

ESTTA Tracking number: **ESTTA546825**

Filing date: **07/03/2013**

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	David Allen & Co.
Granted to Date of previous extension	07/07/2013
Address	407-F Bryant Circle Ojai, CA 93023 UNITED STATES

Attorney information	John E. Kelly, Esq. KELLY & KELLEY, LLP 6320 Canoga Avenue, Suite 1650 Woodland Hills, CA 91367 UNITED STATES Rachael@Kelly-KelleyLaw.com Phone:(818) 347-7900
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**Applicant Information**

Application No	85680720	Publication date	01/08/2013
Opposition Filing Date	07/03/2013	Opposition Period Ends	07/07/2013
Applicant	Ocean Drive Accessories LLC 992 W.15Th St. Riviera Beach, FL 33404 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 021. First Use: 2008/06/01 First Use In Commerce: 2008/06/01 All goods and services in the class are opposed, namely: Ceramic sculptures, vases, vessels, bowls, plates and pots; Floor vases; Flower vases and bowls; Glass floor vases; Vases
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3180352	Application Date	11/23/2005
Registration Date	12/05/2006	Foreign Priority Date	NONE
Word Mark	THE DAVID ALLEN COMPANY		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2004/01/15 First Use In Commerce: 2004/01/15 DVD's, CD's, and software featuring the development of management and business skills, efficient work habits, planning and organizational techniques, and personal productivity growth; and prerecorded video and audio cassette tapes featuring information and instruction on the development of management and business skills, efficient work habits, planning and organizational techniques, and personal productivity and growth</p> <p>Class 016. First use: First Use: 2004/01/15 First Use In Commerce: 2004/01/15 Publications, namely books, brochures, pamphlets, and printed seminar course materials featuring the development of management and business skills, efficient work habits, planning and organizational techniques, and personal productivity and growth; desk mounted stationery cabinets; desk sets; desk stands and holders for pens and pencils; pencil holders; desk calendars; desk baskets for desk accessories; desktop planners; desktop in baskets; desktop organizers; writing pencils and pens; desk stands for holding file folders; stacking trays for file folders and stationery; file folders; and desktop file trays</p> <p>Class 041. First use: First Use: 2004/01/15 First Use In Commerce: 2004/01/15 Educational services, namely conducting training classes and courses featuring methods for improving individual and organizational communications, writing and marketing skills; and conducting and organizing seminars and workshops to help others develop management and business skills, efficient work habits, planning and organizational techniques, and personal productivity and growth; and distributing course materials in connection therewith</p>

U.S. Registration No.	3319111	Application Date	09/09/2005
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	DAVID ALLEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 2005/01/15 First Use In Commerce: 2005/01/15 WALLETS; PURSES; HANDBAGS; BRIEFCASES; BRIEFCASE-TYPE PORTFOLIOS; VALISES; KEY CASES; CREDIT CARD CASES; TOTE BAGS; AND LUGGAGE</p> <p>Class 020. First use: First Use: 2005/01/15 First Use In Commerce: 2005/01/15 FURNITURE; OFFICE FURNITURE; FILING CABINETS; FURNITURE CABINETS; BOOKCASES; CHAIRS; DESKS</p>		

U.S. Registration No.	3608478	Application Date	08/20/2008
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	DAVID ALLEN		
Design Mark			
Description of Mark	The mark consists of the name "DAVID ALLEN" and a stylized leaf partially surrounded by two concentric rings.		
Goods/Services	Class 009. First use: First Use: 1996/11/01 First Use In Commerce: 1996/11/01 DVDs, CDs, and software featuring information and instruction on the development of management and business skills, efficient work habits, planning		

	<p>and organizational techniques, and personal productivity growth; and prerecorded video and audio cassette tapes featuring information and instruction on the development of management and business skills, efficient work habits, planning and organizational techniques, and personal productivity and growth</p> <p>Class 016. First use: First Use: 1996/11/01 First Use In Commerce: 1996/11/01 Publications, namely, books, brochures, pamphlets and printed seminar course materials all featuring the development of management and business skills, efficient work habits, planning and organizational techniques, and personal productivity and growth; desktop planners; marking templates; writing pens and pencils; notebooks and memo pads; and educational, coaching and training publications, namely, books, brochures, pamphlets and printed seminar course materials in the fields of individual and business productivity, self improvement and time management distributed to subscriber members</p> <p>Class 041. First use: First Use: 1996/11/01 First Use In Commerce: 1996/11/01 Educational and training services, namely, conducting training classes and courses featuring methods for improving individual and organizational productivity, communications, writing, marketing skills and time management skills; conducting and organizing seminars and workshops to help others develop management and business skills, efficient work habits, planning and organizational techniques, and personal productivity and growth, and distributing course materials in connection therewith; providing online classes, seminars, and training services to subscribing members in the fields of individual and business productivity, self improvement and time management</p>
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Attachments	NOTICE OF OPPOSITION.pdf(234464 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	/John E. Kelly/
Name	John E. Kelly, Esq.
Date	07/03/2013

