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Filing date: **06/26/2012**

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

Proceeding	91204049
Party	Defendant Michael Klipper
Correspondence Address	MICHAEL KLIPPER 68 WHEATLEY RD GLEN HEAD, NY 11545-2922 UNITED STATES klipper30@gmail.com
Submission	Opposition/Response to Motion
Filer's Name	Michael Klipper
Filer's e-mail	klipper30@aol.com
Signature	//Michael Klipper//
Date	06/26/2012
Attachments	Response to Opposition To Application.pdf (18 pages)(1232462 bytes)

**IN THE UNITED STATES PATEN AND TRADEMARK OFFICE
BEFORE THE TRADEMARK AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 85/346,995
For the Mark: LIFELIGHTER
Published in the *Official Gazette* on November 1, 2011

Lighterlife UK Limited,)	
)	
)	
Opposer,)	
)	Opposition No. 91204049
v.)	
)	
Michael Klipper,)	
)	
Applicant,)	
)	

APPLICANT’S RESPONSE TO OPPOSER’S OPPOSITION TO APPLICATION

COMES NOW Applicant MICHAEL KLIPPER (“Applicant”) of LIFELIGHTER, Application Serial No. 85/346995, who hereby requests that the Trademark and Appeal Board (“Board”) grant Applicant’s Application and deny LIGHTERLIFE UK LIMITED’s (“Lighterlife”) Opposition To Application.

FACTS COMMON TO ALL COUNTS

1. Applicant Michael Klipper admits Paragraph 1 of the Opposition that Applicant is an individual with a listed mailing address of 68 Wheatley Road, Glen Head, NY 11545 USA;
2. In response to Paragraph 2, Applicant admits that Application is the owner of pending U.S. Trademark Application serial number 85/346995 which was filed on June 15, 2011 and covers the standard character mark LIFELIGHTER for services in International Class 44 identified as:

Consulting in the field of health and wellness to bring about personal happiness; Consulting services in the field of mental health and wellness; Counseling services in the fields of health, nutrition and lifestyle wellness; Health care services, namely, wellness programs; Providing a website featuring content regarding healthy living and lifestyle wellness; Providing assistance, fitness evaluation and consultation to corporate clients to help their employees make health, wellness and nutritional changes in their daily living to improve health; Providing wellness services, namely, personal assessments, personalized routines, maintenance schedules, and counseling; Wellness and health-related consulting services. (hereafter Serial no. 85/346995 is also referred to as the '995 application).

3. In response to Paragraph 3, Applicant admits Opposer LIGHTERLIFE UK LTD., is a legal business entity formed under the laws of the United Kingdom, with its principal place of business located at Cavendish House Parkway, Harlow Business Centre, Harlow, CM19 5QF, United Kingdom (hereafter referred to as "Opposer").

4. In response to Paragraph 4 of the Motion, Applicant admits that Applicant timely complied with all notice requirements and denies the remaining allegations of said Paragraph.

5. In response to Paragraph 5 of the Opposition, Applicant admits Applicant filed an intent-to-use application for the mark "LIFELIGHTER, U.S.", Serial No. 85/346995 for use in connection with among other things, consulting, counseling, "life coach" guidance; in the field of health and wellness to bring about personal wellbeing. Such services may include services in the field of mental health and wellness; faith, spirituality, meditation, health and nutrition and that Applicant has commenced use of the mark as part of its branding, research and due diligence

portions for commercialization. Applicant represents that the Nevada Department of Motor Vehicles has issued an automobile registration with an abbreviated license plate LIFLITR to and on behalf of Applicant and has commenced use of the LIFELIGHTER mark. *See* a Copy of Nevada DMV proof of registration, attached hereto as Exhibit “A”.

6. In response to Paragraph 6 of the Opposition, Applicant admits that Applicant did not commence use of the mark LIFELIGHTER before February 16, 2006 but denies the remaining allegations of this Paragraph.

7. In response to Paragraph 7 of the Opposition, Opposer filed an application with the U.S. Patent and Trademark Office on February 16, 2006, which was assigned serial number 78/816161, and matured into Registration No. 3818394 for the mark “LighterLife and Ribbon Design” (hereafter referred to as ‘394 registration).

