

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

CR License, LLC,)	Cancellation No. 91202705 (parent)
)	92054034
)	
Petitioner,)	
)	Marks: GRAND CANYON RANCH
v.)	GRAND CANYON RANCH
)	AT SPIRIT MOUNTAIN
)	
Grand Canyon Ranch,)	Reg. No. 3,927,500
)	App. No. 77/905,088
)	
Respondent.)	
_____)	

Redacted for Electronic Filing

Exhibit 1 - Affidavit of Jerrold I. Cohen

Exhibit 1

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CR License, LLC,)	Cancellation No. 92054034
)	
)	Mark: GRAND CANYON RANCH
Petitioner,)	
)	Reg. No. 3,927,500
v.)	
)	Registration Date: March 8, 2011
Grand Canyon Ranch,)	
)	
)	
Respondent.)	
_____)	

AFFIDAVIT OF JERROLD I. COHEN

I, Jerrold I. Cohen, being duly sworn upon oath, depose and state as follows:

1. I am President of JC Management, Inc., which is the manager of CR License, LLC, which owns the CANYON RANCH® trademarks. CR License, LLC and its related and predecessor companies are referred to collectively below as “Canyon Ranch.” I have worked at Canyon Ranch since its founding in 1979. The matters contained in this affidavit are based upon my own personal knowledge and based on the business records of Canyon Ranch that I have access to in my position with the company.

2. In 1979, the original, flagship CANYON RANCH® destination spa resort was founded in Tucson, Arizona by Mel Zuckerman, a real estate developer with a dream of creating a community focused on healthy living, and his wife Enid Zuckerman. Our Tucson resort has been continuously operating under the CANYON RANCH® marks since 1979.

3. Over the next 35 years Mel and Enid grew Canyon Ranch® into a world-renowned family of companies offering healthy lifestyle products and services. The

CANYON RANCH® marks are not only used with resort, restaurant and fitness services, but also with such diverse products and services as cookbooks, real estate development, clothing, skin care products, medical services, counseling services, and outdoor excursions.

4. The CANYON RANCH® marks and the products and services offered under the marks have developed an enviable nationwide and in fact worldwide reputation. This reputation is due in part to and can be evidenced by the continuous unsolicited media attention we have enjoyed since shortly after our founding in 1979.

5. Since the early 1980s, national publications such as The New York Times, USA Today, and Time have run articles featuring CANYON RANCH®, including:

- Jane O' Reilly, *In Tucson: Balancing the Triangle of Life*, TIME, April 12, 1982.
- Anne L. Adams, *Resorts to Keep People Thin are In*, USA TODAY, Sept. 6, 1984.
- Molly O'Neill, *Remedial Eating*, NEW YORK TIMES MAGAZINE, Aug. 29, 1993 at 57.
- *Holiday gift-shopping trend: Spas, cruises*, USA TODAY, Dec. 10, 1997.
- Lark Ellen Gould, *Pamper Yourself*, LOS ANGELES TIMES, Dec. 8, 2000.
- Daniel McGinn, *A Fat Farm Dropout Makes Good How I did It Mel Zuckerman, Chairman Canyon Ranch, INC.*, Dec. 2007.
- Lynne Sladky, *You'll Moon over these new, and updated, Miami resorts*, USA TODAY, Nov. 20, 2008.
- Michael Higgings, *In Tough Times, Spas Stress Stress*, NEW YORK TIMES, Feb. 9, 2009.
- Lottie L. Joiner, *original Vision Always at Forefront Canyon Ranch Grew with its Consistent Mission*, USA TODAY, Aug. 22, 2011.

Attached at Exhibit A are true and correct copies of media articles featuring the CANYON RANCH® marks.

6. Each of these publications has reached millions of people. These national newspapers and magazines are among the most widely circulated publications in the United States. For example, the New York Times' 2013 average daily circulation is 1.8 million while USA Today reaches 1.6 million consumers daily. See the Alliance for Audited Media newspaper circulation data attached hereto as Exhibit B. Time magazine

alone reaches 3.3 million people per week. See the Alliance for Audited Media magazine circulation data attached hereto as Exhibit C.

7. Apart from these national publications, over the past thirty-five years both general and specialized media outlets have featured unsolicited discussions of the CANYON RANCH® properties, the CANYON RANCH® marks, and the products and services offered under the marks. Examples include:

- Patricia Angly, *Canyons Apart*, THE AUSTRALIAN FINANCIAL REVIEW, Oct. 28, 1994 at 13.
- Fyllis Hockman, *Ranch spa fills the bill without the calories*, THE WASHINGTON TIMES, March 12, 1995 at E3.
- Matthew Segal, *Ranch Blessing*, MEN'S FITNESS, September 1995.
- Linda K. Nathan, *Spas Ask: May I Check Your Heart Rate?*, THE WALL STREET JOURNAL, Jan. 19, 1996.
- *Spa Review: Canyon ranch, east & west*, ELLE, April 1996.
- Marni Jackson, *Make me Happy*, THE GLOBE AND MAIL: TRAVEL, April 4, 1998.
- Beth Hagman, *Canyon Ranch Four Days at the Ultimate Spa*, COMPETITOR, May 1999.
- Ann Patchett, *Tough Love*, GOURMET, May 2000.
- *The two-hour vacation and other modern gateways*, WORTH, May 2000.
- *Retreats to Enhance Body and Beauty*, CEO TRAVELER, Winter 2000/2001.
- Amy Graves, *spa vs. spa*, THE BOSTON GLOBE, Jan. 6, 2002.
- *QM2 spa to Canyon Ranch*, CRUISE TRAVEL, March 1, 2002.
- *All Aboard! From top-notch fitness equipment to soothing spa treatments, Canyon Ranch SpaClub on the Queen Mary 2 has something got everyone*, AMERICAN FITNESS, Sept. 1, 2004.
- Stacy Shoemaker, *Spa life*, HOSPITALITY DESIGN, July 1, 2005.
- Lorraine Cademartori, *Lush Life*, FORBES, April 23, 2007.
- *Spa Makeover: Canyon Ranch is the ultimate in health resorts. Now it's expanding to condos, day retreats and a cruise ship*, NEWSWEEK, Oct. 15, 2007.
- *A Fat-farm Dropout Makes Good*, INC., Dec. 2007.
- *Paradise found at Canyon Ranch resort*, CITY AM, Feb. 25, 2013.
- *Canyon Ranch: Where The Joys Are*, EXEC DIGITAL, June 18, 2013.

See Exhibit A.

