

ESTTA Tracking number: **ESTTA559172**

Filing date: **09/12/2013**

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 parties oppose registration of the indicated application.

Opposers Information

Name	YogaGlo, Inc.
Granted to Date of previous extension	09/14/2013
Address	113 27TH STREET UNIT B MANHATTAN BEACH, CA 90266 UNITED STATES

Name	FitnessGlo, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	113 27th Street MANHATTAN BEACH, CA 90035 UNITED STATES		

Attorney information	Brett A. Garner Venable LLP 2049 Century Park East Suite 2100 Los Angeles, CA 90067 UNITED STATES ipdocketingla@venable.com, bagarner@venable.com, dafeinblum@venable.com, amahern@venable.com Phone:310-229-9900
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Applicant Information

Application No	85852741	Publication date	07/16/2013
Opposition Filing Date	09/12/2013	Opposition Period Ends	09/14/2013
Applicant	Globox Inc. 6820 Inverness Drive Springfield, VA 22150 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Rental of DVDs featuring subject matter of international and foreign content

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. Registration No.	3764227	Application Date	06/25/2008
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	YOGAGLO		
Design Mark			
Description of Mark	The mark consists of the letters "YOGA" in gray and the letters "GLO" in orange.		
Goods/Services	<p>Class 009. First use: First Use: 2008/07/23 First Use In Commerce: 2008/10/18 Downloadable video recordings featuring yoga and meditation instruction with audio instruction and with or without music; Downloadable yoga and meditation instruction with audio instruction and with or without music via the internet and wireless devices</p> <p>Class 038. First use: First Use: 2008/07/23 First Use In Commerce: 2008/10/18 Audio and video broadcasting services over the Internet; Communications services, namely, transmitting streamed sound and audiovisual recordings via the Internet; Streaming of video material on the Internet; Video-on-demand transmission services via the Internet</p> <p>Class 041. First use: First Use: 2008/07/23 First Use In Commerce: 2008/10/18 Media production services, namely, video and film production; Yoga instruction</p> <p>Class 045. First use: First Use: 2008/07/23 First Use In Commerce: 2008/10/18 On-line social networking services</p>		

U.S. Registration No.	4166507	Application Date	01/03/2011
Registration Date	07/03/2012	Foreign Priority Date	NONE
Word Mark	YOGAGLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2008/07/23 First Use In Commerce: 2008/10/18 Downloadable physical fitness and exercise instructional video and audio recordings with or without pre-recorded music via the internet and wireless devices; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring fitness, exercise, music and health-related issues; Downloadable multimedia file containing artwork, text, audio, video, and Internet Web links relating to fitness, exercise, music and health-related matters; Downloadable electronic publications in the form of brochures, leaflets, and workbooks featuring fitness, exercise, music and health-related issues</p> <p>Class 038. First use: First Use: 2008/07/23 First Use In Commerce: 2008/10/18 Broadcasting and streaming of audio-visual media content in the fields of fitness, exercise and health-related matters via a global computer network; webcasting services; Providing access to online forums for transmission of messages and blogs over the Internet; Providing online electronic bulletin boards for transmission of messages among users in the field of general interest; Providing on-line chat rooms for social networking; Web messaging services; Video-on demand transmission services via the internet; Providing online forums for transmission of messages featuring fitness, exercise, music and health-related matters; Electronic transmission and streaming of digital media content for others via global and local computer networks; Streaming of audio, visual and audiovisual material via a global computer network; Communications services,</p>		

