

ESTTA Tracking number: **ESTTA670893**

Filing date: **05/06/2015**

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	Bibiji Inderjit K Puri		
Entity	Individual	Citizenship	UNITED STATES
Address	1905 Preuss Rd Los Angeles, CA 90034 UNITED STATES		

Attorney information	Michael A. Long The Soni Law Firm 116 South Euclid Avenue Pasadena, CA 91101 UNITED STATES michael@sonilaw.com, surj@sonilaw.com, cassandra@sonilaw.com Phone:6266837600
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**Applicant Information**

Application No	86432152	Publication date	04/07/2015
Opposition Filing Date	05/06/2015	Opposition Period Ends	05/07/2015
Applicant	Bad Yogi LLC 10422 La Mirage Court Tampa, FL 33615 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2013/08/01 First Use In Commerce: 2013/08/01 All goods and services in the class are opposed, namely: Athletic tops and bottoms for yoga; Graphic T-shirts
Class 041. First Use: 2013/06/01 First Use In Commerce: 2013/06/01 All goods and services in the class are opposed, namely: Providing on-line videos featuring yogainstruction, not downloadable

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	UNFAIR BUSINESS PRACTICES (CALIFORNIA BUSINESS & PROFESSIONS CODE Â§Â§ 17200 et seq.)

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

U.S. Registration	1980514	Application Date	09/26/1994
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No.			
Registration Date	06/18/1996	Foreign Priority Date	NONE
Word Mark	YOGI TEA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1983/03/08 First Use In Commerce: 1983/03/08 tea		

U.S. Registration No.	4412548	Application Date	01/10/2003
Registration Date	03/30/2010	Foreign Priority Date	NONE
Word Mark	LITTLE YOGIS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2009/10/14 First Use In Commerce: 2009/10/14 Fruit-based snack food, snack mix consisting primarily of processed fruits, processed nuts and/or raisins Class 030. First use: First Use: 2009/10/14 First Use In Commerce: 2009/10/14 Breakfast cereals, cereal based snack food, granola, herb tea for food purposes, tea, tea-based beverages with fruit flavoring		

U.S. Application No.	85942810	Application Date	05/25/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOGI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 After sun creams; after sun lotions; after sun milks; after sun oils; age retardant gel; age retardant lotion; age spotreducing creams; air fragrancing preparations; aloe vera gel for cosmetic purposes; antibacterial skin soaps; antibacterial soap; antiperspirant soap; antiperspirants for personal use; anti aging cleanser; anti aging cream; anti aging moisturizer; anti aging toner; anti cavity mouth rinses; anti cavity mouthwashes; anti wrinkle cream; aroma therapy oils forrelieving stress; aromatic body care products, namely, body scrubs, body washes, body tonics; aromatic essential oils; aromatic oils; aromatic pillows comprising pot-		