8. Following the extraordinarily success of the Tucson, Arizona location, Canyon Ranch expanded by opening another destination spa resort in the Berkshire

Mountains in Lenox, Massachusetts in 1989. Our Lenox location has continuously operating under the CANYON RANCH® marks since 1989. The location has developed its own reputation and further enhanced the brand recognition enjoyed by CANYON RANCH®, as seen by the numerous unsolicited media mentions and the various awards the property has received, including:

- Duncan Christy, *I Spa*, FORBES, Sept. 27, 1993. (“I now know, courtesy of the Canyon Ranch in the Berkshire how the great pharaohs must have felt as they were ritually prepared for the afterlife.”)
- Jan Furse, *The Canyon’s a grand spa Spinoff of Tucson health ranch brings its eclectic brand of health & healing to the Berkshire hills*, NEW YORK DAILY NEWS, Oct. 16, 1994.
- Milton Bass, *Getting healthy amid luxury at the Canyon Ranch in the Berkshires*, THE BOSTON SUNDAY GLOBE, Jan. 8, 1995.
- Dara Schechter, *Meanwhile, back at the ranch ...*, HERALD SUNDAY, Feb. 11, 1996. (“From the moment I entered the gateway at Canyon Ranch in the Berkshires, I knew my life would change dramatically, at least for the next few days.”)
- *Beauty black book*, INSTYLE, Oct. 1997. (“Cool ranch. A stay in the Berkshire at Canyon Ranch... can make any guest feel like a movie star.”)
- *Reader’s Choice Awards: Best Spa*, Canyon Ranch Lenox, CONDÉ NAST TRAVELER MAGAZINE, 1998.
- *First-Class Travel Fodor’s-Style*, THE NEW YORKER, May 3, 1999. (“But, once beyond the registration desk at *Canyon Ranch* in the Berkshire, the focus on fitness becomes apparent.”)
- *Favorite Fitness Retreats: Best Destination Spas*, Canyon Ranch Lenox, SHAPE MAGAZINE, 2001
- *Travel The Great Escapes*, MONEY MAGAZINE, Jan. 1, 2002. (“We’ve met many others seeking solace, and their ranks seem to be growing; one of our favorite destinations, Canyon Ranch in the Berkshire, has seen bookings rise 25% since Sept. 11.”)
- Joseph Bednar, *At your Leisure: Canyon Ranch Gets its Massage Across*, BUSINESSWEST, March 1, 2003. (“In its 14-years in Lenox, Canyon Ranch in the Berkshires has developed a national reputation as an upscale gateway.”)
- *Reader’s Choice Awards: Top Destination Spa*, Canyon Ranch Lenox, CONDÉ NAST TRAVELER MAGAZINE, 2003, 2002
- *Reader’s Favorite Awards: Best Luxury Resort*, Canyon Ranch Lenox, DEPARTURES, 2003
- *Reader’s Favorite Awards: Favorite Destination Spa*, DEPARTURES, 2004
- Moira McCarthy, *Destinations Say Spahhhh!*, BOSTON HERALD, Sept. 7, 2006. (“The name Canyon Ranch is one of the best known in spa circles around the world, and the Lenox location is a good reason.”)

- *Reader's Choice Gold List*, Canyon Ranch Lenox, CONDÉ NAST TRAVELER MAGAZINE, 2009
- *Reader's Choice Awards: Best Destination Spa*, Canyon Ranch Lenox, CONDÉ NAST TRAVELER MAGAZINE, 2009, 2005
- *World's Best Awards Reader's Survey*, Canyon Ranch Lenox, TRAVEL + LEISURE, 2011, 2010, 2009, 2008, 2003, 2002, 2001, 2000, 1999

Attached at Exhibit D are true and correct copies of media articles featuring the CANYON RANCH® Lenox location.

9. The notoriety of the CANYON RANCH® marks is also reflected by the numerous awards the Canyon Ranch® Tucson, Ariz. and Lenox, Mass., destination health resorts have received. For example, CANYON RANCH® has been named by Condé Nast Traveler Magazine's Reader's Survey the world's Best Spa an unprecedented eleven times – more than any other spa in the world. Additionally, CANYON RANCH® has been named 13-times in Travel + Leisure's World's Best Spa category. The following awards are just a small sampling of the over 35 years of accolades:

- *Reader's Choice Platinum List, Top U.S. Spas*, AMERICAN AIRLINES CELEBRATE LIVING MAGAZINE, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013
- *Reader's Survey: Best Spa Award*, CONDÉ NAST TRAVELER MAGAZINE, 1990, 1991, 1992, 1993, 1994, 1995, 1997, 1998, 2002, 2003, 2005
- *Choice Gold Awards*, FODOR'S TRAVEL, 2010
- *Best Spa*, GOURMET MAGAZINE, 2000
- *Favorite Fitness Retreats*, SHAPE MAGAZINE, 2001
- *Healthy Travel Awards*, SHAPE MAGAZINE 2006
- *Readers' Choice Awards: Favorite Spa*, SHAPE MAGAZINE, 2000, 2003
- *Readers' Choice Awards*, SPAFINDER, INC., 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013
- *Silver Sage Readers' Choice Awards*, SPA MAGAZINE, 2007, 2008, 2009, 2010, 2011
- *World's Best Awards Readers' Survey*, TRAVEL + LEISURE, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011,
- *"It List" Editor's Choice Awards*, TRAVEL + LEISURE, 2009
- *Readers' Poll: World's Best Service*, TRAVEL + LEISURE, 2002
- *Specials Readers' Spa Survey*, TRAVEL + LEISURE, 1998
- *Reader's Choice: Spa*, Canyon Ranch® Tucson, ROBB REPORT, 2009
- *Readers' Choice Awards*, RECOMMEND MAGAZINE, 2001, 2013
- *Top U.S. Hotels, Resorts & Spas*, ZAGAT, 2005, 2007

Attached at Exhibit E are true and correct copies of articles noting the awards the CANYON RANCH® properties have received.

10. In fact, the CANYON RANCH® marks are so nationally and internationally renowned that as far back as 1993, media outlets have referred to CANYON RANCH® as famous and continue to do so. Examples include:

- *More than a Fat Farm*, THE ARIZONA DAILY STAR, 1993 (“The internationally renowned resort is consistently rated by magazines as one of the nation’s top spas.”)
- *Time out! There’s Nothing like a Spa Break to Help you Unwind this Winter*, AGENDA NEW YORK, 1994 (“No spa article is complete without mention of Canyon Ranch in the Berkshires, sister spa to the famous Arizona facility.”)
- *Canyons Apart*, FINANCIAL REVIEW, 1994 (“Canyon Ranch is probably America’s top spa...”)
- *Desert Blooms*, SAN FRANCISCO EXAMINER, 1994 (“I arrived at the legendary Canyon Ranch in Tucson”)
- *Living Well*, LIVING FIT, July/August 1996 (“Selected winners will also receive a healthy getaway at Canyon Ranch Spa, the world-famous health and fitness resort in Tucson, Arizona.”)
- Karen Glenn, *Luxuriating in Class at Canyon Ranch in the Berkshire*, DIVERSION, June 1998 (“Or so I thought before I found Canyon Ranch in the Berkshires. This spa opened in 1989, the sister of the renowned Canyon Ranch in Tucson.”)
- Lisa Huley, *Meanwhile, back at the ranch. The world-famous Canyon Ranch health Resort in Tucson, Ariz., offers sensible indulgence*, F&B, November 1999.
- *Spas Provide Latest Treatments*, LOS ANGELES TIMES, Jan. 30, 2001 (“The world-renowned, award-winning Canyon Ranch SpaClub recently debuted in Las Vegas at the Venetian Resort Hotel Casino.”)
- *Getting Away from it all. (Holiday Gift Guide 2002)*, HOLLYWOOD REPORTER, November 22, 2002 (“Founded in 1979...Canyon Ranch is now one of the world’s top destination spas.”)
- *Reporter’s Notebook*, CRAIN’S CLEVELAND BUSINESS, Aug. 8, 2005 (“The Cleveland Clinic teaming up with the famed Canyon Ranch spa and resort in Tucson, Ariz...”)
- *Arizona Retreats Elevate Rejuvenation of Mind, Body and Spirit to a Life-changing journey*, AZ, 2007 (noting that Canyon Ranch is “world-renowned”)
- *Eating healthier the Canyon Ranch Spa way The top chef for the world-famous Canyon Ranch chain of spas offers tips for eating and living well*, WebMD (Feb. 7, 2007), <http://www.webmd.com/food-recipes/features/eating-healthier-canyon-ranch-spa-way>