8. In response to Paragraph 8 of the Opposition, Applicant generally denies the allegations therein and notes that the 394 Registration by Opposer clearly defines the “Goods And Services” to be provided and for which protections are sought as:

Goods limited for sale to members of the Trademark Owner in conjunction with weight reduction counselling services of the Trademark Owner, namely, dietetic substances adapted for medical use, namely, meal replacement bars, meal replacement powders to be mixed with water or milk; food for babies; balms for medical purposes, namely, analgesic balms and medicated lip balms; pills for pharmaceutical purposes, namely, diet pills and sleeping pills; medicines for human purposes, namely, medicines for the treatment of obesity, meal replacement bars, meal replacement powders mixed with water or milk and food supplements; nutritional cereal bars for use as a meal substitute containing vegetables, fiber, and

milk; meal replacement drinks; food and edible preparations, namely, meal replacement bars, meal replacement powder mixes, nutritional food supplements in the nature of a nutrient dense, protein based drink mix for use as a meal replacement; preparations for making fibre enhancement drinks and protein enhancement drink for use as a meal replacement or nutritional supplement.

Goods limited for sale to members of the Trademark Owner in conjunction with weight reduction counselling services of the Trademark Owner, namely, paper, cardboard and goods made from paper and cardboard, namely, writing paper, envelopes, printing paper, note pads; printed matter and publications, namely, newsletters, monthly publications in the nature of journals and pamphlets all in the field of weight reduction counseling; magazines, book, brochures in the field of dietary matters, weight management, and obesity; photographs; stationery; instructional and teaching materials, namely, printed instructional and educational material in the field of dietary matters, weight loss, gain and control; brochures in the field of dietary matters, weight management and obesity; information cards and leaflets all in the field of dietary matters, weight management, and obesity; recipe books and recipe cards; bags, namely, paper bags, lunch bags and general purpose plastic bags; bookmarkers; books, namely, log books and blank journal books AND books in the field of dietary matters, weight management, and obesity; calendars; cards, namely, note cards, greeting cards and flash cards; coasters of paper; pens; pencils; ledger books; loose-leaf binders; newsletters in the field of dietary matters, weight management and obesity; newspapers; stationery pads; paperweights; pen cases; pictures; and postcards.

Goods limited for sale members of the Trademark Owner in conjunction with weight reduction counselling services of the Trademark Owner, namely, meat, fish, poultry and game; meat extracts; preserved, dried or cooked fruits and vegetables; jellies, jams, and fruit sauces, namely, applesauce and cranberry sauce; eggs, milk and milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats; dried milk- based products, namely, skimmed milk, vitamin and protein based dry powder for use as a food additive; milk based products for foods, namely, milk powders for nutritional purposes and soy based food bars; milk based beverages containing coffee or fruit juice; jelly and jelly-based products, namely, flavoured jam and jelly, unflavoured and unsweetened gelatins; and vegetable bouillon; peanut bars in the nature of nut based snack bars; preparations for making bouillon.

Goods limited for sale to members of the Trademark Owner in conjunction with weight reduction counselling services of the Trademark Owner, namely, cereal preparations, namely, processed cereals, breakfast cereals, cereal based snack food; cereal bars in the nature of ready to eat, cereal derived food bars; confectionery food bars comprised mainly of muesli, processed cereal, chocolate, granola and containing milk powder and soy milk; muesli; ready to eat cereal derived food bars; confectionery bars, namely, candy bars; pancakes; coated nutrition bars, namely, chocolate based and granola based food bars for nutritional snacks not to be used as a meal replacement; malt for food purposes; syrups and other preparations for making fruit teas.

Goods limited for sale to members of the Trademark Owner in conjunction with weight reduction counselling services of the Trademark Owner, namely, fresh fruits

and vegetables; unprocessed edible seeds; raw and unprocessed bran; raw and unprocessed oats; unprocessed maize; fresh and unprocessed nuts; live plants and flowers; cereal preparations, namely, unprocessed cereals.

Goods limited for sale to members of the Trademark Owner in conjunction with weight reduction counselling services of the Trademark Owner, namely, mineral and aerated waters and other non-alcoholic drinks, namely, soft drinks and low calorie flavoured water drinks, aerated waters, mineral waters, non-alcoholic beverages with tea flavour; fruit drinks; fruit juices; syrups and other preparations for making beverages, namely, fruit drinks.

Arranging of meetings; providing seminars, lectures and learning forums relating to weight loss, gain and control and dietary matters; educational services, namely, providing classes and courses of instruction relating to dietary matters; conducting teaching sessions, group instruction and tutorials all relating to weight control; teaching services, namely, providing classes and courses of instruction relating to weight loss, gain and control.

