

ESTTA Tracking number: **ESTTA662536**

Filing date: **03/23/2015**

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	SoulCycle, LLC
Granted to Date of previous extension	03/22/2015
Address	609 Greenwich Street New York, NY 10014 UNITED STATES

Attorney information	Johanna Schmitt Kirkland & Ellis LLP 601 Lexington Avenue New York, NY 10022 UNITED STATES trademarks@kirkland.com, johanna.schmitt@kirkland.com Phone:212-446-4800
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Applicant Information

Application No	86260448	Publication date	09/23/2014
Opposition Filing Date	03/23/2015	Opposition Period Ends	03/22/2015
Applicant	Harpo, Inc. 110 North Carpenter Street Chicago, IL 60607 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Streaming of audio and visual content via the internet and global and local computer networks in the fields of human behavior, relationships, religion, faith, spirituality, wellness and conscious living, personal fulfillment, personal growth and motivation</p>
<p>Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services, namely, television programming services; Entertainment services, namely, ongoing television segments and shows in the fields of human behavior, relationships, religion, faith, spirituality, wellness and conscious living, personal fulfillment, personal growth and motivation; conducting educational programs, classes, seminars, workshops in the fields of human behavior, relationships, religion, faith, spirituality, wellness and conscious living, personal fulfillment, personal growth and motivation</p>

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.	3264026	Application Date	09/18/2006
Registration Date	07/17/2007	Foreign Priority Date	NONE
Word Mark	SOULCYCLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2006/05/15 First Use In Commerce: 2006/05/15 Providing physical fitness instruction and consultation in the field of indoor cycling; providing fitness and exercise facilities for indoor cycling		

U.S. Application No.	86081105	Application Date	10/02/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SOUL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2011/02/01 First Use In Commerce: 2011/02/01 Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities; providing a web site featuring information on exercise and physical fitness accessible through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, wellness and personal development		

U.S. Registration No.	4353332	Application Date	10/09/2012
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Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	SOULSURVIVOR		
Design Mark	SOULSURVIVOR		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2006/10/14 First Use In Commerce: 2006/10/14 Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities		

U.S. Registration No.	4353331	Application Date	10/09/2012
Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	SOULTEEN		
Design Mark	SOULTEEN		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2007/10/11 First Use In Commerce: 2007/10/11 Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities		

U.S. Registration No.	4353330	Application Date	10/09/2012
Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	SOULBANDS		
Design Mark	SOULBANDS		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2009/01/11 First Use In Commerce: 2009/01/11 Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities		

U.S. Registration No.	4434026	Application Date	07/22/2011
Registration Date	11/12/2013	Foreign Priority Date	NONE
Word Mark	SOULCYCLE		

Design Mark	SOULCYCLE
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2006/05/15 First Use In Commerce: 2006/05/15 Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes in the fields of fitness and exercise; providing fitness and exercise facilities; providing a web site featuring information on exercise and physical fitness accessible through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, wellness and personal development

U.S. Registration No.	4609667	Application Date	02/25/2014
Registration Date	09/23/2014	Foreign Priority Date	NONE

Word Mark	SOULCYCLE
Design Mark	
Description of Mark	The mark consists of the word "SOULCYCLE" with the "O" replaced by a wheel design.
Goods/Services	Class 041. First use: First Use: 2014/01/22 First Use In Commerce: 2014/01/22 Fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities; providing a web site featuring information on exercise and physical fitness accessible

	through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, fitness training; fitness classes; fitness instruction, nutrition, health, wellness and personal development
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U.S. Registration No.	4688307	Application Date	07/03/2014
Registration Date	02/17/2015	Foreign Priority Date	NONE