- Lorraine Cademartori, *Lush Life*, FORBES, April 23, 2007 (“With the highest brand-name recognition in the field, Canyon Ranch seems poised to make a smooth segue into real estate.”)
- *Chef Scott Uehlein shows Today’s Amy Robach how to cook up some flavorful and healthy dishes from the world-famous Canyon Ranch Spa*, TODAY MORNING PROGRAM, 2009.
- Cindy K. Goodman, *Canyon Ranch founder practices what he preaches*, MIAMI HERALD, March 22, 2011 (“When Zuckerman opened the now famous Canyon Ranch in Tucson, Ariz., in 1979, he was an overweight homebuilder and recovering workaholic...”)
- *A Workaholic at Canyon Ranch Spa*, THE VEGAS SOLO (Oct. 6, 2013), <http://vegassolo.com/workaholic-canyon-ranch-spa> (“That being said, I have to admit, I was excited to book a massage at the famous Canyon Ranch. (it had to be famous, since I’d heard of it; I don’t really follow luxury brands all that much.”)

Attached at Exhibit F are true and correct copies of articles referring to the CANYON RANCH® marks as famous.

11. In 1999 Canyon Ranch® further expanded its operations by moving into the day spa concept with the Canyon Ranch® SpaClub® at The Venetian®. The construction of The Palazzo® in 2007, linked Canyon Ranch® SpaClub® to a second luxury hotel and casino resort.

12. The Canyon Ranch® SpaClub® at The Venetian® and The Palazzo® has served over a million visitors from all over the globe and introduced the CANYON RANCH® marks to an even broader audience. The Canyon Ranch® SpaClub® facility has gained notoriety from published articles detailing services offered there as well as from accolades and awards it has received, including:

- Stephanie Green, *Relaxation Ranch*, TRAVELAGE WEST, Dec. 13, 1999.
- *Best of Gaming Issue: Best Spa*, CASINO PLAYER MAGAZINE, Canyon Ranch SpaClub at The Venetian & The Palazzo, 2001, 2002, 2003.
- *Relaxing Romance*, WHERE LAS VEGAS, Feb. 2001.
- *Cooldown*, SPORTS ILLUSTRATED WOMEN, Feb. 2002.
- *Best Hotel Spa*, SELF MAGAZINE, April 2003.
- *Best of Las Vegas Online and Reader Poll: Best Day Spa*, Canyon Ranch SpaClub at The Venetian & The Palazzo, LAS VEGAS REVIEW-JOURNAL, 2003, 2004, 2005, 2007, 2008, 2009.
- *Reader’s Choice Award: Best Casino-Hotel Spa*, Canyon Ranch SpaClub at The Venetian & The Palazzo, SPA FINDER MAGAZINE, 2004.
- *Southwest Leading Spa Resort*, Canyon Ranch SpaClub at The Venetian & The Palazzo, WORLD TRAVEL AWARDS, 2005

- *America's Best Hotel & Resort Spas, Four-Star Rating, Canyon Ranch SpaClub at The Venetian & The Palazzo, FORBES TRAVEL GUIDE, 2007.*
- *Readers' Choice Awards, Best Casino Hotel Spa category, Canyon Ranch SpaClub at The Venetian & The Palazzo, SPAFINDER, INC., 2011*
- *America's Best Hotel & Resort Spas, Canyon Ranch SpaClub at The Venetian & The Palazzo, FORBES TRAVEL GUIDE, 2011*

Attached at Exhibit G are true and correct copies of media articles featuring Canyon Ranch® SpaClub® at The Venetian® and The Palazzo® and the awards the location has received.

13. The world-renowned Canyon Ranch® SpaClub® experience was introduced to an even larger audience when Canyon Ranch entered into partnerships with several cruise companies, including Cunard, Oceania Cruises and Regent Seven Seas to offer spa and fitness services to guests aboard the ships.

14. Through Canyon Ranch® SpaClub® aboard Oceania Cruises *Marina, Nautica, Regatta, and Riviera* cruise ships, CANYON RANCH® branded services are offered to travelers visiting Asia, Africa, South America, Canada, the Caribbean, the Panama Canal, Europe, the Mediterranean and the Greek Isles, Australia, New Zealand, Scandinavia, Russia and India. Similarly, through Canyon Ranch® SpaClub® aboard the *Queen Mary 2*, CANYON RANCH® branded services are offered to travelers visiting Europe, the Caribbean, Norway, Iceland, the Canary Islands, the British Isles and the Baltic. Finally, guests upon the cruise ships of Regent Seven Sea Cruises® are offered Canyon Ranch® SpaClub® services and dining while visiting South America, Africa, India, the Mediterranean, Asia-Pacific, and the tropics.

15. Each cruise company promotes the CANYON RANCH® marks to its guests and potential guests through its promotional materials and websites. Attached at Exhibit H are true and correct copies of the websites and advertising materials from Cunard, Oceania Cruises and Regent Seven Seas that promote the CANYON RANCH® marks.

16. These third party marketing materials recognize the fame of the CANYON RANCH® marks.

- Regent Seven Seas Cruises, Seven Seas Navigator Spas & Fitness, (Jan. 2, 2014), http://www.rssc.com/ships/seven_seas_navigator/spa-fitness/default.aspx#Content (“Wherever we sail, we take with us the world’s premier spa, Canyon Ranch SpaClub.”)
- Regent Seven Seas Cruises, June-November 2013 Voyages Brochure, (“The Canyon Ranch SpaClub® onboard each of our ships is the embodiment of healthy living and spiritual awareness, using therapies developed by renowned Canyon Ranch health resorts in sunny Tucson, Arizona and charming Lenox, Massachusetts.”)
- Oceania Cruises 2013 Voyages Explore your World Brochure, (“Points of Distinction... Acclaimed Canyon Ranch SpaClub.”)
- Cunard Embark Famously Feb. 2012 Brochure, (“Receive royal treatment at the world-famous Canyon Ranch SpaClub® available on Queen Mary 2.”)
- Regent Seven Seas Cruises, Europe 2011 Brochure, (“Guests will also enjoy a new enhancements to our onboard lifestyle and the famed Canyon Ranch SpaClub®.”)

See Exhibit H.

