

ESTTA Tracking number: **ESTTA343331**

Filing date: **04/21/2010**

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	Willie Jolley		
Entity	Individual	Citizenship	UNITED STATES
Address	5711 13th Street, NW Washington, DC 20011 UNITED STATES		

Attorney information	Edward Gray Fitch Even Tabin & Flannery 120 South LaSalle Street Suite 1600 Chicago, IL 60603-3406 UNITED STATES egray@fitcheven.com Phone:202.419.7008
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### Applicant Information

Application No	77848997	Publication date	03/23/2010
Opposition Filing Date	04/21/2010	Opposition Period Ends	04/22/2010
Applicant	Lorden, Kathleen 10837 Farralone Avenue Chatsworth, CA 91311 UNITED STATES		

### Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Education services, namely, providing seminars and classes in the fields of personal growth and development; Educational and entertainment services, namely, providing motivational speaking services in the field of personal growth and development; Life coaching services in the field of personal growth and development
--

### 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. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TURNING SETBACKS INTO COMEBACKS		
Goods/Services	Digital media, namely, CDs DVDs and videotapes featuring motivational speaking, self-improvement instruction and music; Books in the field of motivation; and Educational and entertainment services,		

	namely, providing motivational and educational speakers; Educational and entertainment services, namely, providing motivational and educational speakers
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	A SETBACK IS A SETUP FOR A COMEBACK		
Goods/Services	Motivational speaking, lectures and training services		

Attachments	WILLIE JOLLEY OPPOSITION.pdf ( 17 pages )(2311566 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	/ewg/
Name	Edward Gray
Date	04/21/2010

9127.97697

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

WILLIE JOLLEY, INDIVIDUAL	)	OPPOSITION No.
OPPOSER,	)	
	)	
V.	)	
	)	
KATHLEEN LORDEN	)	
APPLICANT.	)	
	)	
Mark: FROM SETBACK TO	)	
COMEBACK	)	
Serial No. 77/848,997	)	
Filing Date: October 14, 2009	)	
Published For Opposition March 23, 2010	)	

NOTICE OF OPPOSITION

Willie Jolley, an individual, of 5711 13<sup>TH</sup> Street, NW, Washington, DC 20011, believes that he will be damaged by registration of the mark FROM SETBACK TO COMEBACK, as shown in Application Serial No. 77/848,997, by Kathleen Lorden (Applicant) and hereby opposes the same on the following grounds:

FACTUAL ALLEGATIONS

1. Applicant on October 14, 2009 applied to register the mark FROM SETBACK TO COMEBACK, as shown in Application Serial No. 77/848,997 for “Education services, namely, providing seminars and classes in the fields of personal growth and development; Educational and entertainment services, namely, providing motivational speaking services in the field of personal growth and development; Life coaching services in the field of personal growth and development.”

2. Applicant's Application Serial No. 77/848,997 for the mark FROM SETBACK TO COMEBACK published for opposition on March 23, 2010.
3. Since at least as early as 1999, Opposer adapted and began using the mark A SETBACK IS A SETUP FOR A COMEBACK for motivational speaking, lectures and training services and at least as early as 2008 used the mark TURNING SETBACKS INTO COMEBACKS in connection with Digital media, namely, CDs DVDs and videotapes featuring motivational speaking, self-improvement instruction and music; Books in the field of motivation; and Educational and entertainment services, namely, providing motivational and educational speakers; Educational and entertainment services, namely, providing motivational and educational speakers.
4. Opposer owns and operates the website, [www.williejolley.com](http://www.williejolley.com) since as least as early as June 1999. Such website regularly displays Opposer's marks. (See Exhibit A)
5. Opposer advertises and promotes his services in the United States and world-wide through his website, [www.williejolley.com](http://www.williejolley.com).
6. Opposer published the book entitled A SETBACK IS A SETUP FOR A COMEBACK: TURN YOUR MOMENTS OF DOUBT AND FEAR INTO TIMES OF TRIUMPH, St. Martin's Press, 1999. (See Exhibit B)
7. Opposer has expended substantial monies in marketing, advertising and promoting in interstate commerce his book entitled A SETBACK IS A SETUP FOR A COMEBACK: TURN YOUR MOMENTS OF DOUBT AND FEAR INTO TIMES OF TRIUMPH and his DVD TURNING SETBACKS INTO COMEBACKS in connection with his services. Opposer's DVD TURNING SETBACKS INTO COMEBACKS was broadcast nationally on Public Broadcasting Service.