pourri in fabric containers; aromatic potpourris; baby bubble bath; baby hair conditioner; baby hand soap; baby lotion; baby oil; baby powder; baby shampoo; baby wipes; bar soap; bath and showergels and salts not for medical purposes; bath beads; bath herbs; bath lotion; bath milks; bath oil; bath salts; bath pearls; bath powder; non medical bath salts; bath soaps; bath soaps in liquid solid or gel form; bathing lotions; beauty creams; beauty gels; beauty lotions; beauty masks; beauty milks; beauty serums; beauty soap; bergamot oil; body and beauty care cosmetics; body butter; body creams; body lotions; body mask cream; body mask lotion; body mask powder; body masks; body milks; body oils; body powder; body scrub; body splash; body spray; bodywash; breath freshener; breath freshening sprays; breath freshening strips; breath mints for use as breath freshener; bubble bath; cakes of toilet soap; cleansing creams; cleansing milk; cleansing milk for cosmetic purposes; cleansing milks for toilet purposes; cloths impregnated with a detergent for cleaning; cocoa butter for cosmetic purposes; cold cream; cosmetic bath salts; cosmetic creams; cosmetic creams for skin care; cosmetic hand creams; cosmetic masks; cosmetic massage creams; cosmetic milks; cosmetic nourishing creams; cosmetic oils; cosmetic preparations for skin renewal; cosmetic preparations against sunburn; cosmetic preparations for body care; cosmetic preparations for eyelashes; cosmetic preparations for care of mouth and teeth; cosmetic preparations; cosmetic preparations for slimming purposes; cosmetic preparations for the hair and scalp; cosmetic preparations for protecting the skin from the sun's rays; cosmetic preparations for skin care; cosmetic preparations for bath and shower; cosmetic rouges; cosmetics; cosmetic preparations; cosmetics in form of milks lotions and emulsions; cream soaps; creams for cellulite reduction; creamy face powder; cuticle conditioners; cuticle cream; deodorant soap; deodorant and antiperspirants; depilatory wax; douching preparations for personal sanitary or deodorant purposes; essential oils; essential oil of citron; exfoliant creams; eye cream; eye gels; eye make up remover; face and body beauty creams; face powder; facial beauty mask; facial cleansers; facial cleansing grains; facial cleansing milk; facial concealer; facial cream; facial emulsion; facial lotion; facial makeup; facial mask; facial scrub; facial wash; facial complexion cream; foams containing cosmetics and sunscreens; non medicated foot powder; foot scrubs; foot smoothing stones; foundation; foundation makeup; fragrance sachets; hair care creams; hair care kits comprising of shampoos, conditioners, oils, soaps; hair care lotions; hair care preparations; hair care preparations consisting of organic coconut virgin oil and coconut virgin oil; hair cleaning preparations; hair conditioner; hair shampoo; hand cleaners; hand gels; hand cleaning preparations; hand creams; hand lotions; hand scrubs; hand soaps; hand soap bars; henna for cosmetic purposes; incense; incense sticks; jasmine oil for personal use; lavender oil; lavender water; lip balm; lip cream; lip gloss; lip polisher; lipstick; liquid bath soaps; liquid soap; loofah soap; loose face powder; lotion for cellulite reduction; lotion for cosmetic purposes; lotion for face and body care; lotion for strengthening nails; make up foundations; make up removing preparations; make up kits comprising lip gloss, mascara, eyeliner, foundation, eye shadow, bronzer, primer; make up remover; make up removing lotions; make up milks; make up gels; make up creams; make up preparations; mask pack for cosmetic purposes; massage lotions; massage oils; medicated soaps; mineral powder for use in cosmetic body wrap applications; moistened tooth powder; moisturizing creams; moisturizing milks; moisturizing preparations for the skin; moisturizing solutions for the skin; mouthwash; musk; nail buffing preparations; nail care kits comprising nail polish; nail care preparations; nail cream; nail softeners; nail strengtheners; natural cocoa butter based personal care product, namely, body lotions; natural essential oils; natural mineral make-up; natural soap bars; naturally handmade soap bars; night cream; natural essential oils; natural soap bars; natural handmade soap bars; night cream; non-medicated preparations, namely, skin care; non-medicated acne treatment preparations; non-medicated anti aging serum; non-medicated balms for use on the skin; non-medicated bath preparations; non medicated bath salts; non-medicated body soaks; non-medicated bubble bath preparations; non-medicated skin cleansers; non-medicated dental

