

ESTTA Tracking number: **ESTTA634606**

Filing date: **10/22/2014**

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	Hippy Tree, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	P.O. Box 1137 Hermosa Beach, CA 90254 UNITED STATES		

Attorney information	Jesse Saivar Greenberg Glusker et. al. 1900 Avenue of the Stars, 21st Floor Los Angeles, CA 90067 UNITED STATES ipmail@greenbergglusker.com, jsaivar@greenbergglusker.com Phone:310.201.7549		
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Applicant Information

Application No	86039394	Publication date	09/23/2014
Opposition Filing Date	10/22/2014	Opposition Period Ends	10/23/2014
Applicant	Lifted Research Group, Inc. P.O. Box 54668 Irvine, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing, namely, t-shirts, shirts, casual tops with long and short sleeves, bodysuits, sweatshirts, hooded sweatshirts, sweaters, vests, blazers, suits, jackets, coats, anoraks, parkas, jeans, pants, slacks, dresses, skirts, shorts, overalls, socks, belts, gloves, mittens, swimwear, pajamas, boxers, underwear, lingerie, panties, undershirts, ski wear; snowboard wear, namely, snowboard boots, gloves, jackets, mittens, pants, scarves, and beanies; sarongs; footwear, headwear


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.	4338395	Application Date	09/21/2012
Registration Date	05/21/2013	Foreign Priority Date	NONE

Word Mark	HIPPY TREE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/09/01 First Use In Commerce: 2005/09/01 Athletic footwear; Bandanas; Baseball caps; Bathing caps; Bathing suits; Bathing trunks; Beach coverups; Beach shoes; Beachwear; Beanies; Belts; Berets; Bermuda shorts; Bikinis; Body suits; Boxer briefs; Boxer shorts; Caps; Fleece pullovers; Footwear; Galoshes; Gloves; Gym shorts; Gym suits; Halter tops; Hats; Headbands; Hooded sweatshirts; Infantwear; Jackets; Knit shirts; Loungewear; Pajamas; Parkas; Ponchos; Pullovers; Rainwear; Rash guards; Sandals; Scarves; Shirts; Shorts; Sleep shirts; Slippers; Sneakers; Socks; Sports shirts; Sun visors; Surf wear; Sweaters; Sweatsocks; Swim caps; Swimtrunks; Swim wear; Swimsuits; T-shirts; Tank tops; Thongs; Tops; Track suits; Undershirts; V-neck sweaters; Walking shorts; Water socks; Wetsuits; Wind resistant jackets; Wind shirts; Wrist bands

U.S. Registration No.	4338348	Application Date	09/19/2012
Registration Date	05/21/2013	Foreign Priority Date	NONE
Word Mark	HIPPYTREE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/09/01 First Use In Commerce: 2006/09/01 Athletic footwear; Bandanas; Baseball caps; Bathing caps; Bathing suits; Bathing trunks; Beach coverups; Beach shoes; Beachwear; Beanies; Belts; Berets; Bermuda shorts; Bikinis; Body suits; Boxer briefs; Boxer shorts; Caps; Fleece pullovers; Footwear; Galoshes; Gloves; Gym shorts; Gym suits; Halter tops; Hats; Headbands; Hooded sweatshirts; Infantwear; Jackets; Knit shirts; Loungewear; Pajamas; Parkas; Ponchos; Pullovers; Rainwear; Rash guards; Sandals; Scarves; Shirts; Shorts; Sleep shirts; Slippers; Sneakers; Socks; Sports shirts; Sun visors; Surf wear; Sweaters; Sweatsocks; Swim caps; Swimtrunks; Swim wear; Swimsuits; T-shirts; Tank tops; Thongs; Tops; Track suits; Undershirts; V-neck sweaters; Walking shorts; Water socks; Wetsuits; Wind resistant jackets; Wind shirts; Wrist bands		

