on nationally televised advertisements to promote tourism in Jamaica." Fifty-Six Hope Brief, at 6. Fifty-Six Hope also provides an article stating that "consumers around the world connect One Love with Jamaica" (Bost Decl., Ex. E) and another article stating that the song "stand[s] as a testament to [Jamaica's] finest resources and aspirations." These articles may show that consumers associate "One Love/People Get Ready" with Jamaica, but they do not in any way establish that the song forms an integral part of Mr. Marley's public persona in the way that "Margaritaville" does for Jimmy Buffett.⁵

Moreover, in *Buffett*, Mr. Buffett provided affidavits from several members of the music industry stating that the term "Margaritaville" was "synonymous" with Jimmy Buffett. *Id.* Fifty-Six Hope has not provided any comparable evidence here. The only "evidence" of any public association between "One Love/People Get Ready" and Bob Marley is the declarations of Fifty-Six Hope's counsel and an employee of Bob Marley Music, Inc. (an affiliate of Fifty-Six Hope). These types of unsupported and self-serving allegations are insufficient to survive a motion for summary judgment.

Finally, in the *Buffett* case, the song title "Margaritaville" was a highly distinctive and coined term which was associated solely with Jimmy Buffett and had no other meanings. In contrast, the title "One Love" is a combination of two of the most common words in the English language. There are numerous examples of other registrations for marks containing "One Love" and common law uses of "One Love" that have nothing to do with Bob Marley or his music, including registrations for ONE LOVE for footwear, ONE LOVE SKATEBOARDS for skateboards, ONE LOVE ORGANICS for skin products, ONE LOVE CRUISE for travel

⁵ In fact, as Fifty-Six Hope admits, the version of "One Love/People Get Ready" played in the Jamaica Tourist Board's advertisements is a "cover version" which is not even sung by Bob Marley. Crujeiras Declaration, ¶ 10; Coxe Dec., ¶ 12.

services, ONE LOVE INTERACTIVE for web site design, and several others. Coxe Dec., ¶ 1-11.

The mere fact that Bob Marley's song "One Love/People Get Ready" has been on million-selling records does not give Mr. Marley's estate the right to prevent others from using "One Love" in connection with goods or services unrelated to music, any more than the success of the Beatles' "Yesterday" or Bing Crosby's "White Christmas" would give these artists the right to prevent others from using these common words and phrases.

Therefore, Fifty-Six Hope has failed to produce any evidence that would be sufficient to avoid summary judgment on its Section 2(a) claim, even if the claim had been properly pled. The Board thus must grant summary judgment to Raising Cane's on this claim.

IV. CONCLUSION

For the reasons set forth above, the Board should grant summary judgment to Raising Cane's in both the opposition and cancellation proceedings, and refuse registration of Fifty-Six Hope's Application Serial No. 77/549,263.

RAISING CANE'S USA, LLC

By


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Dated: October 13, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER/REGISTRANT'S REPLY BRIEF IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT was served this 13th day of October, 2011 by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
MANATT, PHELPS & PHILLIPS, LLC
11355 W. Olympic Boulevard
Los Angeles, CA 90064



Florie Goodman

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

Fifty-Six Hope Road Music Limited,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	Cancellation No. 92053461
Raising Cane's USA, LLC.	:	
	:	
Registrant.	:	

DECLARATION OF RONALD B. COXE

My name is Ronald B. Coxe. I am a paralegal at Buchanan Ingersoll & Rooney, P.C.. I have personal knowledge of the facts stated herein, and if called to testify would state as follows.

1. Attached hereto as Exhibit A is a true and correct copy of the Certificate of Registration for U.S. Registration No. 1,998,491 (ONE LOVE). This registration covers "footwear" in Class 25. This registration is not owned by Petitioner Fifty-Six Hope Road Music Limited.

2. Attached hereto as Exhibit B is a true and correct copy of the Certificate of Registration for U.S. Registration No. 2,766,686 (ONE LOVE). This registration covers "perfume oils, perfume solids, and incense" in International Class 23. This registration is not owned by Petitioner Fifty-Six Hope Road Music Limited.