rinse; non-medicated diaper rash ointment and lotion; non-medicated douches; non-medicated facial and eye serum containing antioxidants; non-medicated feminine hygiene wash; non-medicated foot cream; non-medicated foot lotion; non-medicated foot soak; non-medicated grooming preparations for cats and dogs, namely, shampoos, conditioners, body washes; non-medicated hair serums; non-medicated herbal body care products, namely, body oils; non-medicated lip care preparations; non-medicated lip protectors; non-medicated mouth rinse; non-medicated mouthwashes; non-foaming cosmetic preparations for use on skin; non-medicated breath freshening strips; non-medicated hair restoration lotions; non-medicated hair treatment preparations for cosmetic purposes; non-medicated lip balm that does not contain beeswax; non-medicated mouth wash and rinse; non-medicated mouthwash and gargle; non-medicated ointments for the prevention and treatment of sunburn; non-medicated preparations all for the care of skin, hair and scalp; non-medicated scalp treatment cream; non-medicated serums for use on skin; non-medicated skin care preparations; non-medicated skin creams; non-medicated skin care creams and lotions; non-medicated skin creams with essential oils for use in aromatherapy; non-medicated skin toners; non-medicated stimulating lotions for the skin; non-medicated sun care preparations; non-medicated toiletries; non-slipping liquids for floors; nutritional oils for cosmetic purposes; oil baths for hair care; oils for cosmetic purposes; oils for hair conditioning; oils for perfumes and scents; oils for toiletry purposes; organic soap bars; patches containing sun screen and sun block for use on the skin; peppermint oil for perfumery; perfume; perfume oils; perfume oils for the manufacture of cosmetic preparations; perfumed creams; perfumed extracts for tissues and perfumes; perfumed paste; perfumed powder; perfumed powders; perfumed soap; perfumed talcum powder; perfumeries; perfumery; perfumes; perfumes and colognes; perfumes and toilet waters; perfuming sachets; permanent wave preparations; permanent waving lotions; personal deodorants; plant and herb extracts sold as components of cosmetics; pomades; pomanders; potpourri; powder for make-up; preparations for permanent hair waves; preparations for setting hair; pre-moistened cosmetic tissues; pre-moistened cosmetic towelettes; pre-moistened cosmetic wipes; pumice stones for personal use; reeds and scented oils sold as a unit for use in room scent diffusers. room fragrance refills for non-electric room fragrance dispensers; room fragrances; room fragrancing preparations; rose oil for cosmetic purposes; rouge; rouges; sachets; sachets for perfuming linen; sachet-like eyepillows containing fragrances; saddle soap; scented bathing salts; scented body lotions and creams; scented body spray; scented ceramic stones; scented oils; scented oils used to produce aromas when heated; scented pine cones; scented room sprays; scented sticks for adding scent to a flower bouquet or flowering pot plant; scented wood; seawater-based skin care preparations for skin renewal; seaweed for cosmetology; shampoos; shampoos for babies; shampoo-conditioners; shea butter for cosmetic purposes; shower and bath foam; shower and bath gel; shower creams; shower gel; shower gels; skin abrasive preparations; skin and body topical lotions, creams and oils for cosmetic use; skin bronzer; skin bronzing creams; skin care preparations, namely, chemical peels for skin; skin care preparations, namely, fruit acid peels for skin; skin care preparation, namely, body polish; skin care preparations, namely, body balm; skin care preparations, namely, skin peels; skin care products, namely, non-medicated skin serum; skin clarifiers; skin cleansers; skin cleansing cream; skin cleansing lotion; skin conditioners; skin conditioning creams for cosmetic purposes; skin cream; skin creams; skin creams in liquid and in solid form; skin creams in liquid and solid; skin creams in liquid and solid form; skin emollients; skin fresheners for cosmetics; skin gels for accelerating, enhancing or extending tans; skin lighteners; skin lightening creams; skin lotion; skin lotions; skin masks; skin moisturizer; skin moisturizer masks; skin moisturizing gel; skin soap; skin texturizers; skin toners; skin whitening creams; skin whitening preparations; soap in the form of bath toys; soap powder; soaps and detergents; soaps for hands and faces; soaps for babies; soaps for body care; soaps for household use; soaps for personal use; soaps made from goat's milk; soaps made from almonds; soaps made from