	suits; Undershirts; V-neck sweaters; Walking shorts; Water socks; Wetsuits; Wind resistant jackets; Wind shirts; Wrist bands
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U.S. Registration No.	4066181	Application Date	02/11/2011
Registration Date	12/06/2011	Foreign Priority Date	NONE
Word Mark	HPYTRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/09/01 First Use In Commerce: 2006/09/01 Athletic footwear; Bandanas; Baseball caps; Bathing caps; Bathing suits; Bathing trunks; Beach coverups; Beach shoes; Beachwear; Beanies; Belts; Berets; Bermuda shorts; Bikinis; Body suits; Boxer briefs; Boxer shorts; Caps; Fleece pullovers; Footwear; Galoshes; Gloves; Gym shorts; Gym suits; Halter tops; Hats; Headbands; Hooded sweatshirts; Infantwear; Jackets; Knit shirts; Loungewear; Pajamas; Parkas; Ponchos; Pullovers; Rainwear; Rash guards; Sandals; Scarves; Shirts; Shorts; Sleep shirts; Slippers; Sneakers; Socks; Sports shirts; Sun visors; Surf wear; Sweaters; Sweatsocks; Swim caps; Swimtrunks; Swim wear; Swimsuits; T-shirts; Tank tops; Thongs; Tops; Track suits; Undershirts; V-neck sweaters; Walking shorts; Water socks; Wetsuits; Wind resistant jackets; Wind shirts; Wrist bands		


U.S. Registration No.	3238171	Application Date	05/18/2005
Registration Date	05/01/2007	Foreign Priority Date	NONE
Word Mark	HIPPY TREE		



Description of Mark	NONE
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Goods/Services	<p>Class 025. First use: First Use: 2003/09/01 First Use In Commerce: 2005/09/01 ATHLETIC FOOTWEAR, BANDANAS, BASEBALL CAP, BATHING CAPS, BATHING SUITS, BATHINGTRUNKS, BEACH COVERUP, BEACH SHOES, BEACHWARE, BEANIES, BERETS, BERMUDA SHORTS, BIKINIS, BODY SUITS, BOXER BRIEFS, BOXER SHORTS, CAPS, FLEECE PULLOVER, FOOTWEAR, GALOSHES, GLOVES, GYM SHORTS, GYM SUITS, HALTER TOPS, HATS, HEAD BANDS, HOODED SWEATSHIRTS, INFANT WEAR, JACKETS, KNIT SHIRTS, LOUNGE WEAR, PAJAMAS, PARKAS, PONCHOS, RAINWEAR, RASH GUARDS, SANDALS, SCARVES, SHIRTS, SHORTS, SLEEP SHIRT, SLIPPERS, SNEAKERS, SOCKS, SPORT SHIRTS, SUN VISORS, SURF WEAR, SWEATERS, SWEATSOCKS, SWIM CAPS, SWIM TRUNKS, SWIM WEAR, SWIM SUITS, TANK TOPS, THONGS, TOPS, T-SHIRTS, UNDERSHIRTS, V-NECK SWEATER, WALKING SHORTS, WETSUITS, WIND RESISTANT JACKETS, WIND RESISTANT SHIRTS, WRIST BANDS, WATER SOCKS, BELTS, TRACK SUITS, PULLOVERS</p>
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U.S. Registration No.	3209071	Application Date	04/26/2006
Registration Date	02/13/2007	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of a stylized design in the shape of a tree.
Goods/Services	<p>Class 025. First use: First Use: 2003/09/01 First Use In Commerce: 2005/09/01</p> <p>ATHLETIC FOOTWEAR, BANDANAS, BASEBALL CAP, BATHING CAPS, BATHING SUITS, BATHING TRUNKS, BEACH COVERUPS, BEACH SHOES, BEACHWEAR, BEANIES, BERETS, BERMUDA SHORTS, BIKINIS, BODY SUITS, BOXER BRIEFS, BOXER SHORTS, CAPS, FLEECE PULLOVER, FOOTWEAR, GALOSHES, GLOVES, GYM SHORTS, GYM SUITS, HALTER TOPS, HATS, HEAD BANDS, HOODED SWEATSHIRTS, INFANT WEAR, JACKETS, KNIT SHIRTS, LOUNGE WEAR, PAJAMAS, PARKAS, PONCHOS, RAINWEAR, RASH GUARDS, SANDALS, SCARVES, SHIRTS, SHORTS, SLEEP SHIRT, SLIPPERS, SNEAKERS, SOCKS, SPORT SHIRTS, SUN VISORS, SURF WEAR, SWEATERS, SWEAT SOCKS, SWIM CAPS, SWIM TRUNKS, SWIM WEAR, SWIM SUITS, TANK TOPS, THONGS, TOPS, T-SHIRTS, UNDERSHIRTS, V-NECK SWEATER, WALKING SHORTS, WETSUITS, WIND RESISTANT JACKETS, WIND RESISTANT SHIRTS, WRIST BANDS, WATER SOCKS, BELTS, TRACK SUITS, PULLOVERS</p>