9. In response to Paragraph 9 of the Opposition, Applicant generally denies the allegations therein.

10. In response to Paragraph 10 of the Opposition, Applicant admits that Opposer is the owner of U.S. Registration No. 3953476 cover and mark “LighterLife Life in Balance and Ribbon Design” (hereafter referred to as ‘476 registration).

11. In response to Paragraph 11 of the Opposition, Opposer acknowledges that the coverage in ‘476 registration is virtually identical to coverage in ‘394 registration.

12. In response to Paragraph 12 of the Opposition, Applicant generally denies the allegations therein.

13. In response to Paragraph 13 of the Opposition, Opposer is also the owner of pending application serial number 85/315547, filed on May 9, 2011, for the character mark “Lighterlife” mirroring coverage of ‘476 registration and the ‘394 registration plus covering counseling services in Class 44 for nutrition counseling and nutrition and health counseling. Hereafter application serial number 85/315547 is also referred to as Opposer’s ‘547 application.

14. In response to Paragraph 14 of the Opposition, Applicant generally denies the allegations therein.

15. In response to Paragraph 15 of the Opposition, Applicant generally denies the allegations therein.

16. In response to Paragraph 16 of the Opposition, Applicant admits that Applicant’s ‘995 Application was filed on June 15, 2011. Applicant denies the remaining allegations of this Paragraph in their entirety.

17. In response to Paragraph 17 of the Opposition, Applicant admits the allegations of this Paragraph.

18. In response to Paragraph 18 of the Opposition, Applicant generally denies the allegations of this paragraph, except for the allegations that Opposer provides services for dietary matters and weight control.

COUNT 1 – LIKELIHOOD OF CONFUSION – 15 U.S.C. §1052(d)

19. Answering Applicant repeats and realleges his Answer to Paragraph 1 through 18 of the Opposition.

20. In response to Paragraph 20 of the Opposition, Applicant admits that Applicant and Opposer both contain similar albeit juxtaposed terms. Applicant generally denies the remaining allegations of this paragraph.

21. In response to Paragraph 21 of the Opposition, Applicant generally denies the allegations of this paragraph.

22. In response to Paragraph 22 of the Opposition, Applicant generally denies the allegations of this paragraph.

23. In response to Paragraph 23 of the Opposition, Applicant generally denies the allegations of this paragraph.

24. In response to Paragraph 24 of the Opposition, Applicant generally denies the allegations of this paragraph.

25. In response to Paragraph 25 of the Opposition, Applicant generally denies the allegations of this paragraph.

26. In response to Paragraph 26 of the Opposition, Applicant generally denies the allegations of this paragraph.

27. In response to Paragraph 27 of the Opposition, Applicant generally denies the allegations of this paragraph.

28. In response to Paragraph 28 of the Opposition, Applicant agrees that if the '995 application is permitted to mature to registration, the existence of the registration on the Principal Register of the USPTO will provide the Applicant with the *prima facie* evidence of the exclusive rights to use the mark "LIFELIGHTER" as the primary source, brand and indicia of said mark based upon Opposer's lack of use in the United States. As to any remaining allegations of any rights or use by Opposer, Applicant generally denies the allegations of this paragraph.

29. In response to Paragraph 29 of the Opposition, Applicant generally denies the allegations of this paragraph.

AFFIRMATIVE DEFENSES AND BASIS

30. Upon information and belief, Opposer, in deference to the interest of registration dating back to 2006, has yet to commence use of the mark “LIGHTERLIFE” in any form or stream of commerce in the United States in connection with the services identified in its registrations ‘476 and ‘394, nor any services identified in Opposer’s application ‘547.

31. On Opposer’s LIGHTERLIFE website, search engine response to “Find A Counselor” search by entering a United States Postal Code states “Invalid” postal code and a message to contact customer service in the United Kingdom. A copy of this search response is attached hereto as Exhibit “B”.

32. The LIGHTERLIFE website lists under possible “Career opportunities” an array of top and middle management positions for Essex, England but lists no employment or employees for the United States. A copy of this search response is attached hereto as Exhibit “C”.

33. The LIGHTERLIFE website media page specifically limits references to the “past 5 years” of services to the United Kingdom and Ireland but lists no past services in the United States and/or intent to commence any services in the United States. A copy of this search response is attached hereto as Exhibit “D”.

34. The LIGHTERLIFE website “Contact Us” page shows contact information for the United Kingdom but no contact information, offices, representatives, franchising or marketing for the United States. A copy of this search response is attached hereto as Exhibit “E”.