3. Attached hereto as Exhibit C is a true and correct copy of the Certificate of Registration for U.S. Registration No. 3,277,589 (ONE LOVE SKATEBOARDS). The term "SKATEBOARDS" in this mark has been disclaimed. This registration covers "skateboards, snowboards, surfboards" in International Class 28. This registration is not owned by Petitioner Fifty-Six Hope Road Music Limited.

4. Attached hereto as Exhibit D is a true and correct copy of the Certificate of Registration for U.S. Registration No. 3,584,038 (ONE LOVE CRUISE). The term "CRUISE" in this mark has been disclaimed. This registration covers "arranging of cruises; travel, excursion, and cruise arrangement" in International Class 39. This registration is not owned by Petitioner Fifty-Six Hope Road Music Limited.

5. Attached hereto as Exhibit E is a true and correct copy of the Certificate of Registration for U.S. Registration No. 3,938,537 (ONE LOVE ORGANICS). The term "ORGANICS" in this mark has been disclaimed. This registration covers "Aromatherapy body care products, namely, body lotion, shower gel; shampoo; non-medicated lip balm; soap; body polish; body and foot scrub; Beauty creams for body care; Body cream; Body lotions; Body scrub; Body washes; Cosmetic creams for skin care; Cosmetic preparations for body care; Cosmetic preparations for skin renewal; Cosmetic, namely, lip repairers; Face and body creams; Lip balm; Non-medicated lip protectors; Nutritional oils for cosmetic purposes; Skin care preparations, namely, body balm; Skin cleansers; Skin creams all the foregoing goods being organic" in International Class 3. This registration is not owned by Petitioner Fifty-Six Hope Road Music Limited.

6. Attached hereto as Exhibit F is a true and correct copy of the Certificate of Registration for U.S. Registration No. 3,994,519 (1 LOVE WELLNESS). This registration covers "mental health services and medical services" in International Class 44. This registration is not owned by Petitioner Fifty-Six Hope Road Music Limited.

7. Attached hereto as Exhibit G is a true and correct copy of the Certificate of Registration for U.S. Registration No. 3,283,074 (ONE LOVE INTERACTIVE and Design). This registration covers "Computer aided design for others; Computer services, namely, monitoring the websites of others to improve scalability and performance of websites of others;

Design of homepages and websites; Design, creation, hosting, maintenance of websites for others; Designing websites for advertising purposes" in International Class 44. This registration is not owned by Petitioner Fifty-Six Hope Road Music Limited.

8. Attached hereto as Exhibit H is a true and correct copy of the web page at www.onelovevet.com. I visited this web site on October 13, 2011. The web site shows use of the mark ONE LOVE in connection with veterinary services.

9. Attached hereto as Exhibit I is a true and correct copy of the web page at www.onelovehotyoga.com. I visited this web site on October 13, 2011. The web site shows use of the mark ONE LOVE HOT YOGA in connection with yoga instructional services.

10. Attached hereto as Exhibit J is a true and correct copy of the web page www.onelovecollections.com. I visited this web site on October 13, 2011. The web site shows use of the mark ONE LOVE COLLECTIONS in connection with headbands, bandanas, and other accessories.

11. Attached hereto as Exhibit K is a true and correct copy of the web page at www.oneloveproductions.net. I visited this web site on October 13, 2011. The web site shows use of the mark ONE LOVE in connection with video production services.

12. On October 13, 2011, I viewed the video located at <http://www.youtube.com/watch?v=3DyVoXaBKEI>. The YouTube page for this video states that it is an advertisement produced by the Jamaica Tourism Board. The version of "One Love" played in this advertisement is sung by a choir of singers, not by Bob Marley.



Ronald B. Coxe

EXHIBIT

A

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 1,998,491
Registered Sep. 3, 1996

**TRADEMARK
PRINCIPAL REGISTER**

ONE LOVE

GOLDSTEIN, FRED E. (UNITED STATES CITI-
ZEN)
6135 N.W. 167TH STREET
SUITE E-1
MIAMI, FL 33015

FIRST USE 2-29-1996; IN COMMERCE
2-29-1996.