	<p>namely, transmitting streamed sound and audio-visual recordings via the Internet; Streaming of video and audio material on the Internet; Providing access to computer databases; Electronic transmission of instant messages and data</p> <p>Class 041. First use: First Use: 2008/07/23 First Use In Commerce: 2008/10/18 Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; Providing online information via a global computer network on the subjects of exercise, fitness, music, and health-related matters; Electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; Providing blogs in the nature of an online journal over the Internet featuring exercise, fitness, music, and health-related matters; Providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; Consulting services in the fields of exercise and fitness; Physical fitness instruction; Physical fitness training services; Providing a web site featuring information on exercise and fitness; Providing information in the field of fitness and exercise; Electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; Providing on-line journals and web logs featuring user-created content</p> <p>Class 044. First use: First Use: 2008/07/23 First Use In Commerce: 2008/10/18 Providing a website featuring informational, non-downloadable audio-visual content, specifically, photographic, audio and video presentations in the fields of health-related matters, namely, health, wellness, and nutrition; Consulting services in the fields of health-related matters, namely, health, wellness, and nutrition; Providing information in the fields of health-related matters, namely, health, wellness, and nutrition</p>
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U.S. Registration No.	4257758	Application Date	06/11/2012
Registration Date	12/11/2012	Foreign Priority Date	NONE
Word Mark	CLICK & GLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2010/04/00 First Use In Commerce: 2010/04/00 Downloadable physical fitness and exercise instructional video and audio recordings with or without pre-recorded music via the internet and wireless devices; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring fitness, exercise, music and health-related issues; Downloadable multimedia file containing artwork, text, audio, video, and Internet Web links relating to fitness, exercise, music and health-related matters; Downloadable electronic publications in the form of brochures, leaflets, and workbooks featuring fitness, exercise, music and health-related issues</p> <p>Class 038. First use: First Use: 2010/04/00 First Use In Commerce: 2010/04/00 Broadcasting and streaming of audio-visual media content in the fields of fitness, exercise and health-related matters via a global computer network; webcasting services; Providing access to online forums for transmission of messages and blogs over the Internet; Providing online electronic bulletin boards for transmission of messages among users in the field of general interest; Providing on-line chat rooms for social networking; Web messaging services; Video-on demand transmission services via the internet; Providing online forums for transmission of messages featuring fitness, exercise, music and health-related</p>		

	<p>matters; Electronic transmission and streaming of digital media content for others via global and local computer networks; Streaming of audio, visual and audiovisual material via a global computer network; Communications services, namely, transmitting streamed sound and audio-visual recordings via the Internet; Streaming of video and audio material on the Internet; Providing access to computer databases; Electronic transmission of instant messages and data</p> <p>Class 041. First use: First Use: 2010/04/00 First Use In Commerce: 2010/04/00</p> <p>Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; Providing online information via a global computer network on the subjects of exercise, fitness and music; Electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; Providing blogs in the nature of an online journal over the Internet featuring exercise, fitness, music, and health-related matters; Providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; Consulting services in the fields of exercise and fitness; Physical fitness instruction; Physical fitness training services; Providing a web site featuring information on exercise and fitness; Providing information in the field of fitness and exercise; Electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; Providing on-line journals and web logs featuring user-created content</p> <p>Class 044. First use: First Use: 2010/04/00 First Use In Commerce: 2010/04/00</p> <p>Providing a website featuring informational, non-downloadable audio-visual content, specifically, photographic, audio and video presentations in the fields of health-related matters, namely, health, wellness, and nutrition; Consulting services in the fields of health-related matters, namely, health, wellness, and nutrition; Providing information in the fields of health-related matters, namely, health, wellness, and nutrition</p>
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U.S. Application No.	85810776	Application Date	12/26/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: Downloadable physical fitness and exercise instructional video and audio recordings with or without pre-recorded music via the internet and wireless devices; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring fitness, exercise, music and health-related issues; Downloadable multimedia file containing artwork, text, audio, video, and Internet Web links relating to fitness, exercise, music and health-related matters; Downloadable electronic publications in the form of brochures, leaflets, and workbooks featuring fitness, exercise, music and health-related issues</p> <p>Class 038. First use: Broadcasting and streaming of audio-visual media content in the fields of fitness, exercise and health-related matters via a global computer network; webcasting services; Providing access to online forums for transmission of messages and blogs over the Internet; Providing online electronic bulletin boards for transmission of messages among users in the field of general interest; Providing</p>		