Word Mark	SOUL
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Design Mark	
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Description of Mark	The mark consists of the word "SOUL" with the "O" replaced by a wheel design with multiple spokes.
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Goods/Services	Class 041. First use: First Use: 2013/10/23 First Use In Commerce: 2013/10/23 Fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities; providing a web site featuring information on exercise and physical fitness accessible through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, fitness training, fitness classes, fitness instruction, nutrition, health, wellness and personal development
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U.S. Application No.	85378841	Application Date	07/22/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SOULCYCLE
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Design Mark	<h1>SOULCYCLE</h1>
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Providing workshops and seminars in the fields of fitness and exercise; entertainment services, namely, providing podcasts via video and audio in the fields of exercise, weight loss, physical fitness, and personal development; entertainment services, namely, production and distribution of radio programs, television programs and cable television programs in the fields of exercise, fitness, wellness and personal development for distribution via television, cable television, radio and a global computer network; entertainment services in the nature of the production and distribution of a television channel, cable television channel and radio channel in the fields of exercise, fitness, wellness and personal development; educational services, namely, the presentation of seminars, lectures, workshops and panel discussions in the fields of exercise, fitness, wellness and personal development

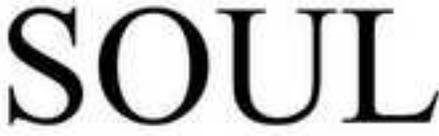
U.S. Registration No.	4620811	Application Date	03/18/2014
Registration Date	10/14/2014	Foreign Priority Date	NONE
Word Mark	FIND YOUR SOUL		
Design Mark	<h1>FIND YOUR SOUL</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2011/06/00 First Use In Commerce: 2011/06/00 Clothing, namely, tank tops, zip-up sweatshirts, pullover sweat shirts, short sleeve shirts, sports bras, exercise tights, sleeveless tops; Pants, drawstring pants, sweat pants, shorts, shirts, tops, thermal shirts, long-sleeve tops, sweaters, t-shirts, jackets, hooded pullovers; headwear, namely, headbands.; socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, gloves, children's clothing namely, tank tops, zip-up sweatshirts, pullover sweat shirts, short sleeve shirts, exercise tights, sleeveless tops, pants, drawstring pants, sweat pants, shorts, shirts, tops, thermal shirts, long-sleeve tops, sweaters, t-shirts, jackets, hooded pullovers, headwear, namely, head-		

	<p>bands, socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, gloves</p> <p>Class 041. First use: First Use: 2007/05/00 First Use In Commerce: 2007/05/00</p> <p>Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; providing fitness and exercise facilities; providing a web site featuring information on exercise, weight loss, physical fitness, and personal development accessible through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, wellness and personal development; Entertainment services, namely, providing podcasts via video or audio in the fields of exercise, weight loss, physical fitness, and personal development</p>
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U.S. Application No.	86113908	Application Date	11/08/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SOULCYCLE		
Design Mark			
Description of Mark	The mark consists of the word "SOULCYCLE" with the "O" replaced by a wheel design.		
Goods/Services	<p>Class 025. First use: First Use: 2011/02/21 First Use In Commerce: 2011/02/21 (Based on Use in Commerce) Clothing, namely, pants, drawstring pants, sweat pants, shorts, exercise tights, shirts, short sleeve shirts, tops, sleeveless tops, thermal shirts, long-sleeve tops, sweaters, sweatshirts, t-shirts, tank tops, sports bras, jackets, hooded pullovers; headwear, namely, headbands; (Based on Intent To Use) Socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, gloves, and children's clothing, namely, pants, drawstring pants, sweat pants, shorts, exercise tights, shirts, short sleeve shirts, tops, sleeveless tops, thermal shirts, long-sleeve tops, sweaters, sweatshirts, t-shirts, tank tops, jackets, hooded pullovers, headwear in the nature of headbands, socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, and gloves</p>		

U.S. Application No.	86104515	Application Date	10/29/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SOUL		