35. The LIGHTERLIFE website “Home” page shows fees for services in English Pounds, with not reference to pay in United States currency. A copy of this search response is attached hereto as Exhibit “F”.

36. The LIGHTERLIFE website states “weekly meeting groups” are held exclusively in the United Kingdom, and upon information and belief, LIGHTERLIFE does not hold weekly meetings in the United States. A copy of this search response is attached hereto as Exhibit “G”.

37. On information and belief, Opposer has no identity with LIGHTERLIFE in the United States that could show use in commerce at time of Applicant’s filing for trademark and has undertaken no efforts in the United States to create or establish Opposer with any rights as the primary source, brand and indicia of said mark based upon Opposer’s lack of use or activity in the United States.

Wherefore, Applicant MICHAEL KLIPPER believes that his ‘995 application should mature to registration and therefore prays that the Opposer’s Opposition be overruled in favor of the Applicant; that judgment be entered against the Opposer; and that U.S. Trademark Application Serial No. 85/346995 be granted.

Dated: June 26, 2012






Michael Klipper
68 Wheatley Road
Glen Head, New York 11545
516-885-5000
Applicant
LIFELIGHTER

EXHIBIT A

www.uspto.gov x FOIA Final Deci x Inbox (318) - I... LIGHTER LIFE L... Nice Agreement... Latest Status In... Nevada DMV Ve x

https://dmvapp.nv.gov/dmv/vr/vr_dev/VR_reg/VR_Reg_Result.aspx

Free Hotmail RealPlayer Suggested Sites Web Slice Gallery Yahoo! Mail Yahoo! Other bookmarks

State of Nevada Registration Inquiry Results

Insurance Company	Policy Number	Status	Effective Date	Termination Date
HARTFORD ACCIDENT & INDEMNITY COMPANY	***4538	<u>Confirmed</u>	2011-05-27	

Plate #	VIN	Status	Exp. Date	Year	Make	Model
LIFLITR ...7554		ACTIVE	2013-05-27	2002	LEXUS	SC 430

[Registration Renewal Options](#) | [NV LIVE Insurance](#) | [DMV Home Page](#) | [Online Services](#)
[State of Nevada Home Page](#)

Contact Us

Nevada Department of Motor Vehicles
555 Wright Way
Carson City, NV 89711-0725
E-mail: info@dmv.nv.gov
Call a customer service representative:
Las Vegas Area 486-4DMV (702) 486-4368
Reno/Sparks/Carson City 684-4DMV (775) 684-4368
Rural Nevada 1-877-368-7828 Toll Free

start Nev... Res... My... Inbo... D-Li... 1:23 PM

EXHIBIT B

The screenshot shows a web browser window with several tabs open, including 'www.uspto.gov/trademark', 'FOIA Final Decisions - View', 'LIFELIGHTER RESPONSE', 'Find Counsellor Results', and 'Nice Agreement Tenth Ed'. The address bar shows 'www.lighterlife.com/find-counsellor-results.aspx'. The website header includes the LighterLife logo with the tagline 'Life in balance', navigation links for 'FAQs', 'LighterLife Forum', 'Tell a friend', 'Contact LighterLife', and 'LighterLife Men', a search bar, and a 'Member Area' link. A contact number is displayed: 'For help and advice call us on: UK 0800 2 988 988 ROI 1800 927 213'. The main navigation menu includes 'Home', 'Our approach to', 'How it works', 'Success stories', 'Support', 'About LighterLife', and 'Shop'. The main content area is titled 'Find a Counsellor' and features a three-step process: 1. Find a Counsellor near you, 2. Arrange a consultation, and 3. Our Counsellor will contact you. Below this, an error message reads: 'Invalid Postcode. Please retry entering your postcode, making sure you have entered all of the digits and any spaces correctly. If your postcode is still not recognised you can call our Client Customer Care team on 0800 2 988 988. Thank you.' To the right, a sidebar titled 'Benefits of a Counsellor' states: 'Your counsellor will work with you throughout your LighterLife plan. Small weekly sessions will:'. It lists four benefits with checkmarks: 'Understand why you overeate', 'Improve your relationship with food', 'Give you tools to manage your weight long term', and 'How do I choose a counsellor?'. Below the list is a link: 'How do I choose a counsellor?'. The Windows taskbar at the bottom shows the start button, several application icons, and the time '3:00 PM'.

