

ESTTA Tracking number: **ESTTA53598**

Filing date: **11/16/2005**

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

<b>Name</b>	4 Minute Holdings, LLC		
<b>Entity</b>	Limited Liability Corporation	<b>Citizenship</b>	Wyoming
<b>Address</b>	348 Mill Street Reno, NV 89501 UNITED STATES		

<b>Attorney information</b>	Catherine Cary, Esq., LL.M. Sutton Law Center, PC 348 Mill Street Reno, NV 89501 UNITED STATES ccary@sutlaw.com Phone:775-824-0300
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#### Applicant Information

<b>Application No</b>	78574182	<b>Publication date</b>	11/08/2005
<b>Opposition Filing Date</b>	11/16/2005	<b>Opposition Period Ends</b>	12/08/2005
<b>Applicant</b>	4 Minutes 2 Fitness 109 Grace Way Scotts Valley, CA 95066 UNITED STATES		

## Goods/Services Affected by Opposition

Class 041.

All goods and services in the class are opposed, namely: Providing fitness and exercise facilities

<b>Attachments</b>	Notice of Opposition 11-2005.pdf ( 1 page ) Attachment 1.txt ( 2 pages ) Attachment 2.txt ( 2 pages ) Attachment 3.txt ( 2 pages ) Attachement 4.txt ( 2 pages )
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<b>Signature</b>	/cac/
<b>Name</b>	Catherine Cary, Esq., LL.M.
<b>Date</b>	11/16/2005

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

In the Matter of Application of Serial No.: 78574182

Mark: Just 4 minutes a day can change your life

Filed: February 2, 2005

Published in the Official Gazette on November 8, 2005

4 Minute Holdings, LLC

Opposer,

v.

4 Minutes 2 Fitness, LLC

Applicant.

**NOTICE OF OPPOSITION**

4 Minute Holdings, LLC (hereinafter “Opposer”), a limited liability corporation duly organized and existing under the laws of the State of Wyoming, opposes the grant of Trademark Application Serial No. 78574182 by 4 Minutes 2 Fitness, LLC (hereinafter “Applicant”) to register the mark “Just 4 minutes a day can change your life” for “ Providing fitness and exercise facilities ” in International Class 041.

4 Minute Holdings, LLC has been a leader in providing a “specialized” gymnasium services since 2004 and believes that it will be damaged by the registration of Trademark Application Serial No. 78574182, and hereby petitions that the opposition be sustained against Applicant's application to register the mark mentioned above.

As grounds therefore, it is alleged that:

Latest Status InfoThank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-11-15 14:41:41 ET  
Serial Number: 78576364

Registration Number: (NOT AVAILABLE)

Mark

(words only): THE 4 MINUTE GYM

Standard Character claim: Yes

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark

has been made.

Date of Status: 2005-09-22

Filing Date: 2005-02-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 115

Attorney Assigned:

HICKEY TONI Y Employee Location

Current Location: M6X -TMO Law Office 115 - Examining Attorney Assigned

Date In Location: 2005-09-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 4 Minute Holdings, LLC

Address:

4 Minute Holdings, LLC

116 Blue Heron Trail

Newport News, VA 23606

United States

Legal Entity Type: LIMITED LIABILITY CORPORATION

State or Country Where Organized: Wyoming

Phone Number: 757-930-0784

Fax Number: 757-930-0785

GOODS AND/OR SERVICES

International Class: 041

Gymnasium services

First Use Date: 2004-02-01

First Use in Commerce Date: 2004-04-01

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-09-22 - Non-final action e-mailed

2005-09-22 - Non-Final Action Written

2005-09-21 - Case file assigned to examining attorney

2005-03-07 - New Application Entered In Tram

CORRESPONDENCE INFORMATION

Correspondent

Catherine Cary (Attorney of record)

CATHERINE CARY

SUTTON LAW CENTER, P.C.

348 MILL ST

RENO, NV 89501-1537

Phone Number: 775-824-0300

Fax Number: 775-8240105

Latest Status InfoThank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-11-15 14:43:56 ET  
Serial Number: 78576338

Registration Number: (NOT AVAILABLE)

Mark

(words only): THE M4NUTE GYM

Standard Character claim: No

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark

has been made.

Date of Status: 2005-09-22

Filing Date: 2005-02-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 115

Attorney Assigned:

HICKEY TONI Y Employee Location

Current Location: M6X -TMO Law Office 115 - Examining Attorney Assigned

Date In Location: 2005-09-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 4 Minute Holdings, LLC

Address:

4 Minute Holdings, LLC

116 Blue Heron Trail

Newport News, VA 23606

United States

Legal Entity Type: LIMITED LIABILITY CORPORATION

State or Country Where Organized: Wyoming

Phone Number: 757-930-0784

Fax Number: 757-930-0785

GOODS AND/OR SERVICES

International Class: 041

Gymnasium services

First Use Date: 2004-02-01

First Use in Commerce Date: 2004-04-01

Basis: 1(a)

ADDITIONAL INFORMATION

Description of Mark: The mark consists of Logo is thin and wide.