Design Mark	
Description of Mark	The mark consists of the word "SOUL" with the "O" replaced by a wheel design.
Goods/Services	Class 025. First use: First Use: 2009/12/31 First Use In Commerce: 2009/12/31 (Based on Use in Commerce) Clothing, namely, pants, drawstring pants, sweat pants, shorts, exercise tights, shirts, short sleeve shirts, tops, sleeveless tops, long-sleeve tops, sweaters, sweatshirts, t-shirts, tank tops, sports bras, jackets, hooded pullovers; headwear, namely, hats, headbands; swimwear; children's clothing, namely, pants, drawstring pants, sweat pants, shirts, short sleeve shirts, tops, sleeveless tops, sweatshirts, t-shirts, tank tops; (Based on Intent ToUse) Thermals, socks, bandanas, wristbands, shoes, flip-flops, neckties, undergarments, scarves, gloves, and children's clothing, namely, shorts, exercise tights, thermal shirts, long-sleeve tops, sweaters, jackets, hooded pullovers, headwear in the nature of headbands, socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, and gloves

U.S. Application No.	86104495	Application Date	10/29/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SOUL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2010/08/27 First Use In Commerce: 2010/08/27		

	(Based on Use in Commerce) Clothing, namely, pants, drawstring pants, sweat pants, shorts, exercise tights, shirts, short sleeve shirts, tops, sleeveless tops, long-sleeve tops, sweaters, sweatshirts, t-shirts, tank tops, sports bras, jackets, hooded pullovers; headwear, namely, hats, headbands; swimwear; children's clothing, namely, pants, sweat pants, shirts, short sleeve shirts, tops, sleeveless tops, long-sleeve tops, sweatshirts, t-shirts, tank tops; (Based on Intent To Use) Thermals, Socks, Bandanas, Wristbands, Shoes, Flip-flops, Neckties, Undergarments, Scarves, Gloves, and Children's clothing, namely, drawstring pants, shorts, exercise tights, thermal shirts, sweaters, jackets, hooded pullovers, headwear in the nature of headbands, socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, and gloves
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U.S. Registration No.	3844345	Application Date	12/18/2009
Registration Date	09/07/2010	Foreign Priority Date	NONE
Word Mark	SOULCYCLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/04/00 First Use In Commerce: 2006/04/00 Clothing, namely, pants, drawstring pants, sweat pants, shorts, exercise tights, shirts, tops, sleeveless tops, thermalshirts, long-sleeve tops, sweaters, t-shirts, tank tops, sports bras, jackets, hooded pullovers, socks, bandanas, wristbands; shoes, flip flops		

U.S. Registration No.	4176402	Application Date	11/10/2010
Registration Date	07/17/2012	Foreign Priority Date	NONE
Word Mark	SOULWATER		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 032. First use: First Use: 2012/04/09 First Use In Commerce: 2012/04/09 bottled water		
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U.S. Registration No.	4218194	Application Date	12/17/2009
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Registration Date	10/02/2012	Foreign Priority Date	NONE
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Word Mark	SOULCYCLE		
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Design Mark	<h1>SOULCYCLE</h1>		
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Description of Mark	NONE		
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Goods/Services	Class 028. First use: First Use: 2012/04/23 First Use In Commerce: 2012/04/23 Stationary exercise bicycles; exercise weights		
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U.S. Registration No.	3824906	Application Date	12/18/2009
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Registration Date	07/27/2010	Foreign Priority Date	NONE
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Word Mark	SOULCYCLE		
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Design Mark	<h1>SOULCYCLE</h1>		
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Description of Mark	NONE		
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Goods/Services	Class 018. First use: First Use: 2009/05/00 First Use In Commerce: 2009/05/00 all purpose carrying bags; sport bags		
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U.S. Registration No.	3824896	Application Date	12/18/2009
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Registration Date	07/27/2010	Foreign Priority Date	NONE
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Word Mark	SOULCYCLE		
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Design Mark	SOULCYCLE
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2009/01/00 First Use In Commerce: 2009/01/00 watches