(See Exhibit C)

8. Opposer has enjoyed substantial revenue derived from said services from the sale of his book entitled, A SETBACK IS A SETUP FOR A COMEBACK: TURN YOUR MOMENTS OF DOUBT AND FEAR INTO TIMES OF TRIUMPH and his DVD: TURNING SETBACKS INTO COMEBACKS in connection in interstate commerce.

9. By reason of his extensive marketing, advertising and promotion of his services in connection with his book entitled, A SETBACK IS A SETUP FOR A COMEBACK: TURN YOUR MOMENTS OF DOUBT AND FEAR INTO TIMES OF TRIUMPH and his DVD: TURNING SETBACKS INTO COMEBACKS and the high quality of those services, these marks represent an extremely valuable goodwill associated with Opposer long prior to the Applicant's October 14, 2009 filing date for the mark FROM SETBACK TO COMEBACK specified in Application Serial No. 77/848,997.

10. Upon information and belief, Applicant's use of her mark FROM SETBACK TO COMEBACK has been made with knowledge of Opposer's prior use of his A SETBACK IS A SETUP FOR A COMEBACK: TURN YOUR MOMENTS OF DOUBT AND FEAR INTO TIMES OF TRIUMPH and TURNING SETBACKS INTO COMEBACKS in connection with his services.

#### COUNT I - LIKELIHOOD OF CONFUSION

11. Opposer hereby incorporates the allegations contained in paragraph nos. 1-10 by reference herein.

12. Applicant's use of her mark FROM SETBACK TO COMEBACK is likely to cause confusion as to the source or origin of the following services: Education services, namely,

providing seminars and classes in the fields of personal growth and development; Educational and entertainment services, namely, providing motivational speaking services in the field of personal growth and development; Life coaching services in the field of personal growth and development, specified in Application Serial No. 77/848,997. Such services are substantially similar to the educational services in connection with which Opposer's uses his marks.

13. The customers to whom the Applicant will offer and market her services are the same customers to whom Opposer offers and markets his services to in connection with his marks A SETBACK IS A SETUP FOR A COMEBACK: TURN YOUR MOMENTS OF DOUBT AND FEAR INTO TIMES OF TRIUMPH and TURNING SETBACKS INTO COMEBACKS.

14. The channels of trade to be used by the Applicant to offer and market her services in connection with her FROM SETBACK TO COMEBACK mark are the same or substantially similar to the channels of trade used by the Opposer to offer and market his services in connection with the marks A SETBACK IS A SETUP FOR A COMEBACK: TURN YOUR MOMENTS OF DOUBT AND FEAR INTO TIMES OF TRIUMPH and TURNING SETBACKS INTO COMEBACKS.

15. The Applicant's FROM SETBACK TO COMEBACK mark is substantially similar to the marks A SETBACK IS A SETUP FOR A COMEBACK: TURN YOUR MOMENTS OF DOUBT AND FEAR INTO TIMES OF TRIUMPH and TURNING SETBACKS INTO COMEBACKS which are used by Opposer.