Attachments	<p>85735763#TMSN.png(bytes) 85733421#TMSN.png(bytes) 85240783#TMSN.png(bytes) 78632415#TMSN.png(bytes) 78870406#TMSN.png(bytes) 20141022154515297.pdf(765148 bytes)</p>
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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	/jesse saivar/
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Name	Jesse Saivar
Date	10/22/2014

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

HIPPY TREE, LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
LIFTED RESEARCH GROUP, INC.)	
)	
Applicant.)	

RE: Application No.: 86/039,394
 Mark: TREES
 Applicant: Lifted Research Group, Inc.
 Filed: August 15, 2013
 Published: September 23, 2014


NOTICE OF OPPOSITION

Hippy Tree, LLC, a California limited liability company, with a mailing address of P.O. Box 1137 Hermosa Beach, CA 90254 (“Opposer”), by and through its attorney, hereby states that it will be damaged by registration of the mark TREES, covered by U.S. application No. 86/039,394, filed by Lifted Research Group, Inc. (“Applicant”), and hereby opposes registration of the same.

The grounds for the opposition are as follows:

1. Opposer has adopted the trademark HIPPY TREE® for use in connection with a wide range of apparel products and has been making continuous use of the mark in connection with apparel since at least as early as September 1, 2005. Opposer owns several registrations related to its trademark, and its variations, in International Class 25 covering a wide variety of apparel products, namely Registration No. 4,338,395 for HIPPY TREE®, Registration No.

4,338,348 for HIPPYTREE®, Registration No. 4,066,181 for HPYTRE®, and Registration No. 3,238,171 for HIPPY TREE (and Design)® (collectively, the “Hippy Tree Marks”). Please see the attached Exhibit 1.

2. In addition, Opposer adopted the logo  ® (“Tree Logo”) in connection with apparel and has made use of the Tree Logo since at least as early as September 1, 2005 (the Hippy Tree Marks and Tree Logo shall collectively be referred to herein as “Opposer’s Marks”). Opposer owns Registration No. 3,209,071 for the Tree Logo in connection with apparel. Please see the attached Exhibit 2. Opposer frequently utilizes the Tree Logo as a standalone brand in addition to utilizing apparel designs incorporating the Tree Logo.

3. Opposer’s Registration Nos. 3,238,171 and 3,209,071 are incontestable within the meaning of §15 of the Lanham Act.

4. As a result of the long use and promotion of Opposer’s Marks by Opposer, Opposer has developed goodwill in such marks as related to apparel and such marks have become distinctive to distinguish Opposer and its apparel from the apparel products of other businesses.

5. Applicant filed U.S. Trademark Application serial No. 86/039,394, on an intent-to-use basis, to register the mark TREES (“Applicant’s Application”) for use in connection with a wide range of apparel in International Class 25. Please see the attached Exhibit 3. Applicant’s Application was published for opposition on September 23, 2014 in the Official Gazette (Trademarks) of the United States Patent and Trademark Office. Opposer has until October 23, 2014 to oppose, and this Notice of Opposition, being filed today, October 22, 2014, is being timely filed.