	<p>aloe; solid powder for cosmetic compacts; stick pomade; styling clay for hair; styling foam for hair; styling gels; styling lotions; styling mousse; styling paste for hair; sun block; sun block preparations; sun care lotions; sun creams; sun screen; sun screen preparations; sun tan gel; sun tan lotion; sun tan oil; sun-screen cream; sunscreen creams; suntan creams for self-tanning; suntan oils for cosmetic purposes; suntanning preparations; sun-block lotions; sun-tanning oils; sun-tanning oils and lotions; sun-tanning preparations; synthetic perfumery; talcum powder; talcum powders; tanning and after-sun milks, gels and oils for cosmetics; tanning creams; tanning gels for cosmetics; tanning milks for cosmetics; tanning oils for cosmetics; teeth cleaning lotions; teeth whitening kit; teeth whitening strips impregnated with teeth whitening preparations for cosmetics; tissues impregnated with cosmetic lotions; toiletry bags sold filled with soap; toiletry bags sold filled with shampoo; toiletry bags sold filled with hair conditioner; toning lotion for the face, body and hands; tooth cleaning preparations; tooth gel; tooth paste; tooth paste in soft cake; tooth polishes; tooth powder; tooth powders; tooth whiteners for cosmetic purposes comprised of neutral sodium fluoride sustained release gel; tooth whitening creams; tooth whitening gels; tooth whitening pastes; tooth whitening preparations; toothpaste; toothpaste and mouthwashes; toothpastes; topical herbal cream for firming and enhancing breasts; topical skin sprays for cosmetic purposes; under-eye enhancers; vanishing cream; washing preparations and laundry bleach; washing-up liquids; waterless soap; waterproof sunscreen; wax for removing body hair; wax stripping preparations; wax strips for removing body hair; whitewall cleaners; wipes impregnated with a skin cleanser; wipes impregnated with a cleaning preparation; wrinkle removing skin care preparations; wrinkle resistant cream; wrinkle-minimizing cosmetic preparations for topical facial use; 3-in-1 hair conditioners; 3-in-1 hair shampoos; 3-in-1 organic soap bars for use as soap; shampoo and conditioner; skin lightening masks; cosmetic facelift masks; gel eye masks; face mud masks for cosmetic purposes; body mud masks for cosmetic purposes; non-medicated bath cleansing mud; cleavage cream for cosmetic purposes; age defiance cosmetic cream; body cream; hand cream; non-medicated skin cream; non-medicated face cream; non-medicated eye cream; non-medicated cell renewal night cream; face wash; facial scrubs; body oil; massage oil; essential oil for personal use; scented aroma oils; body lotion; scented aroma lotions; body moisturizers; moisturizing skin lotions; non-medicated dry skin gel drops; skin moisturizers; re hydrating botanical cleansing milk; hair shampoo; hair care preparations; cosmetic compacts containing makeup; cosmetic concealers; cosmetic foundation; cosmetic makeup; cosmetic pencils; cosmetic eye makeup; cosmetic eye makeup remover; cosmetic facial makeup; cosmetic mascara; cosmetic makeup remover; cosmetic eye pencils; cosmetic eye shadow; cosmetic eyeliners; cosmetic lip gloss; cosmetic face powder; cosmetic rouge; cosmetic blushers; cosmetic tissues impregnated with cosmetic lotions; cosmetic tissues, pre-moistened; spa body salt scrub; spa face salt scrub; spa foot salt scrub; non-medicated bath salts; mineral bath salts; body salt scrubs; sea salt body scrubs. non-medicated sea salts for personal use; bath crystals; bath rice crystals; bath mineral crystals; shower crystal minerals; bath crystal minerals; non-medicated moisture balm; non-medicated body balm; exfoliating body scrub; bath salts in tablet form; bath milk; non-medicated bath fizzies consisting of baking soda and fragrance</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0</p> <p>Douching preparations for medical purposes</p>
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U.S. Application No.	86137651	Application Date	12/06/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOGI		