16. Applicant's mark FROM SETBACK TO COMEBACK is confusingly similar to both Opposer's A SETBACK IS A SETUP FOR A COMEBACK: TURN YOUR MOMENTS OF DOUBT AND FEAR INTO TIMES OF TRIUMPH and TURNING SETBACKS INTO COMEBACKS marks. Use thereof of FROM SETBACK TO COMEBACK by the Applicant in

connection with the services specified in Application Serial No. 77/848,997 is likely to cause confusion, mistake, or deception that Applicant's services are those of Opposer or are otherwise endorsed, sponsored, or approved by Opposer, whereby Opposer will be damaged by the registration of Applicant's FROM SETBACK TO COMEBACK mark on the Principal Register of the United States Patent and Trademark Office. Therefore, Opposer opposes registration of Applicant's FROM SETBACK TO COMEBACK mark for services specified in Application Serial No. 77/848,997 pursuant to 15 U.S.C. §§ 1052 and 1063(a) *et seq.*, as amended by the Trademark Act of 1999.

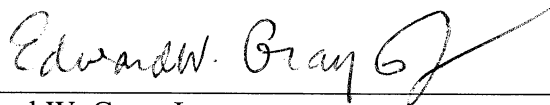
#### **PRAYER FOR RELIEF**

WHEREFORE, Opposer prays that this Opposition be sustained and that registration to Applicant for the FROM SETBACK TO COMEBACK mark in Application Serial No. 77/848,997 be denied.

Respectfully submitted,

April 21, 2010

By: \_\_\_\_\_



Edward W. Gray, Jr.

Christian Eriksen

FITCH, EVEN, TABIN & FLANNERY

120 South LaSalle Street, Suite 1600

Chicago, IL 60603-3406

(312) 577-7000

Attorneys for Opposer

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 21<sup>st</sup> day of April, 2010, a copy of the foregoing NOTICE OF OPPOSITION was serviced upon Applicant by first class mail, postage prepaid, upon:

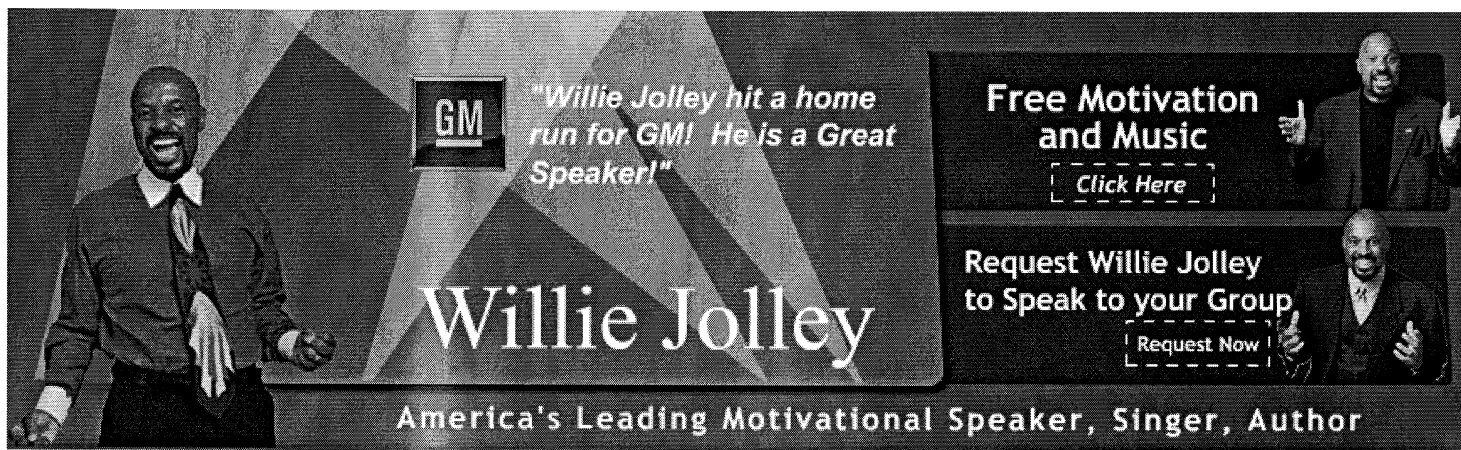
Kathleen Lorden  
10837 Farralone Avenue  
Chatsworth, CA 91311-1328

By: Edward W. Gray, Jr.  
Edward W. Gray, Jr.  
Christian Eriksen  
FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, IL 60603-3406  
312-577-7000