	<p>on-line chat rooms for social networking; Web messaging services; Video-on demand transmission services via the internet; Providing online forums for transmission of messages featuring fitness, exercise, music and health-related matters; Electronic transmission and streaming of digital media content for others via global and local computer networks; Streaming of audio, visual and audiovisual material via a global computer network; Communications services, namely, transmitting streamed sound and audio-visual recordings via the Internet; Streaming of video and audio material on the Internet; Providing access to computer databases; Electronic transmission of instant messages and data</p> <p>Class 041. First use: Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; Providing online information via a global computer network on the subjects of exercise, fitness and music; Electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; Providing blogs in the nature of an online journal over the Internet featuring exercise, fitness, music, and health-related matters; Providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; Consulting services in the fields of exercise and fitness; Physical fitness instruction; Physical fitness training services; Providing a web site featuring information on exercise and fitness; Providing information in the field of fitness and exercise; Electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; Providing on-line journals and web logs featuring user-created content</p> <p>Class 044. First use: Providing a website featuring informational, non-downloadable audio-visual content, specifically, photographic, audio and video presentations in the fields of health-related matters, namely, health, wellness, and nutrition; Consulting services in the fields of health-related matters, namely, health, wellness, and nutrition; Providing information in the fields of health-related matters, namely, health, wellness, and nutrition</p>
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U.S. Application No.	86027684	Application Date	08/02/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PILATESGLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: Downloadable physical fitness and exercise instructional video and audio recordings with or without pre-recorded music via the internet and wireless devices; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring fitness, exercise, music and health-related issues; Downloadable multimedia file containing artwork, text, audio, video, and Internet Web links relating to fitness, exercise, music and health-related matters; Downloadable electronic publications in the form of brochures, leaflets, and workbooks featuring fitness, exercise, music and health-related issues</p> <p>Class 038. First use: Broadcasting and streaming of audio-visual media content in the fields of fitness, exercise and health-related matters via a global computer network; webcasting</p>		

	<p>services; Providing access to online forums for transmission of messages and blogs over the Internet; Providing online electronic bulletin boards for transmission of messages among users in the field of general interest; Providing on-line chat rooms for social networking; Web messaging services; Video-on demand transmission services via the internet; Providing online forums for transmission of messages featuring fitness, exercise, music and health-related matters; Electronic transmission and streaming of digital media content for others via global and local computer networks; Streaming of audio, visual and audiovisual material via a global computer network; Communications services, namely, transmitting streamed sound and audio-visual recordings via the Internet; Streaming of video and audio material on the Internet; Providing access to computer databases; Electronic transmission of instant messages and data</p> <p>Class 041. First use: Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; Providing online information via a global computer network on the subjects of exercise, fitness and music; Electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; Providing blogs in the nature of an online journal over the Internet featuring exercise, fitness, music, and health-related matters; Providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; Consulting services in the fields of exercise and fitness; Physical fitness instruction; Physical fitness training services; Providing a web site featuring information on exercise and fitness; Providing information in the field of fitness and exercise; Electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; Providing on-line journals and web logs featuring user-created content</p> <p>Class 044. First use: Providing a website featuring informational, non-downloadable audio-visual content, specifically, photographic, audio and video presentations in the fields of health-related matters, namely, health, wellness, and nutrition; Consulting services in the fields of health-related matters, namely, health, wellness, and nutrition; Providing information in the fields of health-related matters, namely, health, wellness, and nutrition</p>
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U.S. Application No.	86043023	Application Date	08/20/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DANCEGLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: Downloadable physical fitness and exercise instructional video and audio recordings with or without pre-recorded music via the internet and wireless devices; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring fitness, exercise, music and health-related issues; Downloadable multimedia file containing artwork, text, audio, video, and Internet Web links relating to fitness, exercise, music and health-related matters; Downloadable electronic publications in the form of brochures, leaflets, and workbooks featuring fitness, exercise, music and health-related issues</p>		