17. Moreover, in setting sail, Canyon Ranch® received further unsolicited media attention, including the following articles:

- *etc.*, NEW YORK MAGAZINE, Jan. 22, 2001 at 61, (“Canyon Ranch, the famous health spa with branches in Arizona and Massachusetts, is about to start construction on two cruise ships. . .”)
- Gene Sloan, *Queen Mary 2 to cross Atlantic in grandeur*, USA TODAY, Jan. 8, 2004, (“The largest spa at sea will be run by industry leader Canyon Ranch...”)
- Verna Noel Jones, *Section: Q*, CHICAGO TRIBUTE, July 9, 2006, (“Cunard Queen Mary 2: The luxury liner hosts a ship-worthy version of the prestigious Canyon Ranch SpaClub...”)
- Harry Shattuck, *Euphoria at a Floating SpaClub*, BALTIMORE SUN, Sept. 20, 2007, (“As a 10-time Winner of Conde Nast Traveler magazine’s best destination spa award, Canyon Ranch health resorts in Massachusetts and Arizona are renowned for pampering guest. Meanwhile, Cunard’s Line’s Queen Mary 2 is one of the most elegant ocean liners afloat. Combine them and what do we discover? Euphoria.”)
- Daniel Meginn, *Spa Makeover*, NEWSWEEK, October 15, 2007, (“Canyon Ranch is the Ultimate in health resorts. Now it’s expanding to condos, day retreat and a cruise ship.”)
- Miriam Weiner, *Sail the Seven Seas in Style U.S. News’ Best Cruises rankings help make vacation decisions easier*, U.S. News Weekly, December 13, 2013, (“Regent Seven Seas Cruises. Guests have access to a bevy of sophisticated restaurants and lounges, not to mention the decadent Canyon Ranch SpaClub, on each of Regent Seven Seas’ all-suite ships.”)

Attached at Exhibit I are true and correct copies of media articles featuring the Canyon Ranch® SpaClub® facilities on cruise ships.

18. In its most recent expansion, Canyon Ranch launched a luxury hotel, spa and residential complex in Miami Beach in 2008. Our Miami location has continuously operating under the CANYON RANCH® marks since 2008. This ambitious project brought the CANYON RANCH® brand further nationwide recognition, including media mentions in various publications and various awards.

- Andrea Petersen, *Home, spa, home: Living at Canyon Ranch*, CHICAGO SUN TIMES, Oct. 19, 2003.
- Stacy Shoemaker, *Spa life.*, HOSPITALITY DESIGN, July 1, 2005. (“The company is launching Canyon Ranch Living-Miami Beach, the nation’s first community dedicated to healthy living.”)
- Jane Adler, *New buildings’ massage services for health-minded residents*, CHICAGO TRIBUTE, Sept. 17, 2006.
- Arthur Frommer, *Frommer: Why not opt for a serious fitness vacation?*, MIAMI HERALD, Aug. 17, 2007.
- *America’s Most Slimming Vacations*, HEALTH MAGAZINE, 2011.
- *Readers’ Choice Awards*, SPAFINDER, INC., 2011.
- Canyon Ranch Hotel & Spa in Miami Beach is named in the Top 10 Most Slimming Vacations, SPAFINDER, INC., 2011.
- Canyon Ranch Hotel & Spa In Miami Beach honored in Best for Pilates, SPAFINDER, 2011.
- “Best of the Best” Hotel Awards, Canyon Ranch Hotel & Spa, VIRTUOSO TRAVEL NETWORK, 2011.
- *Canyon Ranch Hotel & Spa Joins the Leading Hotels of the World*, HotelExecutive.com (Jan. 12, 2012), <http://hotelexecutive.com/newswire/39783/canyon-ranch-hotel-spa-joins-the-leading-hotels-of-the-world>.
- *Canyon Ranch Hotel & Spa Joins the American Express Fine Hotels and Resorts program*, Canyon Ranch Press Release (Sept. 11, 2012), http://www.canyonranch.com/sites/default/files/i/downloads/Fine_Hotels_and_Resorts_release.pdf.
- Kim Button, *Healthy Retreat: Canyon Ranch Miami Beach*, JOHNNY JET THE TRAVEL INSIDER (Sept. 2, 2013), <http://www.johnnyjet.com/2013/09/healthy-retreat-canyon-ranch-miami-beach/>

Attached at Exhibit J are true and correct copies of media articles featuring the CANYON RANCH® Miami Beach property.

19. Since their respective openings all three CANYON RANCH® properties have become known for their excellent customer service and their focus on meeting the needs of each guest. This is shown by the fact that on the popular travel site, TripAdvisor®, CANYON RANCH® Tucson is ranked the 2nd best hotel in Tucson, Arizona, while CANYON RANCH® Lenox is ranked first in Lenox, Massachusetts. CANYON RANCH® Miami Beach is ranked the 11th best hotel in Miami Beach with an 83% rating. These positive reviews are seen by more than 260 million unique monthly visitors that visit the TripAdvisor® site. See Exhibit K, true and correct copies of the TripAdvisor® listings for the CANYON RANCH® properties.

20. In fact, because of its renowned customer service the CANYON RANCH® marks are often used in popular media as a short-hand reference to luxury and attention to detail:

- Gayle Fee/Laura Raposa, *Clean Living in the Woods*, THE BOSTON HERALD, September 8, 1993 at 8, (“Backstage at the Walden Woods benefit resembled a Canyon Ranch reunion rather than a rock star retreat.”)
- Patricia McLaughlin, *T-shirt Tastes Change, but Lure of the Exotic Doesn't*, UNIVERSAL PRESS SYNDICATE, August - September 1993, (“... putting Tucson's 'Canyon Ranch' on a t-shirt has equivalent appeal to writing the word 'Polo' on one.”)
- Lark Ellen Gould, *Pamper Yourself*, LOS ANGELES TIMES, December 8, 2000, (“The legendary Canyon Ranch, whose spas virtually define the pampering experience . . .”)
- Tom Gliatto, *Who Will Survive?*, PEOPLE WEEKLY, February 5, 2001 at 113, (“... the production crew's camp seems as lux as the Canyon Ranch spa.”)
- Amy Graves, *Spa vs. Spa*, THE BOSTON GLOBE, January 6, 2002, (“Canyon Ranch. Just those two words side by side are balm to a woman's weary soul.”)

Attached at Exhibit L are true and correct copies of media articles connecting CANYON RANCH® with luxury.

21. The unsolicited media attention CANYON RANCH® has received has not been limited to print media, but also includes broadcast media. CANYON RANCH® is often mentioned in popular television shows broadcast nationwide and into other countries such as The Oprah Winfrey Show, The Rosie O'Donnell Show, the Martha

Stewart Show, Gossip Girl, the Real Housewives of New York, and Monday Night

Football:

- *Regenia Graham-Bacon chosen as Oprah's " 'Great Mom' winner,* MILWAUKEE COURIER, March 27, 1999, ("Winners, and a companion, will be treated to a stay at Canyon Ranch Spa in Tucson, Arizona.")
- Richard Sandomir, *TV Sports: Rivers and Michaels Show Piston-Like Poise,* THE NEW YORK TIMES, June 18, 2004, ("Rivers and Al Michaels, calling the finals for ABC Sports, worked as if they had been a team for six years, not six months. Had they bonded by exfoliating and taking tandem herbal wraps at the Canyon Ranch?")
- *Canyon Ranch in Arizona,* MARTHA UP CLOSE & PERSONAL, March 12, 2008, ("If you are a regular viewer of my show, you might remember when Dr. Richard Carmona, former United States Surgeon General and now the Vice Chairman of Canyon Ranch, was recently a guest. On that episode, everyone in the audience was given 3 days at Canyon Ranch, our attempt to make this, their healthiest year ever.")
- Hillary Busis, *'Gossip Girl' Season 3, Episode 18, 'The Unblairable Lightness of Being': TV Recap,* THE WALL STREET JOURNAL, April 12, 2010, ("Rufus is also having trouble with his Van der Woodsen woman. Lily told him that she was at Canyon Ranch with CeCe, but when he calls the spa, they tell him she's not there. CeCe won't tell him where Lily is either.")
- Allison Waldman, *'The Real Housewives of New York City' Season 4, Episode 7 Recap,* aoltv.com, May 20, 2011, ("Cindy continued to try to worm her way into the group. She sprung for a spa weekend at Canyon Ranch for ...")

