

ESTTA Tracking number: **ESTTA1235725**

Filing date: **09/14/2022**

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

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| Name | Energy Alchemy Solutions, LLC |
| Granted to date of previous extension | 09/14/2022 |
| Address | 1630 30TH STREET SUITE A BOULDER, CO 80301 UNITED STATES |
| Party who filed extension of time to oppose | William M Hunziker Wintour Esq. |
| Relationship to party who filed extension of time to oppose | Will Hunziker Represents Energy Alchemy Solutions, LLC. |

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| Correspondence information | WILL HUNZIKER HUNZIKER LEGAL SERVICES, LLC 1942 BROADWAY ST STE 314 BOULDER, CO 80302 UNITED STATES Primary email: willhunziker@gmail.com Secondary email(s): willhunziker@yahoo.com 7203100013 |
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Applicant information

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| Application no. | 90718224 | Publication date | 05/17/2022 |
| Opposition filing date | 09/14/2022 | Opposition period ends | 09/14/2022 |
| Applicant | SweetLife Company 3550 FRONTIER AVENUE, UNIT D BOULDER, CO 80516 UNITED STATES | | |

Goods/services affected by opposition

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| <p>Class 041. First Use: May 14, 2021 First Use In Commerce: May 14, 2021 All goods and services in the class are opposed, namely: Educational services, namely, conducting classes, seminars, conferences, workshops in the fields of business, personal and professional growth and development; development of courses, curriculums, and educational programs in the fields of business, personal and professional growth and development; providing online educational courses, coaching, workshops, lectures, trainings, tutorials, seminars, conferences, mentoring programming, on-line newsletters, information on education, resources in the nature of non-downloadable brochures and articles, digital images and photos, podcasts, webcasts, online non-downloadable</p> |
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electronic books, blogs, vlogs featuring non-downloadable videos in the fields of business, personal and professional growth and development; organizing educational events in the fields of business, personal and professional growth and development; business training in regard to online course development, coaching methodology, and online teaching and learning; educational services, namely, conducting training and workshops in the field of e-commerce and online business development and distribution of course and educational materials in connection therewith; online training and courses about e-commerce and online business development; providing coaching, educational courses, trainings, tutorials, non-downloadable webinars, mentoring programming, and educational events in the fields of business, personal and professional growth and development; information on education to help develop courses, curriculums, programs, methods, frameworks and coaching processes of others

Grounds for opposition

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| Priority and likelihood of confusion | Trademark Act Section 2(d) |
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Mark cited by opposer as basis for opposition

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|------------------------------------|--|------------------|------|
| U.S. application/ registration no. | NONE | Application date | NONE |
| Register | NONE | | |
| Registration date | NONE | | |
| Mark | Transformational Program Design | | |
| Goods/services | Educational services, namely, conducting classes, seminars, conferences, workshops in the fields of business, personal and professional growth and development; development of courses, curriculums, and educational programs in the fields of business, personal and professional growth and development; providing online educational courses, coaching, workshops, lectures, trainings, tutorials, seminars, conferences, mentoring programming, on-line newsletters, information on education, resources in the nature of non-downloadable brochures and articles, digital images and photos, podcasts, webcasts, online non-downloadable electronic books, blogs, vlogs featuring non-downloadable videos in the fields of business, personal and professional growth and development; organizing educational events in the fields of business, personal and professional growth and development; business training in regard to online course development, coaching methodology, and online teaching and learning; educational services, namely, conducting training and workshops in the field of e-commerce and online business development and distribution of course and educational materials in connection therewith; online training and courses about e-commerce and online business development; providing coaching, educational courses, trainings, tutorials, non-downloadable webinars, mentoring programming, and educational events in the fields of business, personal and professional growth and development; information on education to help develop courses, curriculums, programs, methods, frameworks and coaching processes of others | | |

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| Related proceedings | IN THE UNITED STATES DISTRICT COURT DISTRICT OF COLORADO, Case 1:21-cv-00679 |
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| Attachments | TRANSFORMATIONAL PROGRAM DESIGN OPPOSITION.pdf(169706 bytes) |
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|-----------|-----------------|
| Signature | /Will Hunziker/ |
| Name | WILL HUNZIKER |

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|------|------------|
| Date | 09/14/2022 |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Energy Alchemy Solutions, LLC
Opposer,

v.

Sweetlife Company,
Applicant.