Design Mark	<h1>YOGI</h1>
Description of Mark	NONE
Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>anorak; anoraks for parkas; anti-perspirant socks; anti-sweat underclothing; anti-sweat underwear; apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; athletic footwear; athletic pants; athletic shirts; athletic shoes; athletic shorts; athletic skirts; athletic tights; athletic uniforms; balloon pants; ballroom dancing shoes; ballroom dancing uniforms; bandanas; bandeau tops; beach coverups; beach cover-ups; beanies; bed jackets; belts for clothing; belts for clothing; belts made from imitation leather; belts made of leather; belts made out of cloth; belts of textile; belts that are designed to accommodate pregnancy size changes; blazers; bloomers; blouses; blousons; board shorts; body linen for garments; body shapers; body shirts; bodystockings; body suits; boleros; bolo ties; boxer briefs; boxer shorts; boxing shoes; boxing shorts; braces for suspenders; bralettes; bras; brassieres; breeches; breeches for wear; briefs; briefs for underwear; button down shirts; button-front aloha shirts; caftans; cagoules; camisettes; camisoles; camp shirts; canvasshoses; cap peaks; cap visors; capelets; capes; capes for use in salons and barber shops; capri pants; capris; caps for headwear; caps with visors; cardigans; cargo pants; cassocks; chemises; chemisettes; children's and infants' cloth bibs; children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; children's and infants' apparel treated with fire and heat retardants, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; children's cloth eating bibs; children's headwear; choir robes; cloaks; clogs; clothing for athletic use, namely, padded shorts; clothing for athletic use, namely, padded pants; clothing for athletic use, namely, padded shirts; clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; clothing items, namely, blindfolds worn over the eyes; clothing items, namely, gags worn over the mouth; clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; clothing, namely, shirts; clothing, namely, pants; clothing, namely, skirts; clothing, namely, arm warmers; clothing, namely, athletic sleeves; clothing, namely, base layers; clothing, namely, cowls and smoke ring scarves; clothing, namely, crops; clothing, namely, folk costumes; clothing, namely, hand-warmers; clothing, namely, khakis; clothing, namely, knee warmers; clothing, namely, maternity bands; clothing, namely, neck tubes; clothing, namely, thobes; clothing, namely, wrap-arounds; coats; coats for men and women; coats made of cotton; coats of denim; compression garments for athletic or other non-medical use, namely, compression socks; ; coats made of cotton; coats of denim; compression garments for athletic or other non-medical use, namely, stockings; compression garments for athletic or other non-medical use, namely, leggings; coats made of cotton; coats of denim; compression garments for athletic or other non-medical use, namely, jerseys; compression garments for athletic or other non-medical use, namely, vests; compression garments for athletic or other non-medical use, namely,</p>