Attached at Exhibit M are true and correct copies of media articles mentioning CANYON RANCH® in connection with popular television shows.

22. Moreover, CANYON RANCH® is mentioned in a variety of media outlets because of its connection with celebrities and other public figures. Examples of such mentions include:

- Susan Mulcahy, *Barbra relaxes at Tucson spa,* SAN ANTONIO EXPRESS, Jan. 17, 1984.
- PEOPLE WEEKLY, July 1, 1991 ("...Julia (temporarily sprung from her duties in Hook) headed for the chic Canyon Ranch Spa in Tucson with some friends...")
- ALLURE, March 1996, ("Designer Donna Karan flies south (and west) every April after completing her fall collection for a week at Canyon Ranch Spa in Arizona -- a journey she calls 'mentally and physically grounding.'")
- Lisbeth Levine, *Final Flings,* IN STYLE, Feb. 1997, ("Remember, Julia Roberts and some friends went to Canyon Ranch in Tucson before her planned wedding to Keifer Sutherland.")

- Larry Stewart, *Familiar broadcasters at NBC and TNT find themselves looking for new jobs*, LOS ANGELES TIMES, Jan. 14, 1998, (“Al Michaels is simply glad ABC was able to retain the Monday night package. ‘I had some very anxious moments,’ he said from the Canyon Ranch resort in Tucson, where he is vacationing.”)
- *Calista does some figuring with gown*, DAILY NEWS, Sept. 13, 1999, (“Not only was she covered up last night, in a white shirt over a yellow gown designed by Ralph Lauren, but as recently as three weeks ago, Flockhard was seen training hard at the Canyon Ranch in Tucson.”)
- *Last Good...Susan Hampshire, actress*, YOU, April 9, 2000, (“Treat: Canyon Ranch and Spa”)
- *Sightings*, NEW YORK POST, March 28, 2001, (“Carolyn Roehm and Ed Rollins lunching by the pool at the Canyon Ranch Spa in Tucson, Arizona”)
- *New Year’s in Vegas*, PEOPLE, Dec. 2006 (“Ease your pain at the Venetian’s Canyon Ranch, a Kirsten Dunst fave.”)
- *Star-Approved Spas*, OK!, Dec. 13, 2010, (“When Eva Longoria and Shakira hit Miami, they head to the glamorous Canyon Ranch Hotel & Spa in Miami Beach”)
- *Suri Cruise campaigns for pierced ears*, NYPOST.COM PAGE SIX, Jan. 3, 2014, (“Katie and Suri were staying with family members at Canyon Ranch Miami Beach with Katie’s extended family during New Year’s.”)

Attached at Exhibit N are true and correct copies of media articles that mention CANYON RANCH® in connection with celebrities and public figures.

23. Not to mention, the CANYON RANCH® staff are themselves well-known individually in their fields and as a result further the recognition of the CANYON RANCH® brand. For example, former U.S. Surgeon General Richard Carmona is vice chairman for Canyon Ranch. Mr. Carmona and other staff often have guest appearances on national television shows, which mention their position at Canyon Ranch:

- *The Martha Stewart Show: Health in the U.S.* (June 9, 2008), <http://www.marthastewart.com/249627/health-us> (Dr. Richard Carmona talks with Martha about the state of U.S. health and offers advice on what we can do to achieve optimal health).
- *Veria Living: What’s the alternative? With Portland Helmich*, YOUTUBE (Dec. 15, 2009), <http://www.youtube.com/watch?v=ktwFt6qNXLA>. (Dr. Liponis talking about longevity).
- *National Public Television: Hunter-Farmer Healthy Weight Solution*, FACEBOOK (May 29, 2013), <https://www.facebook.com/CanyonRanch/posts/10151995158641164>
- *Fox News: 7 Steps to Living Longer*, (July 15, 2010), <http://video.foxnews.com/v/926032119001/7-steps-to-living-longer/> (Dr.

Mark Liponis of the Canyon Ranch explains why your immune system may hold the key to living longer)

- *Fox News: Fight Depression Naturally*, (Nov. 18, 2010), <http://video.foxnews.com/v/921499869001/fight-depression-naturally/> (Dr. Mark Liponis of Canyon Ranch talks about natural cures available to help combat depression.)
- *Fox News: Preventing Chronic disease*, (April 16, 2012), <http://video.foxnews.com/v/1565120386001/preventing-chronic-disease/> (Dr. Mark Liponis talks about inflammation)
- *The Martha Stewart Show: Spa Staycation*, (August 2012), <http://www.marthastewart.com/912279/spa-staycation> (Chef Scott Uehlein from Canyon Ranch reveals a simple trick to cutting calories and carbs in the morning)
- *HealthMakers: Conversations on the Leading Edge*, (CNN) <http://healthmakers.cnn.com/mark-liponis> (Dr. Liponis talking about Holistic Care)
- *\$5 Home Remedies*, The Dr. Oz Show (Jan. 28, 2013), <http://www.doctoroz.com/slideshow/5-home-remedies>, (Corporate Beauty Director Laura Hittleman provides low cost home remedies)
- *At-Home Beauty Treatments for Your Whole Body*, The Dr. Oz Show (Jan. 7, 2014), http://www.doctoroz.com/episode/ayurvedic-solutions-your-biggest-health-complaints?video_id=3023569798001 (Corporate Beauty Director Laura Hittleman provides easy-to-make home spa treatment recipes)

Attached at Exhibit O are true and correct copies of media articles noting the guest appearances of CANYON RANCH® staff.

24. These television appearances reach millions of viewers. For instance, the three-time Emmy award-winning “The Dr. Oz Show” had an average of 2.8 million viewers in the May 2013 sweep. In January 2013, The Dr. Oz Show viewership increased reaching 3.4 million viewers. Attached at Exhibit P are true and correct copies of media articles noting the viewership numbers of The Dr. Oz Show.

25. Equally important, the CANYON RANCH® cuisine is well known and has received its own unsolicited media attention and accolades.

- Elizabeth Luciano, *Spa Star at Canyon Ranch, the cuisine is lean*, THE BOSTON GLOBE, January 31, 1996.
- Kathy Corey, *The Pampered Plate*, FROM THE WORLD’S TABLE EPICUREAN, 1999 (“Canyon Ranch is a pioneer in the development of spa cuisine combining food that is both nutritious and created with the highest gourmet standards.”)

- Myra Chanin, *Calories in, Calories out*, THE PHILADELPHIA INQUIRER, Aug. 18, 1999 (“Canyon Ranch, a top-of-the-line spa in Arizona, showed one food writer how she could eat and exercise more wisely”)
- *Readers’ Poll: World’s Best Food*, Canyon Ranch Tucson, TRAVEL + LEISURE, 2001
- Barbara Balfour, *Light & luscious: Spa food is in a realm of its own*, CALGARY HERALD, January 19, 2005.
- *Professional’s Choice Awards: Favorite Spa Cuisine*, Canyon Ranch Tucson and Lenox, AMERICAN SPA’S, 2007
- Heather Turk, *Las Vegas spas take top honors in Spa Magazine’s Readers’ Choice Awards*, Examiner.com, Dec. 19, 2009 (“Canyon Ranch SpaClub at The Venetian and The Palazzo, which received top honors in the Favorite Eco/Green Spas category. The spa also received top honors in Favorite spas for Cuisine.”)
- *Professional’s Choice Awards: Favorite Spa Cuisine*, Canyon Ranch Tucson, AMERICAN SPA’S, 2012
- *Mindful Cuisine at Canyon Ranch in Tucson, ARIZONA FOOTHILLS*, July 12, 2012.