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

DAVID ALLEN & CO.,	)	
	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	Mark: DAVID ALLEN DAVID ALLEN ACCESSORIES & Design
	)	
OCEAN DRIVE ACCESSORIES LLC	)	Appln. Serial No.: 85/680,720
DBA DAVID ALLEN ACCESSORIES	)	Filed: July 18, 2012
	)	Int. Class: 21
Applicant.	)	

The Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

David Allen & Co., a corporation duly organized and existing under the laws of the State of California, having a principal place of business at 407-F Bryant Circle, Ojai, California 93023 (usually "Opposer"), believing that it will be damaged by registration, hereby opposes Application Serial No. 85/680,720, filed July 18, 2012, under the Trademark Act of 1946, in the name of Ocean Drive Accessories LLC dba David Allen Accessories (usually "Applicant"), published for opposition in the *Official Gazette* of January 8, 2013, TM 735, for the mark DAVID ALLEN DAVID ALLEN ACCESSORIES & Design.

The Trademark Trial and Appeal Board has granted Opposer extensions of time to oppose this application, to and including July 7, 2013.

The grounds of this Opposition are as follows:

FIRST CAUSE OF ACTION - LIKELIHOOD OF CONFUSION -  
THE LANHAM ACT §2(d) & §13(a)

1. Applicant Ocean Drive Accessories LLC dba David Allen Accessories is, upon information and belief, a Florida corporation, having a business address of 992 W. 15<sup>th</sup> Street, Riviera Beach, Florida 33404.

2. Applicant filed a trademark application S.N. 85/680,720 in the USPTO on July 18, 2012, requesting registration on the Principal Register for the mark DAVID ALLEN DAVID ALLEN ACCESSORIES & Design used for goods described as "ceramic sculpture, vases, vessels, bowls, plates and pots; floor vases; flower vases and bowls; glass floor vases; vases"/Int. Cl. 21 and claiming a first use June 1, 2008.

3. Applicant's mark was published for opposition in the *Official Gazette* on January 8, 2013, Page TM 735.

4. Opposer is now engaged in and for many years prior to 2008, has been continuously engaged primarily in the business of providing educational and training services directed to organizational productivity, time management, communications, marketing skills, and organizing and conducting related seminars and workshops - and creating and distributing related print, electronic and other products.

5. Opposer owns U.S. registrations that include its principal trade identification, the name DAVID ALLEN, including:

U.S. Reg. No. 3,180,352 for THE DAVID ALLEN  
COMPANY, granted December 5, 2006/Int. Cls. 9, 16 & 41  
(Exhibit A-1).

U.S. Reg. No. 3,319,111 for DAVID ALLEN, granted  
October 23, 2007/Int. Cls. 18 & 20 (Exhibit A-2); and

U.S. Reg. No. 3,608,478 for DAVID ALLEN & Design,  
granted April 21, 2009/Int. Cls. 9, 16 & 41 (Exhibit A-3);

Copies of these three registrations, identified as Exhibits A-1 thru A-3 are attached to these pleadings.

6. Since at least as early as 1996, Opposer has continuously used the mark and designation DAVID ALLEN and various DAVID ALLEN-related marks in connection with the goods and services identified in ¶4 above and identified in its U.S. registrations in ¶5 above and multiple other categories of goods and services including, but not limited to: leather goods, wallets, key cases, furniture, chairs, bookcases, DVD's, software, brochures, notebooks and desktop planners.

7. Opposer now uses and for many years prior to 2008, has continuously used as a trade name David Allen & Co. (and designations including David Allen) to exclusively identify itself as a legal entity and a business engaged in the distribution, marketing, advertising and promotion of its goods and services.

8. The relevant classes of customers and the general public, long prior to 2008, have come to exclusively associate Opposer and the source of its goods and services with the DAVID ALLEN mark and designation, DAVID ALLEN-related marks and the David Allen & Co. trade name.

9. Use by Applicant of the mark DAVID ALLEN DAVID ALLEN ACCESSORIES for the goods specified in its trademark application is likely to cause confusion, mistake and/or deception as to source relative to Opposer's DAVID ALLEN mark and designation, DAVID ALLEN-related marks and the trade name David Allen & Co., and thereby cause damage to Opposer's trade identity rights and associated good will.