U.S. Application No.	85378857	Application Date	07/22/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SOULCYCLE
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Design Mark	SOULCYCLE
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Digital media, namely, pre-recorded compact discs, DVDs, high definition digital discs, and downloadable audio and audio-visual recordings, all in the field of exercise, fitness, wellness and personal development; downloadable software in the nature of a mobile application for scheduling exercise classes, downloadable software in the nature of an application for scheduling exercise classes, providing information regarding fitness classes, receiving audio files for music used during exercise classes and for social networking related to exercise classes, physical training and exercise instruction

U.S. Application No.	86014892	Application Date	07/19/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SOULCYCLE
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Design Mark	SOULCYCLE
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 Hair shampoo; hair conditioner; facial wash; hand soap; body wash; shower gel; nail polish; perfume; fragrances; makeupremover

U.S. Registration No.	2496683	Application Date	12/02/1998
Registration Date	10/09/2001	Foreign Priority Date	NONE
Word Mark	SOUL WATER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2001/06/24 First Use In Commerce: 2001/06/24 drinking water		

Attachments	77001399#TMSN.png(bytes) 86081105#TMSN.png(bytes) 85748957#TMSN.png(bytes) 85748947#TMSN.png(bytes) 85748932#TMSN.png(bytes) 85980326#TMSN.png(bytes) 86203100#TMSN.png(bytes) 86328007#TMSN.png(bytes) 85378841#TMSN.png(bytes) 86224417#TMSN.png(bytes) 86113908#TMSN.png(bytes) 86104515#TMSN.png(bytes) 86104495#TMSN.png(bytes) 77896727#TMSN.png(bytes) 85173479#TMSN.png(bytes) 77896084#TMSN.png(bytes) 77896569#TMSN.png(bytes) 77896498#TMSN.png(bytes) 85378857#TMSN.png(bytes) 86014892#TMSN.png(bytes) Notice of Opposition to SUPER SOUL SESSIONS.pdf(50468 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 Facsimile or email (by agreement only) on this date.

Signature	/JOHANNA SCHMITT/
Name	Johanna Schmitt
Date	03/23/2015

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

SOULCYCLE, LLC,

Opposer,

v.

HARPO, INC.,

Applicant.

Opposition No.

Serial No. 86/260,448

Mark: SUPER SOUL SESSIONS

Filing Date: April 23, 2014

Publication Date: September 23, 2014

NOTICE OF OPPOSITION

Opposer, SoulCycle, LLC, a New York limited liability company, located and doing business at 609 Greenwich Street, New York, NY 10014 (hereinafter, "SoulCycle"), believes that it will be damaged by the registration of the proposed word mark SUPER SOUL SESSIONS shown in Application Serial No. 86/260,448, in Classes 38 and 41 ("Applicant's Mark"), filed by Harpo, Inc. ("Applicant") on April 23, 2014, and thus opposes Application Serial No. 86/260,448.

As grounds for this Opposition, SoulCycle alleges the following upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

1. SoulCycle is a New York limited liability company, located and doing business at 609 Greenwich Street, New York, NY 10014.
2. The SoulCycle business involves, among other things, the provision of physical fitness training services in the United States, including conditioning classes and fitness instruction with a focus on inspirational coaching and personal development. The SoulCycle business also offers

various types of merchandise for sale in the United States, including, without limitation, clothing, bags, and stationary exercise bicycles.

3. The SoulCycle business has extensively used, and is now using, numerous SOUL-formative marks including, but not limited to, SOULCYCLE, SUPERSOUL, FIND YOUR SOUL, SOUL, SOULSURVIVOR, SOULTEEN, SOULBANDS, SOUL 101, and SOULCHALLENGE (collectively referred to as the “SOUL Marks”) in connection with a range of goods and/or services offered by the SoulCycle business in commerce. SoulCycle has made a substantial investment in advertising and promoting its goods and services under its SOUL Marks in the United States. SoulCycle, its related business, and its SOUL Marks are well-known in the United States and globally as extensive on-line and in-print press reports evidence in the United States and in other countries around the world, and numerous celebrities and public figures use its services and purchase its goods.

