

ESTTA Tracking number: **ESTTA438842**

Filing date: **11/01/2011**

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	Advance Magazine Publishers Inc.
Granted to Date of previous extension	11/02/2011
Address	4 Times Square New York, NY 10036 UNITED STATES

Attorney information	Pamela A. Rask Sabin Bermant & Gould 4 Times Square New York, NY 10036 UNITED STATES prask@sabinfirm.com
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### Applicant Information

Application No	85237368	Publication date	07/05/2011
Opposition Filing Date	11/01/2011	Opposition Period Ends	11/02/2011
Applicant	Timothy Martin 6010 Mulholland Hwy Los Angeles, CA 90068 UNITED STATES		

### Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: Providing a motivational website the primary mission of which is to increase personal happiness in terms of personal relationships, personal growth and motivation, and self-fulfillment; Providing a resource website featuring information in the field of self-development
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1120502	Application Date	05/10/1978
Registration Date	06/19/1979	Foreign Priority Date	NONE
Word Mark	SELF		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1978/05/02 First Use In Commerce: 1978/05/04 MAGAZINES FOR WOMEN DIRECTED TO THE SUBJECT OF FITNESS IN ALL ITS ASPECTS

U.S. Registration No.	2785834	Application Date	09/09/2002
Registration Date	11/25/2003	Foreign Priority Date	NONE

Word Mark	SELF
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Design Mark	<b>SELF</b>
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Description of Mark	NONE
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Goods/Services	Class 044. First use: First Use: 2001/01/01 First Use In Commerce: 2001/01/01 Providing information in the fields of nutrition, beauty and health
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U.S. Registration No.	3431697	Application Date	09/13/2004
Registration Date	05/20/2008	Foreign Priority Date	NONE

Word Mark	SELF
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Design Mark	<b>SELF</b>
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2005/04/01 First Use In Commerce: 2005/04/01 Pre-recorded audio and videocassettes, CDs and DVDs in the field of health, fitness and exercise
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U.S. Registration No.	1721094	Application Date	11/26/1990
Registration Date	09/29/1992	Foreign Priority Date	NONE

Word Mark	SELF
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1992/02/00 First Use In Commerce: 1992/02/00 general interest magazine directed to women

U.S. Registration No.	1938464	Application Date	11/23/1994
Registration Date	11/28/1995	Foreign Priority Date	NONE
Word Mark	SELF.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1994/07/00 First Use In Commerce: 1994/07/00 on line electronic general interest magazine services, lifestyle information services, and shopping services, accessible via computer network		

Related Proceedings	91200668
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Attachments	76449608#TMSN.gif ( 1 page )( bytes ) 76612022#TMSN.gif ( 1 page )( bytes ) 74118305#TMSN.gif ( 1 page )( bytes ) Notice of Opposition self 2.0.pdf ( 2 pages )(109371 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	/Pamela Rask/
Name	Pamela A. Rask
Date	11/01/2011

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

In re:	:	
	:	
App. Ser. No. 8523768	:	Opposition No.
	:	
Mark: SELF 2.0	:	
Published in the Official Gazette	:	
X		
Advance Magazine Publishers Inc.	:	
	:	
Opposer	:	
	:	
v.	:	
	:	
Timothy Martin	:	
	:	
Applicant	:	
X		

NOTICE OF OPPOSITION

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

The grounds for opposition are as follows:

1. Since 1979, through its division, Conde Nast, Opposer has published the very well-known magazine, SELF which focuses on health, fitness, nutrition, personal growth and lifestyle.
2. Opposer also has an active web site at [www.self.com](http://www.self.com)
3. Opposer has obtained numerous federal trademark registrations for SELF and related marks, including Registration No. 1120502 for SELF (for magazines for women directed to the subject of fitness in all its aspects) Registration No. 2785834 for SELF (for providing information in the fields of nutrition, beauty and health via; Registration No. 3431697 (for pre-recorded audio and video cassettes, CDs and DVDs in the fields of health, fitness and nutrition); Registration No. 1721094 for SELF (for general interest magazines directed to women); Registration No. 2515153 for SELF CHALLENGE (for organizing and conducting contests regarding diet, weight loss exercise and fitness); Registration No. 2027989 for

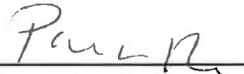
WORKOUT IN THE PARK (for physical educational services namely organizing and promoting classes, lectures and events featuring aerobics, stationary bicycling, yoga, running and health issues); Registration No. 1938464 for SELF.COM for online general interest magazine services; Registration No. 3214183 for THE SELF JUMP START DIET (for providing dietary and nutrition guidelines).

4. Applicant is actively involved in developing and expanding the reach of its SELF brand and has filed a number of intent to use applications, including but not limited to Application Nos. 8535168 (SELF DIET TAPPER);85250872 (SELF I CURATE MY LIFE) and 85320354 (SELF TAPPER)
5. Applicant seeks to register SELF 2.0 for “conducting workshops and seminars in self awareness: providing assistance, personal training and physical fitness consultation to individuals to help them make physical fitness, strength, conditioning and exercise improvement in their daily living”.
6. In Applicant’s mark, the most dominant feature is the word “SELF”.
7. The services described in Application Serial No.85138375 are focused on self awareness, physical fitness, strength, conditioning and exercise, and are not restricted as to audience or channels of trade.
8. Upon information and belief, in view of the similarity of the parties’ marks and the apparent overlap in their services and focus, Opposer submits that confusion is likely in that the public will assume that there is some connection between SELF and SELF 2.0.
9. Therefore, Opposer respectfully requests that its Opposition be upheld and registration to Application Serial No. 85138375 be denied.
10. Please charge all applicable fees in connection with the filing of this Opposition to Deposit Account 190004.

Date: November 1 2011

Respectfully submitted,

SABIN, BERMANT & GOULD LLP  
4 Times Square  
New York, New York 10036-6526

By:   
Pamela A. Rask