Attorneys for the Opposer



# EXHIBIT A



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## Willie Jolley's Wealthy Ways Tips eNewsletter

**\*\*[ Preview ]\*\***

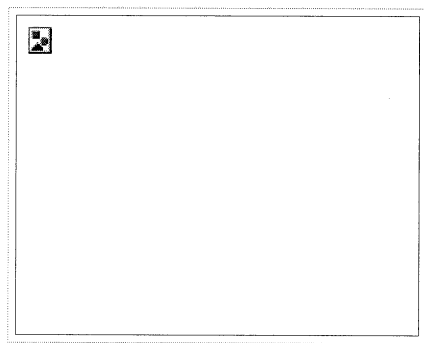
Sign up TODAY and get your absolutely FREE exclusive digital download of Willie's dynamite interview with Les Brown, taken from his XM Weekend Radio Show!

Name

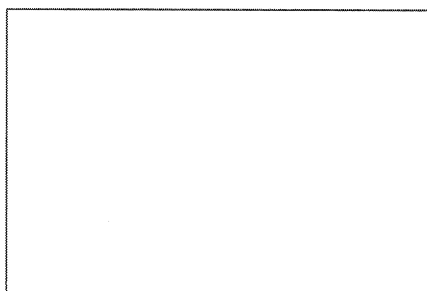
Email

The COMEBACK KING....  
Helping Turn Setbacks Into Comebacks

Today's WUSA 9 Willie Jolley  
"Live Better Tip For Success"



**NEW BOOK ALERT!!!**



THE

JOLLEY BUTTON IS HERE!!



WHAT IS THE JOLLEY BUTTON?

## Who is Willie Jolley?

Success Magazine hailed Willie

Jolley as the "Comeback King" in their January 2010 issue; a result of him successfully helping Ford Motors avert the need to accept bail-out dollars!

Named "One of the Outstanding Five Speakers in the World" by Toastmasters International

Is the author of international best-selling books, *It Only Takes a Minute to Change Your Life!* and *A Setback Is A Setup For A Comeback*

Hosts daily CBS affiliate WUSA 9's

'Live Better With Willie Jolley,' sponsored by McDonald's

Author of the newly released book, *Turn Setbacks Into Greenbacks*

Host of "The Willie Jolley Weekend Show" on XM Satellite Radio

[Read More](#)



Click below for FREE streams of Willie Jolley's \*XM Weekend Radio Show!!

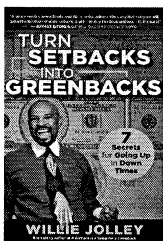
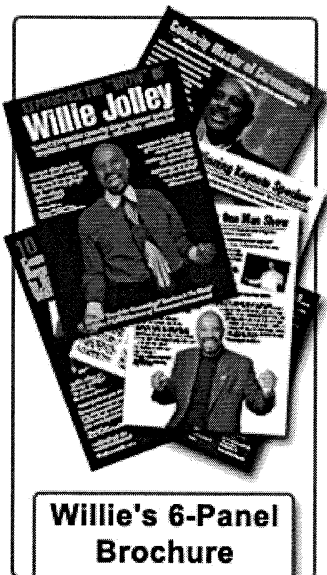
"JB" James Brown



Michelle Singletary



\*Aired 4/10/10



## Turn Setbacks Into Greenbacks

(Autographed Hardcover Book)

Has this been a challenging year for you? Have you ever had financial challenges? Lost your job, your home or your savings, and you think you're about to lose your mind?! Are you ready for a "Comeback?" In fact, are you ready to turn your economic "Setbacks into Greenbacks?" [Read More](#)