Opposition #:

Mark: Transformational Program
Design

Application Serial #: 90/718,224
Published: May 17th, 2022

Notice of Opposition

Facts

1. Energy Alchemy Solutions, LLC (“Opposer”) is a Colorado Limited Liability Company located at 1630 30th Street Suite A, Boulder, Colorado 80301
2. SweetLife Company (“Applicant”) is a Colorado Limited Liability Company located at 3550 Frontier Avenue, Unit D Boulder, CO 80516
3. Applicant has applied for the mark “Transformational Program Design”, application # 90/718,224, filed May 18, 2021 for the services listed as: “Educational services, namely, conducting classes, seminars, conferences, workshops in the fields of business, personal and professional growth and development; development of courses, curriculums, and educational programs in the fields of business, personal and professional growth and development; providing online educational courses, coaching, workshops, lectures, trainings, tutorials, seminars, conferences, mentoring programing, on-line newsletters, information on education, resources in the nature of non-downloadable brochures and articles, digital images and photos, podcasts, webcasts, online non-downloadable electronic books, blogs, vlogs featuring non-

downloadable videos in the fields of business, personal and professional growth and development; organizing educational events in the fields of business, personal and professional growth and development; business training in regard to online course development, coaching methodology, and online teaching and learning; educational services, namely, conducting training and workshops in the field of e-commerce and online business development and distribution of course and educational materials in connection therewith; online training and courses about ecommerce and online business development; providing coaching, educational courses, trainings, tutorials, non-downloadable webinars, mentoring programing, and educational events in the fields of business, personal and professional growth and development; information on education to help develop courses, curriculums, programs, methods, frameworks and coaching processes of others” with a claimed first use date of May 14, 2021 for all of the service listed.

4. Opposer has used the mark “Transformational Program Design” in connection with services identical to those listed by Applicant prior to Applicant and no later than 2019.

5. Applicant only started using the mark “Transformational Program Design” after litigation began between the two parties related to the mark “Signature offer” in an attempt to steal Opposer’s intellectual property.

6. Opposer currently has a federal case filed against Applicant that includes claims to ownership of Applicant’s mark “Transformational Program Design”.

GROUND FOR OPPOSITION

Priority & Likelihood of Confusion

7. Opposer repeats and realleges each and every allegation set forth above.
8. Opposer Energy Alchemy Solutions, LLC has priority of rights based on Opposer's ongoing use in commerce of the "Transformation Program Design" mark since at least as early as 2019, over two years prior to the filing and almost simultaneous first use of the Subject Application by Applicant.
9. The trademark covered by the Subject Application is confusingly similar to Opposer's "Transformation Program Design" Mark as it contains the identical terms "Transformation Program Design" and the two uses of the mark are for identical services, as the mark and services of the two uses are identical the likelihood of confusion is likely to cause confusion, mistake or deceive in violation of Section 2(d), 15 U.S.C. § 1052(d).
10. Applicant only started using Opposer's mark and filed for trademark for it immediately after opposing Opposer's mark for "Signature Offer" and is a malicious use of the mark, with the intent to cause duress and financial burden
11. Considering the similarity of the parties' marks and the highly related nature of the parties' goods, the mark covered by the Subject Application is likely to cause confusion with Opposer's prior and continuous use of the mark.

CONCLUSION

WHEREFORE, Opposer will be damaged by the registration of the mark covered by the Subject Application, Opposer respectfully requests that this opposition be granted and that application no. 90/718,224, for the mark "Transformational Program Design" not proceed to registration.

The opposition fee in the amount of \$600 for an opposition in one class was filed in conjunction with Opposer's Notice of Opposition. This paper is filed electronically.

Opposer appoints Will Hunziker of the law firm Hunziker Legal Services, PLLC,

who is a member of the bar of the State of Colorado, to act as attorneys for Opposer, with full power to prosecute said Opposition, to transact all business with the USPTO, the Trademark Trial and Appeals Board, and in the United States Courts, and to receive all communications for this Notice of Opposition.

Respectfully submitted,

By: /s/William Hunziker, JD

Date: September 14th, 2022

Hunziker Legal Services, PLLC
1942 Broadway St. Suite 314
Boulder, CO 80302
Phone# 720-310-0013
Fax# 720-306-3017
willhunziker@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition has been served on Opposer's attorney of record by e-mailing said copy to:

francesca-pto@lozaip.com

By: /s/Will Hunziker, JD

Date: September 14th, 2022

Name of Transmitting Person:

William Hunziker, JD Attorney for Energy Alchemy Solutions, LLC

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via ESTTA on date shown below to the United States Patent and Trademark Office.

By: /s/William Hunziker, JD

Date: September 14th, 2022

Name of Transmitting Person:

William Hunziker, JD Attorney for Energy Alchemy Solutions, LLC