4. As noted above, one of SoulCycle’s SOUL Marks is SUPERSOUL. The SoulCycle business has used this mark in the United States since at least as early as October 2008 in connection with its services.

5. SoulCycle is owner of, and will rely herein upon, in addition to its common law rights, the following U.S. trademark registrations and pending applications for certain SOUL Marks:

MARK	SERIAL NO.	REGISTRATION NO.	DATE OF FIRST USE	GOODS/SERVICES
SOULCYCLE	77/001399	3264026	05/15/2006	IC 041: Providing physical fitness instruction and consultation in the field of indoor cycling; providing fitness and exercise facilities for indoor cycling
SOUL	86/081105		02/01/2011	IC 041: Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities; providing a web site featuring

MARK	SERIAL NO.	REGISTRATION NO.	DATE OF FIRST USE	GOODS/SERVICES
				information on exercise and physical fitness accessible through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, wellness and personal development
SOULSURVIVOR	85/748957	4353332	10/14/2006	IC 041: Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities
SOULTEEN	85/748947	4353331	10/11/2007	IC 041: Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities
SOULBANDS	85/748932	4353330	01/11/2009	IC 041: Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities.
SOULCYCLE	85/980326	4434026	05/15/2006	IC 041: Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes in the fields of fitness and exercise; providing fitness and exercise facilities; providing a web site featuring information on exercise and physical fitness accessible through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, wellness and personal development
	86/203100	4609667	01/22/2014	IC 041: Fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities; providing a web site featuring information on exercise and physical fitness accessible through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, fitness training; fitness classes; fitness instruction, nutrition, health, wellness and personal development
	86/328007	4688307	10/23/2013	IC 041: Fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities; providing a web site featuring information on exercise and physical fitness accessible

MARK	SERIAL NO.	REGISTRATION NO.	DATE OF FIRST USE	GOODS/SERVICES
				through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, fitness training, fitness classes, fitness instruction, nutrition, health, wellness and personal development
SOULCYCLE	85/378841		Intent-to-Use Filing Date: 7/22/2011	IC 041: Providing workshops and seminars in the fields of fitness and exercise; entertainment services, namely, providing podcasts via video and audio in the fields of exercise, weight loss, physical fitness, and personal development; entertainment services, namely, production and distribution of radio programs, television programs and cable television programs in the fields of exercise, fitness, wellness and personal development for distribution via television, cable television, radio and a global computer network; entertainment services in the nature of the production and distribution of a television channel, cable television channel and radio channel in the fields of exercise, fitness, wellness and personal development; educational services, namely, the presentation of seminars, lectures, workshops and panel discussions in the fields of exercise, fitness, wellness and personal development
FIND YOUR SOUL	86/224417	4620811	05/2007	IC 041: Physical fitness training services; Physical fitness conditioning classes; physical fitness instruction and consultation; providing fitness and exercise facilities; providing a web site featuring information on exercise, weight loss, physical fitness, and personal development accessible through a global computer network and mobile devices; on-line journals, namely, blogs featuring the topics regarding local community, exercise, fitness, wellness and personal development; Entertainment services, namely, providing podcasts via video or audio in the fields of exercise, weight loss, physical fitness, and personal development
			06/2011	IC 025: Clothing, namely, tank tops, zip-up sweatshirts, pullover sweat shirts, short sleeve shirts, sports bras, exercise tights, sleeveless tops; Pants, drawstring pants, sweat pants, shorts, shirts, tops, thermal shirts, long-sleeve tops, sweaters, t-shirts, jackets, hooded pullovers; headwear, namely, headbands.; socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, gloves, children's clothing namely, tank tops, zip-up sweatshirts, pullover sweat shirts, short sleeve shirts, exercise tights, sleeveless tops, pants, drawstring pants, sweat pants, shorts, shirts, tops, thermal shirts, long-sleeve tops, sweaters, t-shirts, jackets, hooded pullovers, headwear, namely, headbands, socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, gloves
 SOULCYCLE	86/113908		02/21/2011	IC 025: (Based on Use in Commerce) Clothing, namely, pants, drawstring pants, sweat pants,