## FREE TELESEMINAR!!

Willie Jolley's  
"Turn Setbacks Into Greenbacks"  
Teleseminar Series

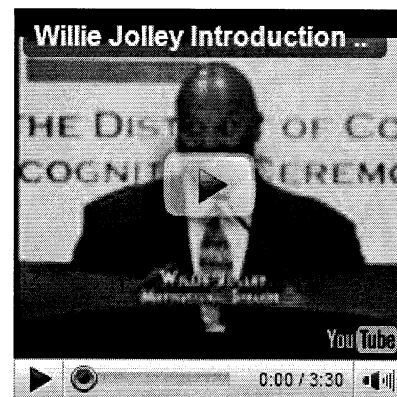
Date: Tuesday April 20, 2010

Time: 9-10PM EST

Topic: Develop Multiple Streams of Income

In 2009, we discovered the "cheese" didn't just move, it completely changed! In 2010, what other skill sets must you have or develop to create additional lines of revenue to fuel your success? [Read More](#)

[Register Now](#)



**Willie Jolley** on Facebook

Like

**Willie Jolley** Headed to sunny San Diego to speak at the National Council of Teachers of Mathematics (NCTM) Annual Meeting and Exposition!

**Annual Meeting and Exposition**  
www.nctm.  
The Monday evening presentation by Daniel Schwartz, Stanford University, was well attended.

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Willie Jolley Worldwide PO BOX 55459 Washington, DC 20040 1-800-487-8899 or 1-202 723-8863 [info@williejolley.com](mailto:info@williejolley.com)

Enter Web Address:

All

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Adv. Search Compare Archive Pages

Searched for <http://williejolley.com>

192 Results

Note some duplicates are not shown. See all.

\* denotes when site was updated.

Material typically becomes available here 6 months after collection. See FAQ.

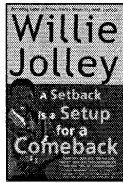
### Search Results for Jan 01, 1996 - Oct 22, 2009

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
0 pages	0 pages	3 pages	2 pages	9 pages	9 pages	13 pages	19 pages	29 pages	38 pages	27 pages	22 pages	3 pages	0 pages
Jun 26, 1998	* Apr 18, 1999	* Mar 04, 2000	* Jan 06, 2001	* Mar 26, 2002	* Feb 07, 2003	* Jan 03, 2004	Jan 27, 2005	* Jan 04, 2006	Feb 04, 2007	* Jan 01, 2008			
Dec 05, 1998	* Apr 27, 1999	* May 11, 2000	Feb 02, 2001	Apr 02, 2002	Feb 12, 2003	Feb 12, 2004	* Feb 08, 2005	Jan 10, 2006	* Feb 05, 2007	Feb 23, 2008	*		
Dec 12, 1998		Jun 10, 2000	Mar 31, 2001	May 23, 2002	Feb 18, 2003	Mar 25, 2004	Feb 10, 2005	Jan 13, 2006	Feb 12, 2007	* May 01, 2008	*		
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		Oct 13, 2000	* May 15, 2001	* Jul 26, 2002	* Apr 03, 2003	Apr 17, 2004	Feb 22, 2005	Feb 03, 2006	Mar 12, 2007	*			
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		Dec 06, 2000	* Dec 02, 2001	* Sep 25, 2002	Jun 13, 2003	* Jun 02, 2004	Mar 09, 2005	Mar 22, 2006	* Apr 08, 2007				
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				Sep 30, 2002	Aug 06, 2003	* Jun 10, 2004	Apr 05, 2005	Apr 05, 2006	* Jun 15, 2007				
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				Nov 28, 2002	Oct 08, 2003	Jun 15, 2004	May 15, 2005	Apr 12, 2006	Jul 28, 2007				
					Oct 17, 2003	Jun 15, 2004	May 25, 2005	Jun 10, 2006	* Aug 20, 2007	*			
					Nov 20, 2003	* Jun 19, 2004	Jun 15, 2005	Jun 13, 2006	Sep 14, 2007				
					Dec 07, 2003	* Jun 23, 2004	Jul 01, 2005	Jun 16, 2006	Oct 03, 2007				
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					Dec 26, 2003	* Jul 28, 2004	Aug 18, 2005	Jul 19, 2006	Oct 07, 2007				
						Jul 30, 2004	Aug 27, 2005	Jul 20, 2006	Oct 08, 2007				
						Aug 24, 2004	Aug 28, 2005	Aug 26, 2006	* Oct 13, 2007	*			
						Aug 28, 2004	Aug 29, 2005	Aug 31, 2006	Nov 12, 2007	*			
						Aug 31, 2004	Aug 30, 2005	Oct 04, 2006	* Dec 01, 2007				
						Sep 02, 2004	Sep 01, 2005	Nov 01, 2006					
						Sep 18, 2004	Oct 25, 2005	Nov 09, 2006	*				
						Sep 24, 2004	Oct 26, 2005	Nov 10, 2006	*				
						Oct 15, 2004	Nov 03, 2005	Nov 10, 2006	*				
						Dec 03, 2004	* Nov 09, 2005	Dec 05, 2006					
						Dec 14, 2004	* Nov 09, 2005						
						Dec 30, 2004	* Nov 24, 2005						
							Nov 25, 2005						
							Dec 01, 2005	*					
							Dec 02, 2005						
							Dec 11, 2005	*					
							Dec 14, 2005	*					
							Dec 19, 2005	*					
							Dec 20, 2005						
							Dec 30, 2005						
							Dec 31, 2005						