EXHIBIT C

LighterLife
Life in balance

Welcome to our careers site

You have been routed to this site from either a job board on which our vacancies are advertised or from our main web site. If you want to find out more about the company before applying, click on either of the relevant links on the right of the page

Job Vacancies

Position	Location(s)
Senior Product Development Manager	Essex
Senior Nutritionist	Essex
Director of Products and Programmes	Essex
Director of Learning and Development	Essex
Assistant Brand Manager B2B - Business Development	Essex
Assistant Brand Manager B2B - Trade Marketing	Essex
Nurse Advisor	Essex
Digital Marketing Manager	Essex
Assistant Brand Manager - Partnerships and Promotions	Essex
Assistant Brand Manager - Consumer Focussed Marketing Communications	Essex
PR Manager	Essex

LighterLife website
About LighterLife
Full vacancy list:

Can't see a suitable vacancy?
[Sign up for job alerts or send us your cv](#)

Already registered for job alerts?

start | Microsite - Goo... | Response to M... | D-Link Wireless ... | 9:45 AM

EXHIBIT D

www.uspto.gov/trademark | FOIA Final Decisions - View | Gmail: Email from Google | Media Room | http://www.bek-tips.com/

www.lighterlife.com/about-lighterlife/media-room.aspx

Free Hotmail | RealPlayer | Suggested Sites | Web Slice Gallery | Yahoo! Mail | Yahoo! | Other bookmarks

LighterLife in the news

Media Room

News

Working at LighterLife

Advertised Vacancies

Work placements

Contact Us

Experts talk about LighterLife

Client Charter

Media Room

LighterLife has been helping people lose weight since 1996. Over the last five years nearly 150,000 people in the UK and Ireland have successfully lost weight with us. LighterLife worked for them and it can work for you. [See some successful clients.](#)

Find out more:

- [Press releases](#)
- [LighterLife in the news](#)

Looking for a client to feature?

If you would like to feature a LighterLife client in your publication, or on your TV or Radio programme, please contact the LighterLife Press Office:

Email: lighterlife@pha-media.com
Telephone: 0207 440 0819

Or write to:
LighterLife Press Office
PHA Media
Hammer House
117 Wardour Street
London
W1F 0UN

Join LighterLife

Find your nearest Counsellor and start your weight-loss journey today

Postcode: [Find >](#)

[Republic of Ireland residents >](#)

Check your BMI

start | Media R... | Respons... | D-Link W... | Lighterlif... | 10:07 AM

EXHIBIT E

The screenshot shows a web browser window displaying the contact page for LighterLife. The browser's address bar shows the URL www.lighterlife.com/about-lighterlife/contact-us.aspx. The page features the LighterLife logo with the tagline "Life in balance" and a navigation menu with links for Home, Our approach to, How it works, Success stories, Support, About LighterLife, and Shop. A search bar is located in the top right corner. The main content area is titled "Contact us" and provides the following information:

- Phone numbers:**
 - UK: 0800 2 988 988 (freephone)
 - ROI: 1800 927 213 (freephone)
- Fax number:**
 - UK: 01279 636999
- Our registered address:**
 - LighterLife UK Limited
 - Cavendish House
 - Parkway
 - Harlow Business Park
 - Essex
 - CM19 5QF
- Other email addresses:**
 - General enquiries:

On the right side of the page, there is a "Join Now" button and a promotional image for the "lighter life" magazine featuring a man and a woman. The Windows taskbar at the bottom shows the start button, several application icons, and the system tray with the time 9:55 AM.

EXHIBIT F

The screenshot shows a web browser window displaying the LighterLife website. The browser's address bar shows the URL www.lighterlife.com/default.aspx. The website header includes the LighterLife logo with the tagline "Life in balance", a navigation menu with links for Home, Our approach to, How it works, Success stories, Support, About LighterLife, and Shop, and a search bar. A secondary navigation bar contains links for FAQs, LighterLife Forum, Tell a friend, Contact LighterLife, and LighterLife Men. Contact information for the UK (0800 2 988 988) and ROI (1800 927 213) is provided. The main content area features a large promotional banner with the equation: "Group meeting only £15.00 per week + Foodpacks from just £1.80 = SUCCESS". A "Join Now" button is prominently displayed. To the left of the banner is a sidebar with a "Join LighterLife" section containing a postcode search field and a "Find" button, and a "Check your BMI" section with a link to find the appropriate programme. Below the banner, there are three columns: "Why our weight loss diet plans?", "Fast links to weight loss programmes:" with a "Start losing weight!" link, and a featured article titled "Birds of a Feather's Linda Robson's weight loss success" with a "Read more" link.