10. Use by Applicant of the mark DAVID ALLEN DAVID ALLEN ACCESSORIES for which it requests registration is likely to cause members of the trade, customers and the general public to incorrectly assume that Applicant's goods and related services are sponsored by, endorsed by, licensed from or in some way associated with Opposer and thereby cause damage to Opposer's trade identity rights and good will associated with its DAVID ALLEN mark and designation, DAVID ALLEN-related marks and David Allen & Co. trade name.

11. As owner of the mark and designation DAVID ALLEN, various DAVID ALLEN-related marks, and the trade name David Allen & Co., Opposer has standing and will be damaged by the listing of Applicant's mark DAVID ALLEN DAVID ALLEN ACCESSORIES on the Principal Register because: (a) of the likelihood that Applicant's mark will cause confusion; (b) registration of DAVID ALLEN DAVID ALLEN ACCESSORIES will deprive Opposer of statutory benefits and advantages and cause doubt as to the correct ownership of the mark DAVID ALLEN; and (c) registration of DAVID ALLEN DAVID ALLEN ACCESSORIES may cause loss of distinctiveness to and otherwise impair Opposer's trade identity rights.

SECOND CAUSE OF ACTION - DILUTION -  
THE LANHAM ACT §13(a) & §43(c)

12. Opposer incorporates by reference the allegations of the First Cause of Action, ¶¶1 thru 8.

13. Opposer's mark DAVID ALLEN is distinctive and famous and became distinctive and famous prior to 2008 and prior to any use by Applicant of its DAVID ALLEN DAVID ALLEN ACCESSORIES name and Logo.

14. Use by Applicant of the mark DAVID ALLEN DAVID ALLEN ACCESSORIES for which registration is sought is likely to cause dilution and especially dilution by blurring of the distinctive quality of Opposer's mark DAVID ALLEN - and thereby cause damage to Opposer's distinctive and famous mark DAVID ALLEN.

15. As owner of the distinctive and famous mark DAVID ALLEN, Opposer has standing and will be damaged by the listing of Applicant's mark DAVID ALLEN DAVID ALLEN ACCESSORIES on the Principal Register because: (a) it is likely that Applicant's mark DAVID ALLEN DAVID ALLEN ACCESSORIES will cause dilution by blurring to Opposer's mark DAVID ALLEN; and (b) registration of DAVID ALLEN DAVID ALLEN ACCESSORIES to Applicant may lessen the capacity of Opposer's famous mark DAVID ALLEN to identify and distinguish its goods and services.

\* \* \* \* \*

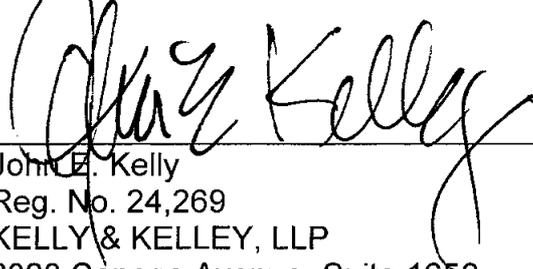
WHEREFORE, Opposer, David Allen & Co., believes and alleges that it is being and will continue to be damaged by registration of Applicant's DAVID ALLEN DAVID ALLEN ACCESSORIES mark and prays that Application S.N. 85/680,720 be rejected and that no registration be issued and that this Opposition be sustained in favor of Opposer.

Opposer has appointed John E. Kelly, a member of the law firm of Kelly & Kelley, LLP, to prosecute this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

John E. Kelly  
Kelly & Kelley, LLP  
6320 Canoga Avenue, Suite 1650  
Woodland Hills, California 91367  
Email: [Rachael@Kelly-KelleyLaw.com](mailto:Rachael@Kelly-KelleyLaw.com)  
Telephone: (818) 347-7900

Opposer has paid the required filing fees for this Notice of Opposition online using a credit card. The Commissioner is hereby authorized to charge any additional fees which may be required and, in the case of credit or overpayment, to send a check directly to Opposer's attorneys of record, Kelly & Kelley, LLP.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Kelly", written over a horizontal line.