6. Applicant's mark TREES is solely comprised of the plural form of a prominent word within Opposer's Hippy Tree Marks.

7. Applicant's mark TREES represents the written, plural equivalent of Opposer's Tree Logo.

8. The apparel goods described in Applicant's Application are identical or nearly identical to the apparel goods offered under the Opposer Marks.

9. In light of the foregoing, upon seeing Applicant's mark, it is likely that consumers will mistakenly believe that the Applicant's mark is an abbreviation of Opposer's Hippy Tree Marks. This is especially likely given the fact that consumers are already conditioned to similar branding by Opposer given its adoption and use of the Tree Logo.

10. In sum, the mark that Applicant seeks to register so resembles the Opposer's Marks as to be likely, when used on or in connection with apparel products, to cause confusion, or to cause mistake, or to deceive. Purchasers and prospective purchasers are likely to mistakenly believe that the apparel products of Applicant offered under the TREES mark are sponsored, endorsed, or approved by Opposer, or are in some way affiliated, connected, or associated with Opposer. If Applicant's Application matures to registration, the registration will interfere with Opposer's use and registration of Opposer's Marks or their derivatives, and is likely to cause irreparable damage to the goodwill and consumer recognition that Opposer has built up in such marks.

WHEREFORE, Opposer prays that said Application Serial No. 86/039,394 be refused under 15 U.S.C. §§ 1052(d), that no registration be issued thereon to Applicant, and that this Notice of Opposition be sustained in favor of Opposer.

The requisite filing fee prescribed by 37 C.F.R. §2.6(a)(17), in the amount of \$300.00 should be charged to Deposit Account No. 501833. If there are any additional fees due in

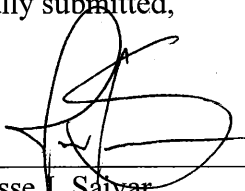
connection with this Notice of Opposition, they should also be charged to Deposit Account No. 501833, and any excess fees should be credited to the same.

All correspondence relating to this matter should be directed to the undersigned attorneys for Opposer.

Respectfully submitted,

Dated: October 22, 2014

By:

A handwritten signature in black ink, appearing to be "Jesse J. Salvar", written over a horizontal line.

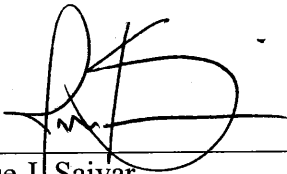
Jesse J. Salvar
Natasha Shabani
Olivia Goodkin
GREENBERG, GLUSKER, FIELDS,
CLAMAN & MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, CA 90067
Telephone: (310) 553-3610
Facsimile: (310) 553-0687
E-mail: ipmail@ggfirm.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Opposition has been served via First Class Mail to Applicant's Attorney of Record at the address below on this the 22nd day of October, 2014:

Lowell Anderson
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, CALIFORNIA 92656



Jesse J. Saivar

EXHIBIT 1

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hippy tree

Word Mark HIPPY TREE

Goods and Services IC 025. US 022 039. G & S: Athletic footwear; Bandanas; Baseball caps; Bathing caps; Bathing suits; Bathing trunks; Beach coverups; Beach shoes; Beachwear; Beanies; Belts; Berets; Bermuda shorts; Bikinis; Body suits; Boxer briefs; Boxer shorts; Caps; Fleece pullovers; Footwear; Galoshes; Gloves; Gym shorts; Gym suits; Halter tops; Hats; Headbands; Hooded sweatshirts; Infantwear; Jackets; Knit shirts; Loungewear; Pajamas; Parkas; Ponchos; Pullovers; Rainwear; Rash guards; Sandals; Scarves; Shirts; Shorts; Sleep shirts; Slippers; Sneakers; Socks; Sports shirts; Sun visors; Surf wear; Sweaters; Sweatsocks; Swim caps; Swim trunks; Swim wear; Swimsuits; T-shirts; Tank tops; Thongs; Tops; Track suits; Undershirts; V-neck sweaters; Walking shorts; Water socks; Wetsuits; Wind resistant jackets; Wind shirts; Wrist bands. FIRST USE: 20030901. FIRST USE IN COMMERCE: 20050901