Attached at Exhibit Q are true and correct copies of media articles featuring the CANYON RANCH® cuisine and noting the awards the cuisine has received.

26. Canyon Ranch’s reputation for good food has led to the publication of several cook books including, *Canyon Ranch Nourish- Indulgently Healthy Cuisine* (2009), *Canyon Ranch Cooks: More than 200 Delicious, Innovative Recipes from America’s Leading Health Resort* (2003), *Canyon Ranch Cooks: More Great Tastes* (2001), *Canyon Ranch Cooking: Bringing the Spa Home* (1998), and *The Canyon Ranch Cookbook* (1988). These cookbooks have sold more than one-hundred thousand copies to date.

27. The celebrity of the CANYON RANCH® cuisine has been further enhanced by the appearance of CANYON RANCH® chefs on national television shows to discuss ways to cook healthy, delicious meals. The following are a few illustrations of these appearances:

- “Canyon Ranch’s famed chef and author of ‘Canyon Ranch Nourish’ Scott Uehlein shows Billy Bush and Kit Hoover how to get started.” *Get Bikini Body Ready with Chef Scott Uehlein!*, ACCESS HOLLYWOOD LIVE, <http://watch.accesshollywood.com/video/get-bikini-body-ready-with-chef-scott-uehleln/1505140114001#>
- “Canyon Ranch’s corporate Chef Scotts Uehlein joins Billy Bush and Kit Hoover on Access Hollywood Live to share recipes that will have your

family eating healthy for under \$2 a serving.” ACCESS HOLLYWOOD LIVE, (August 21, 2013), <http://watch.accesshollywood.com/video/family-friendly-budget-friendly-healthy-foods-from-canyon-ranch/2621051397001>

- “Chef Scott Uehlein shows TODAY’s Amy Robach how to cook up some flavorful and healthy dishes from the world-famous Canyon Ranch Spa.” TODAY SHOW, (April 22, 2009). <http://www.today.com/id/30352555#.UsYRVvRDsk0>
- “Chef Scott Uehlein for Canyon Ranch Hotel and Spa.” ABC Chanel 10, (June 22, 2011), <https://www.facebook.com/video/video.php?v=852697310607>

Attached at Exhibit R are true and correct copies of media articles noting the guest appearances of CANYON RANCH® chefs.

28. These national television appearances reached millions of people. For example, Chef Uehlein’s appearance in 2009 on the Today Show reached around 5.72 million people. At the time NBC’s Today show was the top rated morning news program for 14 years running. Access Hollywood viewership is equally extensive. This show is one of the top syndicated programs, and in 2013 reached 3 million viewers. Attached at Exhibit S are true and correct copies of media articles noting the viewership numbers of the Today Show and Access Hollywood.

29. Besides offering celebrated cuisine at the CANYON RANCH® properties, we also offer a wide variety of fitness options for clients, including hiking, biking and horse-back riding. We have offered hiking and biking under the CANYON RANCH® trademarks continuously since 1979. In fact, Canyon Ranch has received media attention based on its world-renowned hiking and biking excursions, including:

- *Spas for the Cosmo Girl*, COSMOPOLITAN, Nov. 1994. (“Canyon Ranch, Tucson, AZ, Canyon Ranch in the Berkshires, Lenox, MA. Candyland for health freaks. Exercise highlights include morning walks, innovative and challenging fitness classes, tennis, basketball, hiking, biking, and canoeing.”)
- *My Favorite Workout*, SHAPE MAGAZINE, Nov. 1994 (“My friend Patti and I are so busy with family and work that we rarely have time for each other. So once a year, we take a week and go cycling together at Canyon Ranch in Tucson, Arizona.”)
- Kevin Cobb, *Health Spas A new path to Total Fitness*, WALKING MAGAZINE, Aug. 1995 (“What had brought this unstoppable group of hikers together in the mountain ranges surrounding Tucson, Ariz.? A

special week-long hiking program at Tucson's Canyon Ranch Health & Fitness Resort held several times a year.”)

- *Stressed Out? Take a hike at Canyon Ranch*, WOMAN TO WOMAN, Spring 1996 (“What’s an ideal antidote to city living? Donna’s answer may surprise you. She hikes. At least twice a year for the past ten years, Donna escapes to Canyon Ranch Fitness and Health Resort in Tucson, AZ, where she spends her days on the beautiful wilderness trails.”)
- Martha Schindler, *Mud, Massage & Mastery More than just a great vacation, a visit to a health spa can change your life*, VEGETARIAN TIMES, Sept. 1998 (“Hiking is a main attraction at both of Canyon Ranch’s locations -- Tucson, Ariz. and Lenox, Mass.-- with guests selecting the duration and difficulty level of their daily outings.”)
- Mark Saylor, *Destination: Arizona Man vs. Spa*, LOS ANGELES TIMES, Jan. 17, 1999 (“Despite my pronated feet, the hiking program was a high point of the Canyon Ranch experience.”)
- Susanne Stoeckeler, *Retreats that help take the pounds off*, SHAPE, July 31, 2002 (“Canyon Ranch: the grand dame of total fitness...Canyon Ranch offers more than 50 fat-blasting and muscle-toning fitness classes daily, plus outdoor sports galore: hiking, mountain biking and tennis.”)
- Philip Sherwell, *State of wellbeing. It’s the ‘Power of possibilities’ Arizona is a land of cowboy legend and machismo to match its rugged terrain*, SUNDAY TELEGRAPH, Jan. 28, 2007 (“A typical day at Canyon Ranch might begin with an early-morning walk, hike or bike ride, and include yoga...”)
- *Hiking’s New Path*, USA TODAY OPEN AIR, March 2006 (“Hiking-obsessed guides at Canyon Ranch Resort in Arizona’s Sonoran Desert organize private and group hikes that cater to each guest’s pace, from a saunter to a sprint.”)
- Michele McIntyre, *Spa and travel review: Canyon Ranch Lenox Day 2*, EXAMINER.COM, May 31, 2013 (“At 9:15, I meet up with a team of Outdoor Sports guides for a hike/canoe trip... The excursion is fantastic offering just the right level of challenge and elevation change on the two mile hike and just enough beautiful scenery to keep paddling till the end of the two mile canoe trek.”)

Attached at Exhibit T are true and correct copies of media articles featuring the CANYON RANCH® biking and hiking excursions.