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# EXHIBIT B



## A Setback Is a Setup for a Comeback: Turn Your Moments of Doubt and Fear into Times of Triumph

by Willie Jolley, Jolley  
(Hardcover - REV)

**Reader Rating:**

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Pub. Date: October 1999  
224pp

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### Product Details

Pub. Date: October 1999  
Publisher: St. Martin's Press  
Format: Hardcover, 224pp

ISBN-13: 9780312203498  
ISBN: 0312203497  
Edition Number: 2  
Edition Description: REV

### Customer Reviews

Reader Rating:

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### Synopsis

A setback is nothing but a setup for a comeback! The wisdom in these words can help lift you out of your low points in life and put you on the path to victory!

- \*Have you ever had a setback?
- \*Has life ever thrown you a curve ball?
- \*Have you ever been knocked down by hard times?

Willie Jolley, the author of the motivational bestseller *It Only Takes A Minute To Change Your Life!*, will inspire you to take action! In *A Setback Is A Setup For A Comeback*, Willie presents his "VDAD" formula (Vision, Decision, Action, Desire) for overcoming life's constant challenges. He shares his techniques for taking control of your destiny, using anecdotes and stories that will encourage you to focus and take action on your dreams-despite the adversities! You will hear from ordinary people who refused to cower in the face of hardships, and found opportunities in unlikely places. There are humorous insights ("sometimes you're the windshield, sometimes you're the bug") and practical methods (Need to rid yourself of negative thoughts? "Face it, trace it, erase it, replace it!"). Using Willie Jolley's 12 simple strategies (as outlined in the VDAD formula) you will have the tools to turn your trials into triumphs, your problems into possibilities, and your setbacks into comebacks

### Publishers Weekly

In his follow-up to *It Only Takes A Minute to Change Your Life*, inspirational speaker Jolley hits the mark. With sound suggestions for personal growth, his book exudes positivity. Acknowledging that struggle is actually a vital stage in development, Jolley asserts that the difference between those who succeed and those who don't is that the successful people possess a higher AQ (Adversity Quotient), which he believes is a predictor for success along with IQ and EQ (Emotional Quotient). He reveals not only his own painful personal setbacks but presents examples of the trials experienced by the likes of Tina Turner, John Travolta and Lee Iacocca on their paths to success. Although Jolley admits that trouble sometimes seems to dog certain people, he posits that "it's crucial that you have three things: faith, focus, and follow-through." Filled with clever acronyms, such as his remedy for road rage (FIDO: Forget It and Drive On), the book contains a wealth of everyday wisdom. In addition to familiar folktales such as the grasshopper and the ant, Jolley offers "teaching points" at the end of each chapter. Drawing inspirational quotes from such diverse sources as Tennyson, Les Brown, Plutarch and the Bible, he cements his appeal to a wide range of readers. Agent, Jeff Herman; author tour. (Oct.) Copyright 1999 Cahners Business Information.