Reading left to

right, it starts out with a square area that has the workidng The m4nute with

the partial face of a clock in the background. Then the wording "GYM" next to

its right side.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-09-22 - Non-final action e-mailed  
2005-09-22 - Non-Final Action Written  
2005-09-21 - Case file assigned to examining attorney  
2005-03-07 - New Application Entered In Tram

CORRESPONDENCE INFORMATION

Correspondent

Catherine Cary (Attorney of record)

CATHERINE CARY

SUTTON LAW CENTER, P.C.

348 MILL ST

RENO, NV 89501-1537

Phone Number: 775-824-0300

Fax Number: 775-824-0105

Latest Status InfoThank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-11-15 14:44:45 ET  
Serial Number: 78576351

Registration Number: (NOT AVAILABLE)

Mark

(words only): THE M4NUTE GYM

Standard Character claim: No

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark

has been made.

Date of Status: 2005-09-22

Filing Date: 2005-02-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 115

Attorney Assigned:

HICKEY TONI Y Employee Location

Current Location: M6X -TMO Law Office 115 - Examining Attorney Assigned

Date In Location: 2005-09-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 4 Minute Holdings, LLC

Address:

4 Minute Holdings, LLC

116 Blue Heron Trail

Newport, VA 23606

United States

Legal Entity Type: LIMITED LIABILITY CORPORATION

State or Country Where Organized: Wyoming

Phone Number: 757-930-0784

Fax Number: 757-930-0785

GOODS AND/OR SERVICES

International Class: 041

Gymnasium services

First Use Date: 2004-02-01

First Use in Commerce Date: 2004-04-01

Basis: 1(a)

ADDITIONAL INFORMATION

Description of Mark: The mark consists of Logo forms a square. Wording on top is

The m4nute with a partial face of a clock in the background. Then the word "Gym"

below it. .

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-09-22 - Non-final action e-mailed

2005-09-22 - Non-Final Action Written



2005-09-21 - Case file assigned to examining attorney

2005-03-07 - New Application Entered In Tram

CORRESPONDENCE INFORMATION

Correspondent

Catherine Cary (Attorney of record)

CATHERINE CARY

SUTTON LAW CENTER, P.C.

348 MILL ST

RENO, NV 89501-1537

Phone Number: 775-824-0300

Fax Number: 775-824-0105

Latest Status InfoThank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-11-15 14:45:24 ET  
Serial Number: 78574182  
Registration Number: (NOT AVAILABLE)

Mark  
(words only): JUST 4 MINUTES A DAY CAN CHANGE YOUR LIFE  
Standard Character claim: Yes  
Current Status: Application has been published for opposition.

Date of Status: 2005-11-08  
Filing Date: 2005-02-24  
The Information will be/was published in the Official Gazette on 2005-11-08

Transformed into a National Application: No  
Registration Date: (DATE NOT AVAILABLE)  
Register: Principal  
Law Office Assigned: LAW OFFICE 108  
Attorney Assigned:  
MATTHEWS AMOS THOMAS Employee Location  
Current Location: 650 -Publication And Issue Section  
Date In Location: 2005-09-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 4 Minutes 2 Fitness

Address:  
4 Minutes 2 Fitness  
109 Grace Way  
Scotts Valley, CA 95066  
United States

Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: California  
Phone Number: 831 461 1191  
Fax Number: 831 461 1191 (Call first

GOODS AND/OR SERVICES  
International Class: 041  
Providing fitness and exercise facilities  
First Use Date: (DATE NOT AVAILABLE)  
First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION  
(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION  
(NOT AVAILABLE)

PROSECUTION HISTORY

2005-11-08 - Published for opposition  
2005-10-19 - Notice of publication  
2005-09-26 - Law Office Publication Review Completed  
2005-09-23 - Assigned To LIE  
2005-09-22 - Approved for Pub - Principal Register (Initial exam)  
2005-09-22 - Examiners amendment e-mailed  
2005-09-22 - Examiners Amendment -Written  
2005-09-19 - Case file assigned to examining attorney  
2005-03-04 - New Application Entered In Tram

CORRESPONDENCE INFORMATION

Correspondent

LEWERENZ, JENNIFER HUNTER

109 GRACE WAY

SCOTTS VALLEY, CA 95066-3405

Phone Number: 831 461 1191

Fax Number: 831 461 1191 (Call first