SN 74-313,144, FILED 9-14-1992.

FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22
AND 39).

RONALD R. SUSSMAN, EXAMINING ATTOR-
NEY

EXHIBIT

B

Int. Cls.: 3 and 4

Prior U.S. Cls.: 1, 4, 6, 15, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,766,686

Registered Sep. 23, 2003

**TRADEMARK
PRINCIPAL REGISTER**

ONE LOVE

TEH-PARI INTERNATIONAL, INC. (CALIFORNIA CORPORATION), DBA AURIC BLENDS
POST OFFICE BOX 268
GRATON, CA 95444

FOR: PERFUME OILS, PERFUME SOLIDS AND INCENSE, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 8-0-1993; IN COMMERCE 8-0-1993.

FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 10-0-2002; IN COMMERCE 10-0-2002.

SER. NO. 76-474,478, FILED 12-11-2002.

GWEN STOKOLS, EXAMINING ATTORNEY

EXHIBIT

C

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 3,277,589

Registered Aug. 7, 2007

**TRADEMARK
PRINCIPAL REGISTER**

One Love Skateboards

FULLER, BART J (UNITED STATES INDIVIDUAL)

64 WABASH TERRACE

SAN FRANCISCO, CA 94134

FOR: SKATEBOARDS, SNOWBOARDS, SURFBOARDS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 1-11-1999; IN COMMERCE 5-19-2003.

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

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

SN 78-755,562, FILED 11-16-2005.

ALLISON SCHRODY, EXAMINING ATTORNEY

EXHIBIT

D

Int. Cl.: 39

Prior U.S. Cls.: 100 and 105

United States Patent and Trademark Office

Reg. No. 3,584,038

Registered Mar. 3, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

ONE LOVE CRUISE

RADIO ONE, INC. (DELAWARE CORPORATION)
5900 PRINCESS GARDEN PARKWAY - 7TH FLOOR
LANHAM, MD 20706

FOR: ARRANGING OF CRUISES; TRAVEL, EXCURSION AND CRUISE ARRANGEMENT, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 6-0-2004; IN COMMERCE 6-0-2004.

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

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

SN 77-231,387, FILED 7-17-2007.

MICHAEL WEBSTER, EXAMINING ATTORNEY

EXHIBIT

E

United States of America

United States Patent and Trademark Office

One Love Organics

Reg. No. 3,938,537

Registered Mar. 29, 2011

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

ONE LOVE ORGANICS, INC. (GEORGIA CORPORATION)
107 SEMINOLE ST.
SAINT SIMONS ISLAND, GA 31522

FOR: AROMATHERAPY BODY CARE PRODUCTS, NAMELY, BODY LOTION, SHOWER GEL; SHAMPOO; NON-MEDICATED LIP BALM; SOAP; BODY POLISH; BODY AND FOOT SCRUB; BEAUTY CREAMS FOR BODY CARE; BODY CREAM; BODY LOTIONS; BODY SCRUB; BODY WASHES; COSMETIC CREAMS FOR SKIN CARE; COSMETIC PREPARATIONS FOR BODY CARE; COSMETIC PREPARATIONS FOR SKIN RENEWAL; COSMETIC, NAMELY, LIP REPAIRERS; FACE AND BODY CREAMS; LIP BALM; NON-MEDICATED LIP PROTECTORS; NUTRITIONAL OILS FOR COSMETIC PURPOSES; SKIN CARE PREPARATIONS, NAMELY, BODY BALM; SKIN CLEANSERS; SKIN CREAMS ALL THE FOREGOING GOODS BEING ORGANIC, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 10-4-2010; IN COMMERCE 10-4-2010.

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

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

SN 77-774,622, FILED 7-6-2009.