www.uspto.gov/trademark | FOIA Final Decisions - View | Gmail: Email from Google | Media Room | Microsite

www.uspto.gov/trademark | FOIA Final Decisions - View | Gmail: Email from Google | Weight Loss Diet Plans | L: | Microsite

www.lighterlife.com/default.aspx

Free Hotmail | RealPlayer | Suggested Sites | Web Slice Gallery | Yahoo! Mail | Yahoo! | Other bookmarks

Member Area + Share

FAQs | LighterLife Forum | Tell a friend | Contact LighterLife | LighterLife Men | Search Search

For help and advice call us on: UK 0800 2 988 988 ROI 1800 927 213

Home | Our approach to | How it works | Success stories | Support | About LighterLife | Shop

Join LighterLife
Find your nearest Counsellor and start your weight-loss journey today

Postcode Find >

Republic of Ireland residents >

Check your BMI
Find out which programme is for you by checking your BMI

Group meeting only
£15.00
per week

+

Foodpacks from just
£1.80

=

SUCCESS

Join Now ▶

< prev next >

Why our weight loss diet plans?

Fast links to weight loss programmes:

Start losing weight!

To start with LighterLife, enter your

Birds of a Feather's Linda Robson's weight loss success

The start of Linda Robson's LighterLife journey began when the famous *Birds of a Feather* sisters were reunited on *This Morning* in July 2011, when Pauline Quirke was being interviewed about her amazing weight loss. From that moment Linda hasn't looked back. [Read more.](#)

EXHIBIT G

The screenshot shows a web browser window displaying the LighterLife website. The browser's address bar shows the URL www.lighterlife.com/support/weekly-group-meetings.aspx. The website header includes the LighterLife logo with the tagline "Life in balance", navigation links for "FAQs", "LighterLife Forum", "Tell a friend", "Contact LighterLife", and "LighterLife Men", a search bar, and a "Member Area" link. A contact number is displayed: "For help and advice call us on: UK 0800 2 988 988 ROI 1800 927 213". The main navigation menu includes "Home", "Our approach to", "How it works", "Success stories", "Support", "About LighterLife", and "Shop".

The "Support" section on the left lists several options: "LighterLife Counsellors", "Weekly group meetings" (highlighted), "Weight Loss Forum", "The LighterLife magazine", "LighterLife Weight Tracker App", "The LighterLife podcast", and "Subscribe to our newsletter". Below this is a "Join LighterLife" banner with the text "Find your nearest Counsellor and start your weight-loss journey today" and a "Find" button.

The main content area features a breadcrumb trail: "Home > Support > Weekly group meetings". The title is "What can I expect at my weekly group meeting?". The text describes the meetings as friendly and supportive, with a maximum of 12 people per group. It mentions that members will be weighed discreetly and can choose their food packs. A testimonial on the right states: "You'll be weighed discreetly and have your measurements taken. You'll choose your Foodpacks and have a chance to chat with other members of your group. Even if you might feel shy, do join in as it can be really inspiring to hear how other people are staying motivated and focussed to succeed." Another testimonial below says: "Each week you'll take part in a group discussion designed to help you understand why you overeat. Once you start to understand this, you'll learn ways to deal with stress and tricky situations without turning to food – techniques you can use to manage your weight, not just for a few weeks or months but for life." The final paragraph states: "The weekly group meeting is an important part of your LighterLife weight-loss journey, so we ask you to commit to every session. It might not always be easy to find the time but we're pretty sure it's an investment you won't regret."

On the right side, there is a "Join Now >" button and a testimonial image of a woman with the text "Maintaining my target weight for nearly 2 years". The Windows taskbar at the bottom shows the time as 10:00 AM and several open applications.

CERTIFICATE OF SERVICE

I hereby certify that on the 26th of June, 2012, I served the foregoing APPLICANT'S RESPONSE TO MOTION FOR DEFAULT JUDGEMENT on the following party at the following address:

Matthew R. Wilmot
Schwabe, Williamson & Wyatt, P.C.
1211 S.W. Fifth Avenue, Suite 1900
Portland, OR 97204

By mailing him a true and correct copy thereof, certified by me as such, placed in a sealed envelope addressed to each of them at the address set forth above, and deposited in the U.S. Post Office at Hicksville, New York on said day with postage prepaid.

DATED: June 26, 2012

A handwritten signature in black ink, appearing to read "Michael Klipper", with a long horizontal flourish extending to the right.

Michael Klipper
68 Wheatley Road
Glen Head, New York 11545
516-885-5000