Dated: July 3, 2013

John E. Kelly  
Reg. No. 24,269  
KELLY & KELLEY, LLP  
6320 Canoga Avenue, Suite 1650  
Woodland Hills, California 91367  
(818) 347-7900/Fax: (818) 340-1859  
Rachael@Kelly-KelleyLaw.com

Attorneys for David Allen & Co., Opposer

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have caused true and correct copies of the foregoing Notice of Opposition, together with Exhibits A1 - A3 thereto, to be served by U.S. First Class Mail on the Opposer and by U.S. First Class Mail and email, to Counsel for Applicant, as follows:

Ocean Drive Accessories  
dba David Allen Accessories  
992 W. 15<sup>th</sup> Street  
Riviera Beach, Florida 33404

\* \* \* \*

Timothy Kenney, Esq.  
120 Butler Street, Suite B  
West Palm Beach, Florida 33407  
[tkenney@THKPA.com](mailto:tkenney@THKPA.com)

this 3<sup>rd</sup> day of July, 2013.

KELLY & KELLEY, LLP  
By:   
John E. Kelly

Int. Cls.: 9, 16 and 41

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101 and 107

Reg. No. 3,180,352

United States Patent and Trademark Office

Registered Dec. 5, 2006

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

THE DAVID ALLEN COMPANY

DAVID ALLEN & CO. (CALIFORNIA CORPORATION)  
1674 MCNELL ROAD  
OJAI, CA 93023

FOR: DVD'S, CD'S, AND SOFTWARE FEATURING THE DEVELOPMENT OF MANAGEMENT AND BUSINESS SKILLS, EFFICIENT WORK HABITS, PLANNING AND ORGANIZATIONAL TECHNIQUES, AND PERSONAL PRODUCTIVITY GROWTH; AND PRERECORDED VIDEO AND AUDIO CASSETTE TAPES FEATURING INFORMATION AND INSTRUCTION ON THE DEVELOPMENT OF MANAGEMENT AND BUSINESS SKILLS, EFFICIENT WORK HABITS, PLANNING AND ORGANIZATIONAL TECHNIQUES, AND PERSONAL PRODUCTIVITY AND GROWTH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-15-2004; IN COMMERCE 1-15-2004.

FOR: PUBLICATIONS, NAMELY BOOKS, BROCHURES, PAMPHLETS, AND PRINTED SEMINAR COURSE MATERIALS FEATURING THE DEVELOPMENT OF MANAGEMENT AND BUSINESS SKILLS, EFFICIENT WORK HABITS, PLANNING AND ORGANIZATIONAL TECHNIQUES, AND PERSONAL PRODUCTIVITY AND GROWTH; DESK MOUNTED STATIONERY CABINETS; DESK SETS; DESK STANDS AND HOLDERS FOR PENS AND PENCILS; PENCIL HOLDERS; DESK CALENDARS; DESK BASKETS FOR DESK ACCESSORIES; DESKTOP PLANNERS; DESKTOP IN BASKETS; DESKTOP ORGANIZERS; WRITING PENCILS AND PENS; DESK STANDS FOR HOLDING FILE FOLDERS; STACKING TRAYS FOR FILE FOLDERS AND STATIONERY; FILE FOLDERS; AND DESK-

TOP FILE TRAYS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-15-2004; IN COMMERCE 1-15-2004.

FOR: EDUCATIONAL SERVICES, NAMELY CONDUCTING TRAINING CLASSES AND COURSES FEATURING METHODS FOR IMPROVING INDIVIDUAL AND ORGANIZATIONAL COMMUNICATIONS, WRITING AND MARKETING SKILLS; AND CONDUCTING AND ORGANIZING SEMINARS AND WORKSHOPS TO HELP OTHERS DEVELOP MANAGEMENT AND BUSINESS SKILLS, EFFICIENT WORK HABITS, PLANNING AND ORGANIZATIONAL TECHNIQUES, AND PERSONAL PRODUCTIVITY AND GROWTH; AND DISTRIBUTING COURSE MATERIALS IN CONNECTION THEREWITH, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-15-2004; IN COMMERCE 1-15-2004.

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 "COMPANY", APART FROM THE MARK AS SHOWN.

THE NAME DAVID ALLEN IDENTIFIES A LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 78-760,705, FILED 11-23-2005.

SUSAN STIGLITZ, EXAMINING ATTORNEY

Exhibit A-1 to  
Notice of Opposition

Int. Cls.: 18 and 20

Prior U.S. Cls.: 1, 2, 3, 13, 22, 25, 32, 41, and 50

United States Patent and Trademark Office

Reg. No. 3,319,111

Registered Oct. 23, 2007

TRADEMARK  
PRINCIPAL REGISTER

**DAVID ALLEN**

DAVID ALLEN & CO. (CALIFORNIA CORPORATION)  
1674 MCNELL ROAD  
OJAI, CA 93023

FOR: WALLETS; PURSES; HANDBAGS; BRIEF-CASES; BRIEFCASE-TYPE PORTFOLIOS; VALISES; KEY CASES; CREDIT CARD CASES; TOTE BAGS; AND LUGGAGE, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 1-15-2005; IN COMMERCE 1-15-2005.