trousers; corselets; corsets for foundation clothing; coveralls; coverups; crew neck sweaters; crew necks; crop pants; crop tops; cummerbunds; custom made to measure suits for men and women; dance costumes; dance shoes; dance slippers; denim jackets; denimsfor pants; drawers for clothing; dress pants; dress shields; dress shirts; dress suits; dresses; dresses, namely, prom dress; dresses, namely, cocktail dress; dressing gowns; dressing gowns and bath robes; dungarees; dust coats; dusters for clothing; evening dresses; evening gowns; fabric belts; fingerless gloves; fleece bottoms; fleece pullovers; fleece shorts; fleece tops; fleece vests; flight suits; flip flops for footwear; footwear; footwear excluding orthopedic footwear; footwear for men; footwear for men andwomen; footwear for women; footwear made of wood; footwear not for sports; foundation garments worn around the midsection or thighs to keep the stomach in and create a slimming effect; frocks; girdles as foundation garments; gloves; glovesas clothing; gloves for apparel; glovesfor personal hand conditioning use; headgear, namely, hats; headgear, namely, caps; headwear; heavy coats; heavy jackets; hooded pullovers; hooded sweat shirts; hooded sweatshirts; hooded sweatshirtsfor babies; hooded sweatshirts for adults; hooded sweatshirts for children; hooded sweatshirts for women; hooded sweatshirts for men; hoods; hoods for clothing; housecoats; infant and toddler one piece clothing; infant sleepers; infant wear; infant wearable blankets; infants' shoes and boots; infants' trousers; infantwear; jackets for clothing; jackets andsocks; jackets made in whole or in substantial part of silk; jackets made in whole or in substantial part of wool; jackets made in whole or in substantial partof cashmere; jackets made in whole or in substantial part of cotton; jodhpurs; jogging pants; jogging suits; jump suits; jumper dresses; jumpers; jumpsuits; kaftans; knit bottoms; knit dresses; knit jackets; knit shirts; knit skirts; knit tops; knitted caps; knitted gloves; knitted underwear; ladies' underwear; leg shapers; leg shielding device, attachable to and detachable from a person's pants, comprised of padding to shield the legsfrom flying debris when mowing with a string trimmer; leg warmers; leggings; leggins being a variant of leggings; leg-warmers; leisure shoes; leisure suits; leotards; leotards and tights for women, men and children of nylon, cotton or other textile fibers; light-reflecting coats; light-reflecting jackets; lingerie; liveries for uniforms; loafers; long jackets; long johns; long sleeve pullovers; long sleeved vests; long underwear; long-sleeved shirts; lounge pants; loungewear; low wooden clogs being hiyori-geta; low wooden clogs being koma-geta; men's and women's jackets, coats, trousers, vests; men's dress socks; men's socks; men'ssuits; men's suits, women's suits; men's underwear; moccasins; mock turtle-necksweaters; mocknecks; moisture-wicking sports shirts; moisture-wicking sports pants; moisture-wicking sports bras; moneybelts; mufflers; mufflers for clothing;muffs; muscle tops; muu muus; neck bands; night gowns; night shirts; nightcaps;nightdresses; nightgowns; nighties; nightshirts; nightwear; non-slip socks; non-slip soles for footwear; non-slip soles for footwear, namely, for slippers; non-slip soles for footwear, namely, for moccasins; one piece garment for infants and toddlers; one-piece garments for children; one-piece play suits; open-necked shirts; outdoor gloves; outdoor mittens;outer jackets; over coats; over shirts;overalls; overalls for use in salons and barber shops; overcoats; overshoes; over-trousers; padded jackets; padding jackets; pajama bottoms; pajamas; pajamas treated with fire and heat retardants; pantaloons; panties; panties, shorts and briefs; pants; pantsuits; pantyhose; parkas; pedal pushers; petticoats; petti-pants; pinafore dresses; pinafores; pinniesin the nature of scrimmage vests for use in sports; pique shirts; polo knit tops; polo shirts; ponchos; pram suits; pullovers; pumps for footwear; pyjamas madefrom tricot only; quilted vests; race number belts that hold a paper number on the race participant's front or back during competition; rain boots; rain coats;rain hats; rain jackets; rain slickers;rain suits; rain trousers; rain wear; raincoats; rain-proof jackets; rainwear; robes; running shoes; running suits; sandals; sandals and beach shoes; sandal-clogs; sarees; saris; sarongs; scarfs; scarves; serapes; shawls; shawls made from tricot only; shawls and headscarves; shawls and stoles; shirts; shirts and short-sleeved shirts; shirts and slippers; shirtsfor infants, babies, toddlers and children; shirts for suits; short petticoats;short sets for