30. We also arrange for excursions for guests, including cross-country skiing, snowshoeing, canoeing, kayaking, golf, tennis, hiking, and surfing, depending on the resort. Media articles have also focused on the availability of these diverse excursion options, including:

- Barbara Floria, *A Year’s Worth of Healthy Gateways*, VITALITY, April 1995 (“Canyon Ranch in the Berkshires offers dozens of exercise classes plus hiking, biking, tennis, racquetball and canoeing”)

- *The Best Places for Tennis in Tucson*, TENNIS, Oct.1995 (“At legendary Canyon Rancg spa head pro Gerry Levitt and six pros staff six lighted hard and two synthetic courts.”)
- Dimity McDowell, *Schusssss! Cross-Country Skiing Is the Perfect Winter Workout*, SPA, January 2001 (“On most winter mornings at Canyon Ranch in the Berkshire, you can see an inteprid group of cross-country skiers traversing the trails on the spa’s property.”)
- Alan Petrillo, *Get your Brain in the Swing*, TUCSON LIFESTYLE, Feb. 2007.
- Janice Nieder, *Canyon Ranch Tucson- An Oldie but a bestie*, STARKINSIDER.COM, (“What really rocked my boat were the Tom Hanks *Cast Away*-ish survival classes, which were developed by the ranch’s Outdoor Sports Manager, Randy Kinkade, who likes nothing better than sharing his passion for survival skills, and getting back to nature.”)

Attached at Exhibit U are true and correct copies of media articles featuring CANYON RANCH® excursions and the brochures and website of Canyon Ranch describing the excursion options.

31. Apart from the unsolicited media attention outlined above, the CANYON RANCH® marks have become world-renowned as a result of our advertising efforts. Canyon Ranch has advertised its CANYON RANCH® marks in a broad range of media, including newspapers, trade journals the internet and broadcast media. In its nearly 35 years of existence, Canyon Ranch has spent millions of dollars in advertising and marketing its CANYON RANCH® marks and the products and services offered under that mark. Attached at Exhibit V are true and correct copies of sample advertisements featuring the CANYON RANCH® marks.

32. In fact, our internet marketing has been quite successful.

Attached as are true and correct copies of the Google Analytics for the CANYON RANCH® website.

33. Equally important to the reach of these advertising efforts is the fact that since its founding in 1979 CANYON RANCH® has continuously used desert mountain images in its advertising. A sampling of the images used on advertising and marketing materials is below.

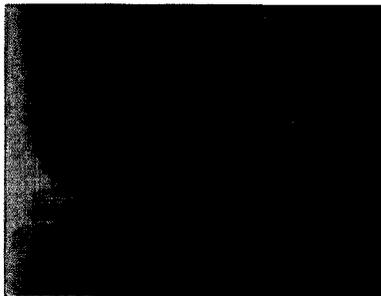
- *Canyon Ranch rated 'best' by travelers, CANYON RANCH ROUNDUP, Jan./Feb. 1991.*



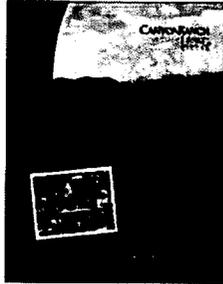
- *Exercise Your Options, CANYON RANCH DIRECT MAIL, 1999.*



- *A Week that Will change your life: Life Enhancement Center, Canyon Ranch.*



- *The Ultimate Lifestyle, Canyon Ranch Tucson Brochure.*



- *Outdoor Sports Hiking, Biking & high Ropes Adventures, Canyon Ranch Tucson Outdoor Sports Brochure.*



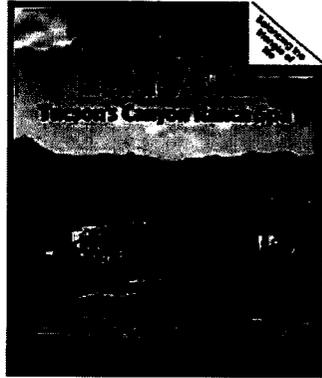
- *Canyon Ranch Tucson T-shirt, Canyon Ranch.*



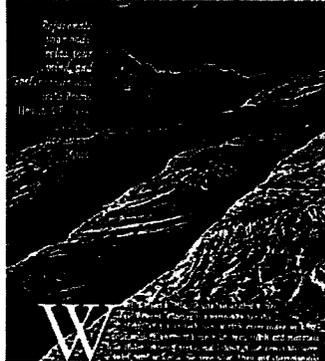
Attached at Exhibit X are true and correct copies of Canyon Ranch® advertising material using a desert mountain image.

34. Recognizing the connection between CANYON RANCH® and a desert mountain landscape, many third-party media articles also include images of desert mountain landscapes when writing about CANYON RANCH®, for example:

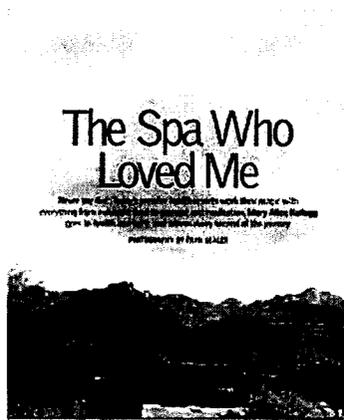
- Jane O' Reilly, *In Tucson: Balancing the Triangle of Life*, TIME, April 12, 1982.



- *Breaking away from it all*, PRIME HEALTH & FITNESS, Spring 1997.



- Mary Alice Kellogg, *The Spa who Loved Me*, BON APPETIT, Jan. 2003.



- *Professional's Choice Awards: Best Destination Spa, Canyon Ranch Tucson, AMERICAN SPA, 2006.*



- Genevieve Shaw Brown, *Weight-Loss Vacations on the Cheap*, ABC NEWS, Jan. 10, 2013.



Attached at Exhibit Y are true and correct copies of media articles that use a desert mountain landscape in connection with CANYON RANCH®.

35. Apart from the general connection to a desert mountain landscape, many media mentions link the CANYON RANCH® marks to Arizona. In fact, due to this connection we have received inquiries from guest seeking to take day trips to the Grand Canyon from our destination spa in Arizona. Examples of media mentions linking Canyon Ranch® to Arizona include:

- Grace Lichstein, *Spas of the West; Arizona's Canyon Ranch Borrows the Best from Fat Farms, Deluxe Resorts, outward Bound*, THE WASHINGTON POST, March 15, 1987.

- Sandra McElwaine, *On the Pricy Spa Circuit; a Week at Arizona's Canyon Ranch Persuades One Skeptic to Enjoy Exercise*, THE WASHINGTON POST, May 30, 1989.
- *Arizona Refined the Other Grand Canyon*, WESTERNLIVING, Nov. 1998.
- *Queen Elizabeth christens luxurious ocean liner*, USA Today, Jan. 9, 2004 (“It boasts a luxurious spa run by Arizona’s Canyon Ranch...”)
- *Arizona a hot destination for Canadians*, ORILLA TODAY, Dec. 21, 2005. (“World famous Canyon Ranch is a destination spa near Tucson.”)
- *4 NE Valley Spas Rate Among Best Travel Magazine Ranks Top 25*, ARIZONA REPUBLIC, July 20, 2005. (“Three Grand Canyon State properties made the top 100 list of North American hotels.”)
- Colleen Long, *AP: Canyon Ranch spa is a sinfully good desert Eden*, ST. LOUIS POST-DISPATCH, Aug. 13, 2006.
- *Paradise found at Canyon Ranch resort*, CITY AM, Feb. 25, 2013. (“Newsreader Emma Crosby finds that Canyon Ranch health resort in Arizona is the perfect antidote to the punishing daily newsbeat.”)

Attached at Exhibit Z are true and correct copies of media articles linking CANYON RANCH® to Arizona.

36. Given the importance of the CANYON RANCH® marks, Canyon Ranch has protected its marks by federally registering them and by policing third party uses of similar marks.