### More Reviews and Recommendations

### Biography

**Willie Jolley** is America's leading motivational speaker/singer combination! He is an award-winning speaker, singer, bestselling author and media personality. He is the creator of "Inspiration Plus" and the president of the Jolley Leadership Training and Development Institute. The JLTD Insititute works with organizations that want to rapidly accelerate growth and create top performers! Mr. Jolley speaks worldwide for corporations, trade associations, conventions and churches. He is also the founder of Try Love Inc., which is a youth leadership development organization which focuses on drug and violence prevention and academic excellence for young people. Willie Jolley is the author of the international bestseller *It Only Takes A Minute to Change Your Life!*, which has been translated into several languages, and has recorded numerous audio, video and music albums which capture his unique motivational style. He is a guest columnist with Black Enterprise Magazine and numerous other publications. Mr. Jolley hosts the syndicated radio show, "The Magnificent Motivational Minute," and the national television show, "It Only Takes A Minute," which can be seen on the Success Channel and PBS. Mr. Jolley is the recipient of many awards, including the designation of Certified Speaking Professional from the National Speakers Association. He is a member of the Board of Directors for NSA. He resides in Washington D.C. with his family.

### Related Subjects

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**A Setback Is a Setup for a Comeback: Turn Your Moments of Doubt and Fear ...** By Willie Jo

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## Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = setback is a setup for a comeback

Search Results: Displaying 1 of 1 entries



Labeled View

*A setback is a setup for a comeback / Willie Jolley.*

**Type of Work:** Text

**Registration Number / Date:** TX0005085058 / 1999-10-19

**Title:** A setback is a setup for a comeback / Willie Jolley.

**Edition:** 1st ed.

**Imprint:** New York : St. Martin's Press, 1999.

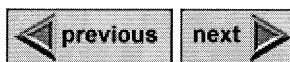
**Description:** 204 p.

**Copyright Claimant:** Willie Jolley

**Date of Creation:** 1999

**Date of Publication:** 1997-10-01

**Names:** Jolley, Willie



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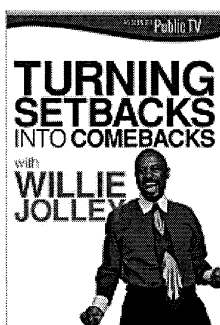
Your purchase helps support our innovative and educational programming.

**BUY MORE, SAVE MORE! 10% off \$60+ or 15% off \$100+**

**Get a FREE Tote Bag**  
click here for details >>

Home > Health > Fitness

Font Size:



## Turning Setbacks into Comebacks DVD

Our Price: \$14.98

Buy More, Save More! Save 10% on orders over \$60 or Save 15% on orders over \$100. Details >

Item No.: TSIC401 Single DVD

Would you like to open yourself for change and develop a method to take control of your life? Willie Jolley, captivating speaker and international best-selling author, delivers a powerful message that will inspire you to transform your thinking so you can embrace and take control of your life by motivating you to take essential steps to turn trials into triumphs and hardships into extraordinary opportunities.

(0 Ratings)

[Write a Review](#)

QTY:

**AVAILABILITY:** In Stock, leaves warehouse in 1 - 2 full bus. days  
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**GIFT WRAP** is available for this item.

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### You Might Also Enjoy:



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Our Price: \$24.99

Item No. TBSH601



**You Inner and Outer Beauty DVD**  
Our Price: \$16.98

Item No. YIOB401



**The Practical Power of Yoga CD**  
Our Price: \$14.98

Item No. PPOY451



### Specifications

- Color : Yes
- Production Year : 2008
- Number of Programs : 1
- Stereo : Yes
- Length : 60 minutes on 1 Disc
- Country Of Origin : United States

### Product Reviews:

REVIEW SNAPSHOT® by PowerReviews

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\* List Price is for reference only. No sales may have occurred at this price. \*\*See product page for details.

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