clothing; short trousers; shortalls; shorts; short-sleeved or long-sleeved t-shirts; short-sleeved shirts; shoulder scarves; shoulder wraps for clothing; shoulder wraps for clothing; shrugs; silk scarves; singlets; skirt suits; skirts; skirts and dresses; skorts; slacks; sleep pants; sleep shirts; sleeping garments; sleepwear; sleepwear treated with fire and heat retardants; sleeved or sleeveless jackets; sleeveless jerseys; sleeves worn separate and apart from blouses, shirts and other tops; sliding shorts; slipovers; slipper socks; slipper soles; slippers; slippers; small hats; smocks; sneakers; socks; socks and stockings; sport coats; sport shirts; sport stockings; sports pants; sports shirts; sports shirts with short sleeves; sports vests; stockings; stockings that are sweat-absorbent; stoles; stretch pants; swaddling clothes; sweat jackets; sweat pants; sweat shirts; sweat shorts; sweat suits; sweatbands; sweaters; sweaters made in whole or in substantial part of silk; sweaters made in whole or in substantial part of wool; sweaters made in whole or in substantial part of cashmere; sweaters made in whole or in substantial part of cotton; sweatpants; sweatshirts; sweatshirts for babies; sweatshirts for adults; sweatshirts for children; sweatshirts for women; sweatshirts for men; sweatsocks; sweatsuits; tank tops; tank-tops; tap shoes; thermal socks; thermal underwear; thongs for footwear; thongs for underwear; top coats; topcoats; tops for clothing; track pants; track suits; tracksuits; training shoes; training suits; travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; trekking boots; trench coats; trousers; trousers for sweating; trousers of leather; trunks; tube tops; tunics; tuques; turbans; turtle neck shirts; turtleneck pullovers; turtleneck sweaters; turtlenecks; t-shirts; t-shirts for babies; t-shirts for adults; t-shirts for children; t-shirts for women; t-shirts for men; under garments; underclothes; underclothing; undergarments; undergarments, namely, waspies; underpants; undershirts; undershirts; undershirts; underwear; underwear, namely, boy shorts; uniforms; union suits; unitards; veils; vest extenders; vested suits; vests; v-neck sweaters; waist bands; waist belts; warm up outfits; warm up suits; warm-up suits; wearable garments and clothing, namely, shirts; women's hats and hoods; women's shoes; women's shoes, namely, foldable flats; women's tops, namely, camis; women's underwear; wooden shoes for footwear; wooden supports of Japanese style wooden clogs; woolen socks; woolen tights; woolly hats; woven bottoms; woven dresses; woven or knitted underwear; woven skirts; woven tops; yoga pants; yoga shirts

U.S. Application No.	77871656	Application Date	11/12/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOGI OIL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 Natural essential oils		

U.S. Application No.	77784202	Application Date	07/17/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOGI NUT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2009/04/30 First Use In Commerce: 2009/06/17 Processed nuts		

Attachments	85942810#TMSN.png( bytes ) 86137651#TMSN.png( bytes ) 77871656#TMSN.png( bytes ) 77784202#TMSN.png( bytes ) 150506 Ntc of Opposition re BAD YOGI sn 86432152.pdf(28055 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	/michael a. long/
Name	Michael A. Long
Date	05/06/2015

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

In Re Appl. Serial No.: **86432152**  
For the mark: **BAD YOGI**  
Published on: **Oct. 23, 2014**

**BIBIJI INDERJIT KAUR PURI**  
v.  
**BAD YOGI LLC**

**NOTICE OF OPPOSITION**

Opposer: **BIBIJI INDERJIT KAUR PURI**

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

The grounds for this opposition are as follows:

**ANY INJURY—15 USC § 1063**

1. Opposer **BIBIJI INDERJIT KAUR PURI** (“Bibiji”) believes she will be injured by registration of Applicant’s proposed mark **BAD YOGI**.

**LIKELIHOOD OF CONFUSION**

2. Paragraph 1 is re-alleged and incorporated herein by reference.
3. Opposer **Bibiji** owns and is the senior user of the **YOGI** mark.

4. Bibiji owns and has used the YOGI, YOGI TEA, YOGIBOTANICALS, YOGI BOTANICALS ORGANIC SOLUTIONS, YOGI OIL, YOGI NUT, and LITTLE YOGIS marks through licensees (the “YOGI marks”).

5. Bibiji’s use of the YOGI marks has been in use since as early as 1983 for YOGI TEA, through licensees.

6. Bibiji’s uses of the YOGI marks includes such uses for goods including but not limited to:

- Tea
- Cereal
- Snack food
- Juices
- Herbs and spices
- Bath products
- Beauty products

7. Reg. No. 4412548 for the mark “LITTLE YOGIS” filed Jan. 10, 2003 is held by Wai Lana Productions, LLC for the benefit of Bibiji.