37. The CANYON RANCH® United States registrations are listed below:

MARK	REG. NO.	GOODS AND SERVICES
CANYON RANCH	1,989,399	36: Real estate services, namely leasing, listing, managing, brokerage, and time sharing services relating to real estate 37: Real estate services, namely real estate development
CANYON RANCH	1,635,213	3: Body and hair lotions, toilet soap and hair shampoo
CANYON RANCH	1,608,449	35: Rendering technical assistance in the establishment and/or operation of health resorts and spas 42: Health resort and spa services
CANYON RANCH	1,594,300	25: Clothing, namely wristbands, sun visors and warm-up suits
CANYON RANCH	1,598,938	39: Transportation of passengers by means of automobile and reservation services for transportation
CANYON RANCH	1,560,924	18: Traveling bags and luggage

MARK	REG. NO.	GOODS AND SERVICES
CANYON RANCH	1,409,026	42: Retail store and mail order services in the field of nutrition, exercise and fitness equipment and products
CANYON RANCH	1,411,031	5: Vitamins
CANYON RANCH	1,402,143	16: Publications, namely cookbooks
CANYON RANCH	1,350,012	41: Conducting programs in exercise and physical conditioning 42: Fitness resort and restaurant services
CANYON RANCH SPACLUB	2,648,362	41: Educational services, namely, conducting individual and group classes and workshops in the fields of exercise and physical and mental conditioning; developing and conducting classes and workshops in the fields of physical fitness, self-motivated physical training and generation of positive mental attitudes 42: Fitness resort and restaurant services; food nutrition consultation; counseling in the fields of behavior modification and stress management; hair dressing and skin care salon services; manicure and pedicure services
CANYON RANCH	2,911,009	3: cosmetic and skin care products, namely, anti-aging creams, anti-wrinkle creams, cosmetic preparations for skin renewal, body creams, eye creams, face creams, facial cleaners, mist sprays, night creams, skin cleaning creams, skin conditioner, skin emollients, skin lotion, skin toners, sun block
CANYON RANCH	3,076,800	41: recreational camps for children and young adults; sports camps; educational services, namely, conducting programs, workshops and seminars in the field of spirituality; organization of games

MARK	REG. NO.	GOODS AND SERVICES
CANYON RANCH	3,166,548	44: Medical and therapeutic counseling services relating to behavior modification and stress management; Counseling and consulting services in the fields of nutrition, conflict management relating to psychological counseling, family health, wellness, prevention of disease, beauty, skin care, stress management and behavior modification; hair styling and skin care salon services; Beauty salon services, namely manicure and pedicure services; health spa services, namely, cosmetic body care services; massage; health spa services for health and wellness of the body and spirit offered at a health resort; medical services; maintaining files and records concerning the health and wellness of individuals; operation of sauna facilities; providing information in the fields of nutrition, conflict management relating to psychological counseling, family health, wellness, prevention of disease, beauty, skin care, stress management and behavior modification; medical consultations; medical counseling; medical assistance consultancy provided by doctors and other specialized medical personnel; medical testing; providing medical information
CANYON RANCH	3,172,612	41: Sports and entertainment services, namely, golf; educational services, namely, conducting classes and demonstrations in the fields of physical fitness training
CANYON RANCH	3,175,613	35: retail store services featuring CD's, DVD's, audio and video cassettes, foods, waters, candles, potpourri, essential oils, gifts and personal accessories, books
CANYON RANCH	3,178,365	45: providing on-line information in the fields of spirituality, self-help, and personal empowerment subject matters; providing of on-line greeting cards
CANYON RANCH	3,178,367	41: Health club services, namely, providing instruction and equipment in the field of physical exercise; physical education services, namely, providing exercise classes to others and conducting classes in exercise and physical conditioning; educational services, namely, conducting classes, seminars, conferences, and workshops in the fields of nutrition, exercise, physical conditioning, conflict management, family health, wellness, prevention of disease, beauty, skin care, physical fitness, physical training, stress management and behavior modification; counseling and consultation services in the fields of exercise and physical conditioning, physical fitness and physical training
CANYON RANCH	3,181,846	9: Prerecorded DVD's, in the fields of health, healing, exercise, cooking, and dining

MARK	REG. NO.	GOODS AND SERVICES
CANYON RANCH	3,190,074	25: Clothing, namely, golf shirts, t-shirts, tank tops, [tennis wear], shorts, gym shorts, wind-resistant jackets, [bras, tight,], sweat pants, sweat shorts, sweat suits, jackets, knit shorts, sports shirts, pants, hats, robes, socks.
CANYON RANCH	3,190,073	18: handbags, tote bags, shoulder bags, athletic bags, fanny/waist bags, knapsacks and backpacks
CANYON RANCH	3,190,072	16: gift cards, cookbooks, pens, note paper, calendars, envelopes, guest books, memo pads, stationery
CANYON RANCH	3,202,993	43: Health resort services, namely, providing food and lodging that specialize in promoting patrons' general health and well-being; resort lodging services; providing temporary housing accommodations; providing a database in the field of recipes and cooking information; restaurant services
CANYON RANCH	3,270,392	5: Dietary supplements
CANYON RANCH	3,408,898	5: medicated skin care preparations; pharmaceutical preparations for treating skin disorders; medicated sun care preparations
CANYON RANCH	3,613,857	36: Real estate services, namely, rental and management of serviced condominiums
CANYON RANCH	3,604,350	25: clothing, namely, t-shirts, shorts and robes
CANYON RANCH	3,624,678	38: providing on-line electronic bulletin boards for transmission of messages among computer users concerning health, healing, exercise, cooking and dining.
CANYON RANCH	3,644,940	43: wine bars; providing information about wine characteristics; sommelier services, namely, providing advice on wine and wine and food pairing
CANYON RANCH	3,868,724	30: cereal, granola based snack bars
CANYON RANCH	3,851,689	30: granola
CANYON RANCH	4,214,639	9: computer software for wireless download of mobile applications in the field of health, wellness, fitness and spirituality; computer software for mobile phones and other mobile devices
CANYON RANCH	4,328,582	30: spices; cookies; brownies; bread
CANYON RANCH	4,328,581	29: protein based, nutrient dense snack bars

MARK	REG. NO.	GOODS AND SERVICES
CANYON RANCH	4,338,957	5: herbal products, namely, aroma therapy packs containing herbs used for aroma therapy
CANYON RANCH	4,400,341	32: lemonade, sports drinks

These CANYON RANCH® trademark registrations are valid and subsisting. See Exhibit [redacted].

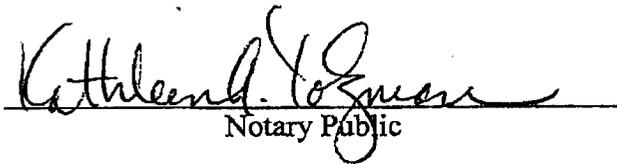
38. Upon learning of Respondent's federal trademark for the GRAND CANYON RANCH mark, Canyon Ranch sent a letter to Grand Canyon Ranch objecting to the registration. The parties have engaged in ongoing negotiations, with Grand Canyon Ranch refusing to change its name.


 Jerrold I. Cohen

STATE OF ARIZONA)
)
 COUNTY OF PIMA)

SUBSCRIBED AND SWORN to before me this 30th day of January, 2014.




 Kathleen A. Tolzman
 Notary Public