KIMBERLY PERRY, EXAMINING ATTORNEY



David J. Kayfas

Director of the United States Patent and Trademark Office

EXHIBIT

F

United States of America

United States Patent and Trademark Office

1 Love Wellness

Reg. No. 3,994,519

Registered July 12, 2011

Int. Cl.: 44

SERVICE MARK

PRINCIPAL REGISTER

CATABRAN, LINO (UNITED STATES INDIVIDUAL), DBA L LOVE WELLNESS,
1841 EL CAMINO AVENJUE
SACRAMENTO, CA 95815

FOR: MENTAL HEALTH SERVICES AND MEDICAL SERVICES, IN CLASS 44 (U.S. CLS.
100 AND 101).

FIRST USE 8-31-2009; IN COMMERCE 12-31-2009.

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

SN 77-843,649, FILED 10-7-2009.

BRENDAN REGAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT

G

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,283,074

Registered Aug. 21, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

one love  interactive

HUGHES, MICHAEL A. (CONNECTICUT SOLE PROPRIETORSHIP)

9 PASADENA RD.

BRANFORD, CT 06405

FOR: COMPUTER AIDED DESIGN FOR OTHERS; COMPUTER SERVICES, NAMELY, MONITORING THE WEBSITES OF OTHERS TO IMPROVE SCALABILITY AND PERFORMANCE OF WEBSITES OF OTHERS; DESIGN OF HOMEPAGES AND WEBSITES; DESIGN, CREATION, HOSTING, MAINTENANCE OF WEBSITES FOR OTHERS; DESIGNING WEBSITES FOR ADVERTISING PURPOSES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-16-2006; IN COMMERCE 7-16-2006.

THE COLOR(S) GREEN, BLUE, GRAY, YELLOW, MAROON IS/ARE CLAIMED AS A FEATURE OF THE MARK.

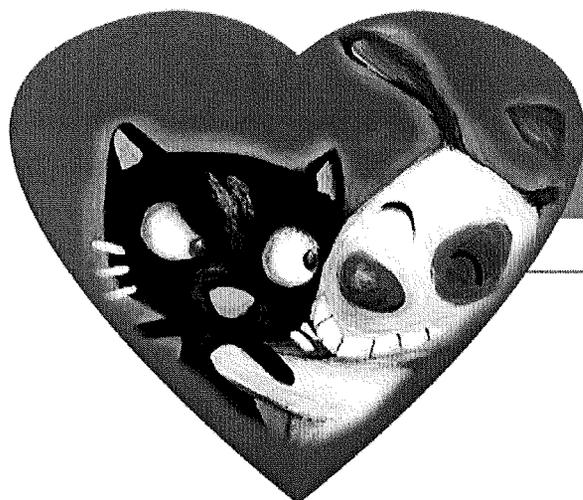
THE MARK CONSISTS OF A RENDERING OF THE EARTH, WITH THE OCEAN DEPICTED IN BLUE AND THE LAND MASSES OF NORTH AND SOUTH AMERICA DEPICTED IN GREEN. THE EARTH'S CIRCULAR OUTLINE IS YELLOW, DEPICTING AN ECLIPSED SUN. THE SUN HAS 5 EVENLY SPACED YELLOW RAYS EMINATING OUTWARDS FROM THE TOP HALF OF THE YELLOW CIRCLE, ALTHOUGH NOT CONNECTED TO IT. THE TOTAL ANGULAR SPREAD FROM THE LEFTMOST RAY TO THE RIGHTMOST RAY IS 120 DEGREES. THE LOWER FOURTH OF THE EARTH AND SUN IS TRUNCATED BY A MAROON LINE WHICH EXTENDS LEFT UNDERLINING THE GRAY WORDS "ONE LOVE" AND RIGHT UNDERLINING THE GRAY WORD "INTERACTIVE".

SER. NO. 78-945,765, FILED 8-5-2006.

ARETHA SOMERVILLE, EXAMINING ATTORNEY

EXHIBIT

H



Walk-Ins
Welcome!