	<p>Class 038. First use: Broadcasting and streaming of audio-visual media content in the fields of fitness, exercise and health-related matters via a global computer network; webcasting services; Providing access to online forums for transmission of messages and blogs over the Internet; Providing online electronic bulletin boards for transmission of messages among users in the field of general interest; Providing on-line chat rooms for social networking; Web messaging services; Video-on demand transmission services via the internet; Providing online forums for transmission of messages featuring fitness, exercise, music and health-related matters; Electronic transmission and streaming of digital media content for others via global and local computer networks; Streaming of audio, visual and audiovisual material via a global computer network; Communications services, namely, transmitting streamed sound and audio-visual recordings via the Internet; Streaming of video and audio material on the Internet; Providing access to computer databases; Electronic transmission of instant messages and data</p> <p>Class 041. First use: Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; Providing online information via a global computer network on the subjects of exercise, fitness and music; Electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; Providing blogs in the nature of an online journal over the Internet featuring exercise, fitness, music, and health-related matters; Providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; Consulting services in the fields of exercise and fitness; Physical fitness instruction; Physical fitness training services; Providing a web site featuring information on exercise and fitness; Providing information in the field of fitness and exercise; Electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; Providing on-line journals and web logs featuring user-created content</p> <p>Class 044. First use: Providing a website featuring informational, non-downloadable audio-visual content, specifically, photographic, audio and video presentations in the fields of health-related matters, namely, health, wellness, and nutrition; Consulting services in the fields of health-related matters, namely, health, wellness, and nutrition; Providing information in the fields of health-related matters, namely, health, wellness, and nutrition</p>
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U.S. Application No.	85830654	Application Date	01/23/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FITNESSGLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Downloadable physical fitness and exercise instructional video and audio recordings with or without pre-recorded music via the internet and wireless devices; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring fitness, exercise, music and health-related issues; Downloadable multimedia file containing artwork, text, audio, video, and		

	Internet Web links relating to fitness, exercise, music and health-related matters; Downloadable electronic publications in the form of brochures, leaflets, and workbooks featuring fitness, exercise, music and health-related issues
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U.S. Registration No.	4298658	Application Date	01/03/2011
Registration Date	03/05/2013	Foreign Priority Date	NONE
Word Mark	FITNESSGLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 2010/04/00 First Use In Commerce: 2010/04/00 Broadcasting and streaming of audio-visual media content in the fields of fitness, exercise and health-related matters via a global computer network; webcasting services; Providing access to online forums for transmission of messages and blogs over the Internet; Providing online electronic bulletin boards for transmission of messages among users in the field of general interest; Providing on-line chat rooms for social networking; Web messaging services; Video-on demand transmission services via the internet; Providing online forums for transmission of messages featuring fitness, exercise, music and health-related matters; Electronic transmission and streaming of digital media content for others via global and local computer networks; Streaming of audio, visual and audiovisual material via a global computer network; Communications services, namely, transmitting streamed sound and audio-visual recordings via the Internet; Streaming of video and audio material on the Internet; Providing access to computer databases; Electronic transmission of instant messages and data</p> <p>Class 041. First use: First Use: 2010/04/00 First Use In Commerce: 2010/04/00 Educational and entertainment services, namely, providing a web site featuring informational, non-downloadable audio and visual presentations in the field of exercise, fitness and music; Providing online information via a global computer network on the subjects of exercise, fitness and music; Electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online featuring exercise, fitness, music and health; Providing a web site featuring blogs and non-downloadable publications in the nature of an online journal featuring exercise, fitness and music; Providing a web site featuring audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness and music; Consulting services in the fields of exercise and fitness; Physical fitness instruction; Physical fitness training services; Providing a web site featuring information on exercise and fitness; Providing information in the fields of fitness and exercise; Electronic publishing services, namely, publication of text, graphic, video and audio works of others online featuring exercise, fitness, music and health; Providing on-line journals and web logs, namely, blogs featuring user-created content in the field of exercise, fitness, music and health; Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs</p> <p>Class 044. First use: First Use: 2010/04/00 First Use In Commerce: 2010/04/00 Consulting services in the field of health; Providing health information; Providing a website featuring information about health</p>		

Attachments	GloBox Opp.pdf(43986 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	/Brett A. Garner/
Name	Brett A. Garner
Date	09/12/2013

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

_____)	
YogaGlo, Inc. and FitnessGlo, Inc.)	
)	
Opposer,)	
)	
)	Opposition No. _____
v.)	Serial No. 85/852741
)	Mark: GLOBOX RENTALS
Globox, Inc.)	
)	
Applicant.)	
_____)	
Attorney's Reference: 120741.333942)	