8. Reg. No. 1980514 for “YOGI TEA” filed Sep. 26, 1994 for the goods described as “tea” is held by registrant East West Tea Company for the benefit of Bibiji as an at least 50% co-owner.

9. Reg. No. 3595462 for “YOGIBOTANICALS” filed Apr. 19, 2007 is held by Yogi Botanicals International Corporation for the benefit of Bibiji.

10. Reg. No. 3595461 for “YOGI BOTANICALS ORGANIC SOLUTIONS” filed Apr. 19, 2007 is held by Yogi Botanicals International Corporation for the benefit of Bibiji.

11. Ser. No. 77871656 for “YOGI OIL” filed Nov. 12, 2009 is held by Yogi Botanicals International Corporation for the benefit of Bibiji.

12. Ser. No. 77784202 for “YOGI NUT” filed Jul. 17, 2009 is held by Yogi Botanicals International Corporation for the benefit of Bibiji.

13. Ser. No. 85942810 for the mark “YOGI” filed May 25, 2013 is held by Bibiji.

14. Ser. No. 86137651 for the mark “YOGI” filed Dec. 06, 2013 is held by Bibiji.

15. As evidenced by Bibiji’s steady expansion and diversification of goods over the last 30+ years, expansion in bath and beauty products was a natural growth market for Bibiji and Applicant’s use would directly interfere and would likely cause confusion as to source. Senior use is protected in expansion space to avoid confusion. *15 U.S.C. § 1072*; see *AMF Inc. v. Sleekcraft Boats*, 599 F.2d 341, 349 (9th Cir. 1979); *Communications Satellite Corp. v. Comcet, Inc.*, 429 F.2d 1245, 1251 (4th Cir. 1970).

16. Applicant’s proposed mark phonetically contains all of the same consonants and vowel sounds of Opposer’s mark.

17. Applicant’s proposed mark is BAD YOGI in International Class 25 for “Athletic tops and bottoms for yoga; Graphic T-shirts” with an alleged first use in interstate commerce as of August 1, 2013; and in International Class 41 for “Providing on-line videos featuring yoga instruction, not downloadable” with an alleged first use in interstate commerce as of June 1, 2013.

18. Applicant’s use of the proposed mark is later in time than Opposer’s uses of the YOGI mark, and is a natural expansion market thereof.

19. The proposed mark is a YOGI-derivative mark.

20. Registration of Applicant's mark is likely to cause confusion or mislead the purchasing public as to the affiliation, association or sponsorship of Applicant's goods.

### **DILUTION**

21. Opposer's mark is a famous mark.

22. Opposer's mark is distinctive, inherently or through acquired distinctiveness since at least March 8, 1983.

23. Opposer's mark is widely recognized in the healthy lifestyle market.

24. Paragraphs 1-20 are re-alleged and incorporated herein by reference.

### **FALSE DESIGNATION OF ORIGIN**

25. Applicant's proposed mark as used in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of Applicant's or another person's goods, services, or commercial activities.

26. Paragraphs 1-24 are re-alleged and incorporated herein by reference.

### **UNFAIR BUSINESS PRACTICES**

**(CALIFORNIA BUSINESS & PROFESSIONS CODE §§ 17200 et seq.)**

27. The proposed mark, if registered by Applicant, would constitute unlawful, unfair or fraudulent business act or practice.

28. Paragraphs 1-26 are re-alleged and incorporated herein by reference.

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Respectfully submitted,  
THE SONI LAW FIRM

By: /s/ Michael A. Long

Surjit P. Soni (Cal. SBN: 127419)

Michael A. Long (Cal. SBN: 266555)

Attorneys for Opposer

BIBIJI INDERJIT KAUR PURI

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Notice of Opposition** has been served on Counsel for Applicant by mailing said copy on the date undersigned via First Class Mail, postage prepaid to:

Rachel M. Feinman, Esq.  
HILL WARD HENDERSON  
101 E KENNEDY BLVD STE 3700  
TAMPA, FLORIDA 33602-5195

Date: May 6, 2015

/s/ Cassandra Scardino

Cassandra Scardino