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 85735763**Filing Date** September 21, 2012**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** March 5, 2013**Registration Number** 4338395

Registration Date May 21, 2013
Owner (REGISTRANT) Hippy Tree, LLC LIMITED LIABILITY COMPANY CALIFORNIA P.O. Box 1137 Hermosa Beach CALIFORNIA 90254
Attorney of Record Hani Z. Sayed
Prior Registrations 3238171
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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hippytree

Word Mark HIPPYTREE
Goods and Services IC 025. US 022 039. G & S: Athletic footwear; Bandanas; Baseball caps; Bathing caps; Bathing suits; Bathing trunks; Beach coverups; Beach shoes; Beachwear; Beanies; Belts; Berets; Bermuda shorts; Bikinis; Body suits; Boxer briefs; Boxer shorts; Caps; Fleece pullovers; Footwear; Galoshes; Gloves; Gym shorts; Gym suits; Halter tops; Hats; Headbands; Hooded sweatshirts; Infantwear; Jackets; Knit shirts; Loungewear; Pajamas; Parkas; Ponchos; Pullovers; Rainwear; Rash guards; Sandals; Scarves; Shirts; Shorts; Sleep shirts; Slippers; Sneakers; Socks; Sports shirts; Sun visors; Surf wear; Sweaters; Sweatsocks; Swim caps; Swim trunks; Swim wear; Swimsuits; T-shirts; Tank tops; Thongs; Tops; Track suits; Undershirts; V-neck sweaters; Walking shorts; Water socks; Wetsuits; Wind resistant jackets; Wind shirts; Wrist bands. FIRST USE: 20060901. FIRST USE IN COMMERCE: 20060901

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85733421

Filing Date September 19, 2012

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 5, 2013

Registration Number 4338348

Registration Date May 21, 2013
Owner (REGISTRANT) Hippy Tree, LLC LIMITED LIABILITY COMPANY CALIFORNIA P.O. Box 1137
Hermosa Beach CALIFORNIA 90254
Attorney of Record Hani Z. Sayed
Prior Registrations 3238171
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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hpytre

Word Mark HPYTRE

Goods and Services IC 025. US 022 039. G & S: Athletic footwear; Bandanas; Baseball caps; Bathing caps; Bathing suits; Bathing trunks; Beach coverups; Beach shoes; Beachwear; Beanies; Belts; Berets; Bermuda shorts; Bikinis; Body suits; Boxer briefs; Boxer shorts; Caps; Fleece pullovers; Footwear; Galoshes; Gloves; Gym shorts; Gym suits; Halter tops; Hats; Headbands; Hooded sweatshirts; Infantwear; Jackets; Knit shirts; Loungewear; Pajamas; Parkas; Ponchos; Pullovers; Rainwear; Rash guards; Sandals; Scarves; Shirts; Shorts; Sleep shirts; Slippers; Sneakers; Socks; Sports shirts; Sun visors; Surf wear; Sweaters; Sweatsocks; Swim caps; Swim trunks; Swim wear; Swimsuits; T-shirts; Tank tops; Thongs; Tops; Track suits; Undershirts; V-neck sweaters; Walking shorts; Water socks; Wetsuits; Wind resistant jackets; Wind shirts; Wrist bands. FIRST USE: 20060901. FIRST USE IN COMMERCE: 20060901

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85240783

Filing Date February 11, 2011

Current Basis 1A

Original Filing Basis 1A

Published for Opposition September 20, 2011

Registration Number 4066181

Registration Date December 6, 2011
Owner (REGISTRANT) Hippy Tree, LLC LIMITED LIABILITY COMPANY CALIFORNIA P.O. Box 1137
Hermosa Beach CALIFORNIA 90254
Attorney of Record Hani Z. Sayed
Prior Registrations 3238171
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark HIPPY TREE