MARK	SERIAL NO.	REGISTRATION NO.	DATE OF FIRST USE	GOODS/SERVICES
				shorts, exercise tights, shirts, short sleeve shirts, tops, sleeveless tops, thermal shirts, long-sleeve tops, sweaters, sweatshirts, t-shirts, tank tops, sports bras, jackets, hooded pullovers; headwear, namely, headbands; (Based on Intent To Use) Socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, gloves, and children's clothing, namely, pants, drawstring pants, sweat pants, shorts, exercise tights, shirts, short sleeve shirts, tops, sleeveless tops, thermal shirts, long-sleeve tops, sweaters, sweatshirts, t-shirts, tank tops, jackets, hooded pullovers, headwear in the nature of headbands, socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, and gloves
	86/104515		12/31/2009	IC 025: (Based on Use in Commerce) Clothing, namely, pants, drawstring pants, sweat pants, shorts, exercise tights, shirts, short sleeve shirts, tops, sleeveless tops, long-sleeve tops, sweaters, sweatshirts, t-shirts, tank tops, sports bras, jackets, hooded pullovers; headwear, namely, hats, headbands; swimwear; children's clothing, namely, pants, drawstring pants, sweat pants, shirts, short sleeve shirts, tops, sleeveless tops, sweatshirts, t-shirts, tank tops; (Based on Intent To Use) Thermals, socks, bandanas, wristbands, shoes, flip-flops, neckties, undergarments, scarves, gloves, and children's clothing, namely, shorts, exercise tights, thermal shirts, long-sleeve tops, sweaters, jackets, hooded pullovers, headwear in the nature of headbands, socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, and gloves
SOUL	86/104495		08/27/2010	IC 025: (Based on Use in Commerce) Clothing, namely, pants, drawstring pants, sweat pants, shorts, exercise tights, shirts, short sleeve shirts, tops, sleeveless tops, long-sleeve tops, sweaters, sweatshirts, t-shirts, tank tops, sports bras, jackets, hooded pullovers; headwear, namely, hats, headbands; swimwear; children's clothing, namely, pants, sweat pants, shirts, short sleeve shirts, tops, sleeveless tops, long-sleeve tops, sweatshirts, t-shirts, tank tops; (Based on Intent To Use) Thermals, Socks, Bandanas, Wristbands, Shoes, Flip-flops, Neckties, Undergarments, Scarves, Gloves, and Children's clothing, namely, drawstring pants, shorts, exercise tights, thermal shirts, sweaters, jackets, hooded pullovers, headwear in the nature of headbands, socks, bandanas, wristbands, shoes, flip flops, hats, swimwear, neckties, undergarments, scarves, and gloves
SOULCYCLE	77/896727	3844345	04/2006	IC 025: Clothing, namely, pants, drawstring pants, sweat pants, shorts, exercise tights, shirts, tops, sleeveless tops, thermal shirts, long-sleeve tops, sweaters, t-shirts, tank tops, sports bras, jackets, hooded pullovers, socks, bandanas, wristbands; shoes, flip flops

MARK	SERIAL NO.	REGISTRATION NO.	DATE OF FIRST USE	GOODS/SERVICES
SOUL WATER	75/597947	2496683	06/24/2001	IC 032: drinking water
SOULWATER	85/173479	4176402	04/09/2012	IC 032: bottled water
SOULCYCLE	77/896084	4218194	04/23/2012	IC 028: Stationary exercise bicycles; exercise weights
SOULCYCLE	77/896569	3824906	05/2009	IC 018: all purpose carrying bags; sport bags
SOULCYCLE	77/896498	3824896	01/2009	IC 014: watches
SOULCYCLE	85/378857		Intent-to-Use Filing date: 7/22/2011	IC 009: Digital media, namely, pre-recorded compact discs, DVDs, high definition digital discs, and downloadable audio and audio-visual recordings, all in the field of exercise, fitness, wellness and personal development; downloadable software in the nature of a mobile application for scheduling exercise classes, downloadable software in the nature of an application for scheduling exercise classes, providing information regarding fitness classes, receiving audio files for music used during exercise classes and for social networking related to exercise classes, physical training and exercise instruction
SOULCYCLE	86/014892		Intent-to-Use Filing Date: 7/19/2013	IC 003: Hair shampoo; hair conditioner; facial wash; hand soap; body wash; shower gel; nail polish; perfume; fragrances; makeup remover