NOTICE OF OPPOSITION

The application for registration of the trademark **GLOBOX RENTALS** filed by Globox, Inc., (“Applicant”), a Delaware corporation, Application Serial No. 85/852741, covers the following goods and services: “*rental of DVDs featuring subject matter of international and foreign content*” in International Class 41. The application was published for opposition in the *Official Gazette* on July 16, 2013. YogaGlo, Inc., a Delaware corporation and FitnessGlo, a Delaware corporation (collectively “Opposer”), believes that it will be damaged by registration of the mark shown in said Application Serial No. 85/852741 and hereby opposes the same.


As grounds for opposition, it is alleged that:

1. Opposer is the owner of the following U.S. Registrations and Applications for the word marks **YOGAGLO** (U.S. Trademark Registration Nos. 3,764,227 and 4,166,507), **CLICK & GLO** (U.S. Trademark Registration No. 4,257,758), **GLO** (U.S. Trademark Serial No.

85/810776), **PILATESGLO** (U.S. Trademark Serial No.86/027684), **DANCEGLO** (U.S. Trademark Serial No. 86/043023), and **FITNESSGLO** (U.S. Trademark Registration No. 4,298,658 and U.S. Ser. No. 85/830654), as well as additional marks used by Opposer for which it has registrations and to which it has common law rights (hereinafter, collectively, the “**GLO Marks**”):

2. Opposer owns applications and registrations for the **GLO Marks** (see listing below) which specifically cover International Class 41, namely:

Mark	Class 41 Description	Ser./Reg./App. No.
FITNESSGLO	<u>International Class 41</u> : Educational and entertainment services, namely, providing a web site featuring informational, non-downloadable audio and visual presentations in the field of exercise, fitness and music; providing online information via a global computer network on the subjects of exercise, fitness and music; electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online featuring exercise, fitness, music and health; providing a web site featuring blogs and non-downloadable publications in the nature of an online journal featuring exercise, fitness and music; providing a web site featuring audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness and music; consulting services in the fields of exercise and fitness; physical fitness instruction; physical fitness training services; providing a web site featuring information on exercise and fitness; providing information in the fields of fitness and exercise; electronic publishing services, namely, publication of text, graphic, video and audio works of others online featuring exercise, fitness, music and health; providing on-line journals and web logs, namely, blogs featuring user-created content in the field of exercise, fitness, music and health; providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs	SN:85-209598 RN:4,298,658
CLICK & GLO	<u>International Class 41</u> : Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; providing online information via a global computer network on the subjects of exercise, fitness and music; electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; providing blogs in the nature of an online journal over the internet featuring exercise, fitness, music, and health-related matters; providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; consulting services in the fields of exercise and fitness; physical fitness instruction; physical fitness training services; providing a web site	SN:85-649019 RN:4,257,758

Mark	Class 41 Description	Ser./Reg./App. No.
	featuring information on exercise and fitness; providing information in the field of fitness and exercise; electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; providing on-line journals and web logs featuring user-created content	
YOGAGLO	<u>International Class 41:</u> Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; providing online information via a global computer network on the subjects of exercise, fitness, music, and health-related matters; electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; providing blogs in the nature of an online journal over the internet featuring exercise, fitness, music, and health-related matters; providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; consulting services in the fields of exercise and fitness; physical fitness instruction; physical fitness training services; providing a web site featuring information on exercise and fitness; providing information in the field of fitness and exercise; electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; providing on-line journals and web logs featuring user-created content	SN:85-209595 RN:4,166,507
YOGAGLO (Stylized) 	<u>International Class 41:</u> Media production services, namely, video and film production; yoga instruction	SN:77-507529 RN:3,764,227
GLO	<u>International Class 41:</u> Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; providing online information via a global computer network on the subjects of exercise, fitness and music; electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; providing blogs in the nature of an online journal over the internet featuring exercise, fitness, music, and health-related matters; providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; consulting services in the fields of exercise and fitness; physical fitness instruction; physical fitness training services; providing a web site featuring information on exercise and fitness; providing information in the field of fitness and exercise; electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; providing on-line journals and web logs featuring user-created content	SN:85-810776
DANCEGLO	<u>International Class 41:</u> Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; providing online information via a global computer network on the subjects of exercise, fitness and music; electronic publishing services, namely, publication of text, graphics, photographs,	SN:86-043023