One Love

Animal Hospital Brooklyn, NY

**317 Atlantic Avenue
(718) 532-7410**

**Dr. Kenneth Humphreys
Dr. Eliza Lischin
Dr. Susan Ryan**

EXHIBIT

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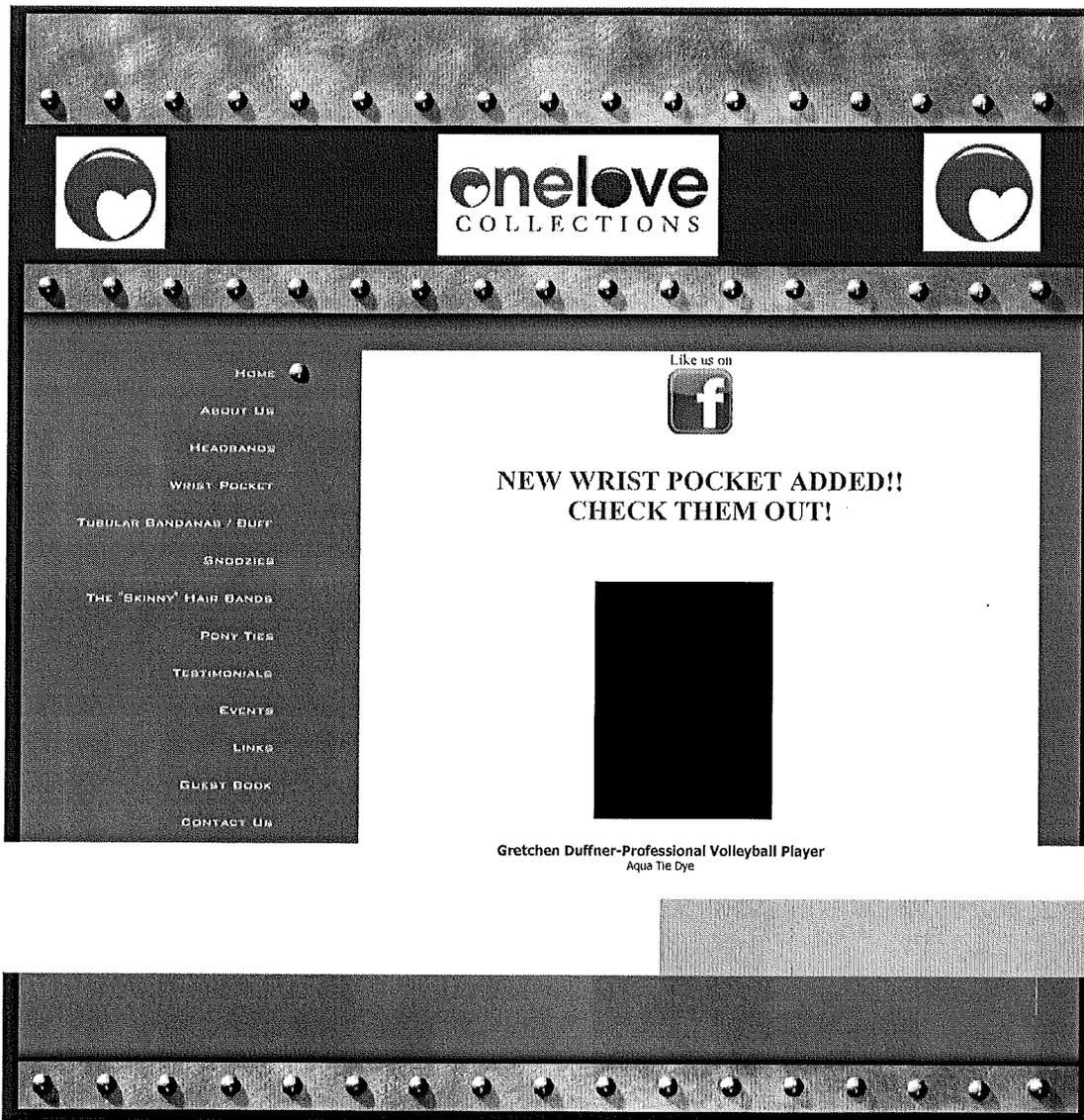
love one.love.hot.yoga

 info@onelovehotyoga.com we like our yoga hot
80 Chestnut St Ridgewood, NJ

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