FOR: FURNITURE; OFFICE FURNITURE; FILING CABINETS; FURNITURE CABINETS; BOOK-CASES; CHAIRS; DESKS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 1-15-2005; IN COMMERCE 1-15-2005.

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

THE NAME DAVID ALLEN IDENTIFIES A LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

SN 76-646,250, FILED 9-9-2005.

SUSAN STIGLITZ, EXAMINING ATTORNEY

Exhibit A-2 to  
Notice of Opposition

Int. Cls.: 9, 16 and 41

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101 and 107

Reg. No. 3,608,478

United States Patent and Trademark Office

Registered Apr. 21, 2009

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



# DavidAllen

DAVID ALLEN & COMPANY (CALIFORNIA CORPORATION), DBA THE DAVID ALLEN COMPANY  
407-F BRYANT CIRCLE  
OJAI, CA 93023

MANAGEMENT DISTRIBUTED TO SUBSCRIBER MEMBERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 11-1-1996; IN COMMERCE 11-1-1996.

FOR: DVDS, CDS, AND SOFTWARE FEATURING INFORMATION AND INSTRUCTION ON THE DEVELOPMENT OF MANAGEMENT AND BUSINESS SKILLS, EFFICIENT WORK HABITS, PLANNING AND ORGANIZATIONAL TECHNIQUES, AND PERSONAL PRODUCTIVITY GROWTH; AND PRE-RECORDED VIDEO AND AUDIO CASSETTE TAPES FEATURING INFORMATION AND INSTRUCTION ON THE DEVELOPMENT OF MANAGEMENT AND BUSINESS SKILLS, EFFICIENT WORK HABITS, PLANNING AND ORGANIZATIONAL TECHNIQUES, AND PERSONAL PRODUCTIVITY AND GROWTH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-1-1996; IN COMMERCE 11-1-1996.

FOR: PUBLICATIONS, NAMELY, BOOKS, BROCHURES, PAMPHLETS AND PRINTED SEMINAR COURSE MATERIALS ALL FEATURING THE DEVELOPMENT OF MANAGEMENT AND BUSINESS SKILLS, EFFICIENT WORK HABITS, PLANNING AND ORGANIZATIONAL TECHNIQUES, AND PERSONAL PRODUCTIVITY AND GROWTH; DESKTOP PLANNERS; MARKING TEMPLATES; WRITING PENS AND PENCILS; NOTEBOOKS AND MEMO PADS; AND EDUCATIONAL, COACHING AND TRAINING PUBLICATIONS, NAMELY, BOOKS, BROCHURES, PAMPHLETS AND PRINTED SEMINAR COURSE MATERIALS IN THE FIELDS OF INDIVIDUAL AND BUSINESS PRODUCTIVITY, SELF IMPROVEMENT AND TIME

FOR: EDUCATIONAL AND TRAINING SERVICES, NAMELY, CONDUCTING TRAINING CLASSES AND COURSES FEATURING METHODS FOR IMPROVING INDIVIDUAL AND ORGANIZATIONAL PRODUCTIVITY, COMMUNICATIONS, WRITING, MARKETING SKILLS AND TIME MANAGEMENT SKILLS; CONDUCTING AND ORGANIZING SEMINARS AND WORKSHOPS TO HELP OTHERS DEVELOP MANAGEMENT AND BUSINESS SKILLS, EFFICIENT WORK HABITS, PLANNING AND ORGANIZATIONAL TECHNIQUES, AND PERSONAL PRODUCTIVITY AND GROWTH, AND DISTRIBUTING COURSE MATERIALS IN CONNECTION THEREWITH; PROVIDING ONLINE CLASSES, SEMINARS, AND TRAINING SERVICES TO SUBSCRIBING MEMBERS IN THE FIELDS OF INDIVIDUAL AND BUSINESS PRODUCTIVITY, SELF IMPROVEMENT AND TIME MANAGEMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-1-1996; IN COMMERCE 11-1-1996.

OWNER OF U.S. REG. NOS. 2,357,261, 3,297,371 AND OTHERS.

THE NAME "DAVID ALLEN" IDENTIFIES A LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

Exhibit A-3 to  
Notice of Opposition

THE MARK CONSISTS OF THE NAME "DAVID  
ALLEN" AND A STYLIZED LEAF PARTIALLY  
SURROUNDED BY TWO CONCENTRIC RINGS.

SER. NO. 77-551,393, FILED 8-20-2008.  
APRIL ROACH, EXAMINING ATTORNEY

Exhibit A-3 to  
Notice of Opposition