Mark	Class 41 Description	Ser./Reg./App. No.
	images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; providing blogs in the nature of an online journal over the internet featuring exercise, fitness, music, and health-related matters; providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; consulting services in the fields of exercise and fitness; physical fitness instruction; physical fitness training services; providing a web site featuring information on exercise and fitness; providing information in the field of fitness and exercise; electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; providing on-line journals and web logs featuring user-created content.	
PILATESGLO	<u>International Class 41:</u> Education and entertainment services, namely, online instruction in the fields of exercise, fitness, music and health-related matters; providing online information via a global computer network on the subjects of exercise, fitness and music; electronic publishing services, namely, publication of text, graphics, photographs, images, and audio-visual works of others online for streaming featuring exercise, fitness, music, and health-related matters; providing blogs in the nature of an online journal over the internet featuring exercise, fitness, music, and health-related matters; providing a website featuring non-downloadable audio-visual content, specifically, motion pictures, videos, music videos, music, video clips, audio clips, music clips, film clips, and photographs, in the fields of exercise, fitness, and music; consulting services in the fields of exercise and fitness; physical fitness instruction; physical fitness training services; providing a web site featuring information on exercise and fitness; providing information in the field of fitness and exercise; electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; providing on-line journals and web logs featuring user-created content	SN:86-027684

3. Opposer also owns numerous registrations for the GLO Marks throughout the world.

4. Applicant filed Application Serial No. 85/852741 covering the following goods and services: “rental of DVDs featuring subject matter of international and foreign content” in International Class 41 on February 18, 2013 based upon an intent-to-use the mark in commerce under Section 1(b) of the Lanham Act.

5. Opposer's first use predates Applicant's February 18, 2013 filing date, and predates the earliest date on which Applicant can rely, and thus Opposer's rights are senior to those of Applicant.

6. Applicant's alleged mark is confusingly similar to Opposer's **GLO** Marks. As such, consumers will undoubtedly associate these goods with Opposer's goods and services offered under the **GLO** mark.

7. Opposer believes and alleges that Applicant's alleged mark, when applied to the goods listed in Application Serial No. 85/852741, is likely to cause confusion or mistake or to deceive and mislead the trade and purchasing public into believing that Opposer is (a) the source of the Applicant's goods; (b) that Opposer sponsors, approves or endorses Applicant's goods; (c) that Applicant is authorized, licensed to and/or controlled by Opposer; or (d) that Applicant is a division or subsidiary of, or in some way related to Opposer.

8. Applicant's alleged mark "so resembles a mark registered in the Patent and Trademark Office, or a mark...previously used in the United States and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake or to deceive." 15 U.S.C §1052(d).

9. For the reasons set forth in the foregoing paragraphs, Applicant is not entitled to register its alleged mark and the application should be denied in accordance with Section 2(d) of the Lanham Act, 15 U.S.C §1052(d).

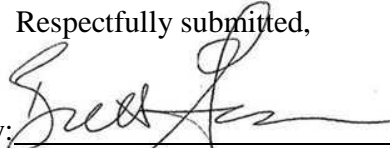
10. If Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its alleged mark. Such registration would be a source of further damage and injury to Opposer.

WHEREFORE, Opposer prays that said Application Serial No. 85/852741 be rejected, and that registration of Applicant's alleged mark shown and specified therein be refused and denied, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

Date: September 12, 2013

By:

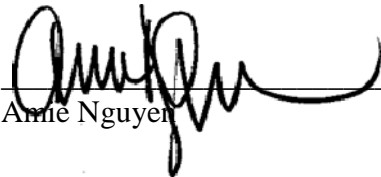


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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION was served via First Class Mail upon Applicant Globox Inc. on this 12th day of September 2013.


Annie Nguyen