6. SoulCycle’s registrations in the table above are valid, subsisting, and conclusive evidence of SoulCycle’s exclusive rights to its registered SOUL Marks in commerce on the goods and/or services specified in said registrations. Additionally, the family of SOUL Marks together—as displayed in the table above and as used in the marketplace—signifies the SoulCycle business’s numerous products and services.

7. The SoulCycle business has extensively used, advertised, and promoted SoulCycle’s SOUL Marks in connection with goods and/or services through various channels of trade and in various media in commerce in the United States. As a result, customers and the public in general have come to know and recognize the SOUL Marks and associate the same with

SoulCycle and goods and/or services provided by the SoulCycle business. As a result of this extensive use, SoulCycle has built up valuable goodwill in its SOUL Marks throughout the United States.

8. On April 23, 2014, Applicant filed its application to register SUPER SOUL SESSIONS in connection with the following services, on an intent-to-use basis, 15 U.S.C. § 1051(b):

Class 38: Streaming of audio and visual content via the internet and global and local computer networks in the fields of human behavior, relationships, religion, faith, spirituality, wellness and conscious living, personal fulfillment, personal growth and motivation.

Class 41: Entertainment services, namely, television programming services; Entertainment services, namely, ongoing television segments and shows in the fields of human behavior, relationships, religion, faith, spirituality, wellness and conscious living, personal fulfillment, personal growth and motivation; conducting educational programs, classes, seminars, workshops in the fields of human behavior, relationships, religion, faith, spirituality, wellness and conscious living, personal fulfillment, personal growth and motivation.

9. Applicant's Mark so closely resembles SoulCycle's SOUL Marks in appearance, sound, and in the overall commercial impression it imparts on consumers that it is likely to cause confusion, mistake, or deception among the buying public as to any affiliation, association, or sponsorship between SoulCycle and Applicant if registered, in violation of 15 U.S.C. § 1052(d).

10. With the exception of the intent-to-use applications listed in the chart above, SoulCycle has used each of the SOUL Marks—including SUPERSOUL—since long before Applicant's filing date of April 23, 2014.

11. SoulCycle has not authorized or consented to Applicant's use or registration of Applicant's Mark in the United States.

12. Accordingly, registration of Applicant's Mark will likely cause consumers to be confused, mistaken, or deceived as to the source, origin, or sponsorship of Applicant's services,

to believe that Applicant's services emanate from SoulCycle, to believe that Applicant is in some way related to SoulCycle, and/or to believe that Applicant's services marketed under the opposed mark are marketed with the consent, permission, or authorization of SoulCycle.

13. If Applicant were to be granted a registration for Applicant's Mark, it would obtain thereby at least a *prima facie* exclusive right to use the mark for Applicant's services. Such registration would be a source of damage and injury to SoulCycle, as set forth herein.

14. WHEREFORE, SoulCycle respectfully requests that this opposition be sustained and that registration of the mark SUPER SOUL SESSIONS, Application Serial No. 86/260,448 for the services specified therein, be refused and that no registration should issue thereon to Applicant.

15. A filing fee has been submitted electronically.

Dated: March 23, 2015

/s/ Johanna Schmitt

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on the Attorney of Record and Correspondent as listed on the United States Patent and Trademark Office website by transmitting said copy via electronic mail on March 23, 2015, to:

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/s/ Johanna Schmitt

Johanna Schmitt