Goods and Services IC 025. US 022 039. G & S: ATHLETIC FOOTWEAR, BANDANAS, BASEBALL CAP, BATHING CAPS, BATHING SUITS, BATHING TRUNKS, BEACH COVERUP, BEACH SHOES, BEACHWARE, BEANIES, BERETS, BERMUDA SHORTS, BIKINIS, BODY SUITS, BOXER BRIEFS, BOXER SHORTS, CAPS, FLEECE PULLOVER, FOOTWEAR, GALOSHES, GLOVES, GYM SHORTS, GYM SUITS, HALTER TOPS, HATS, HEAD BANDS, HOODED SWEATSHIRTS, INFANT WEAR, JACKETS, KNIT SHIRTS, LOUNGE WEAR, PAJAMAS, PARKAS, PONCHOS, RAINWEAR, RASH GUARDS, SANDALS, SCARVES, SHIRTS, SHORTS, SLEEP SHIRT, SLIPPERS, SNEAKERS, SOCKS, SPORT SHIRTS, SUN VISORS, SURF WEAR, SWEATERS, SWEATSOCKS, SWIM CAPS, SWIM TRUNKS, SWIM WEAR, SWIM SUITS, TANK TOPS, THONGS, TOPS, T- SHIRTS, UNDERSHIRTS, V-NECK SWEATER, WALKING SHORTS, WETSUITS, WIND RESISTANT JACKETS, WIND RESISTANT SHIRTS, WRIST BANDS, WATER SOCKS, BELTS, TRACK SUITS, PULLOVERS. FIRST USE: 20030901. FIRST USE IN COMMERCE: 20050901

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 05.01.25 - Cypress tree; Other trees or bushes; Willow tree
Search Code 27.03.04 - Plants forming letters or numerals

Serial Number 78632415

Filing Date May 18, 2005

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 21, 2006

Registration Number 3238171

Registration Date May 1, 2007

Owner (REGISTRANT) Sarnecki, Andrew T. INDIVIDUAL UNITED STATES 520 Eighth St. Hermosa Beach CALIFORNIA 90254

(LAST LISTED OWNER) HIPPY TREE, LLC LIMITED LIABILITY COMPANY UNITED STATES P.O. BOX 1137 HERMOSA BEACH CALIFORNIA 90254

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Hani Z. Sayed

Description of Mark The color(s) green is/are claimed as a feature of the mark. The mark consists of a hand drawn script font that spells hippy with a stylized "i" that is also intended to form the shape of a tree.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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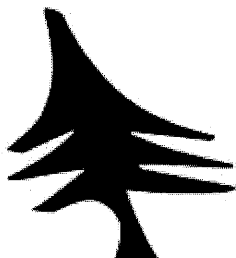
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Goods and Services IC 025. US 022 039. G & S: ATHLETIC FOOTWEAR, BANDANAS, BASEBALL CAP, BATHING CAPS, BATHING SUITS, BATHING TRUNKS, BEACH COVERUPS, BEACH SHOES, BEACHWEAR, BEANIES, BERETS, BERMUDA SHORTS, BIKINIS, BODY SUITS, BOXER BRIEFS, BOXER SHORTS, CAPS, FLEECE PULLOVER, FOOTWEAR, GALOSHES, GLOVES, GYM SHORTS, GYM SUITS, HALTER TOPS, HATS, HEAD BANDS, HOODED SWEATSHIRTS, INFANT WEAR, JACKETS, KNIT SHIRTS, LOUNGE WEAR, PAJAMAS, PARKAS, PONCHOS, RAINWEAR, RASH GUARDS, SANDALS, SCARVES, SHIRTS, SHORTS, SLEEP SHIRT, SLIPPERS, SNEAKERS, SOCKS, SPORT SHIRTS, SUN VISORS, SURF WEAR, SWEATERS, SWEAT SOCKS, SWIM CAPS, SWIM TRUNKS, SWIM WEAR, SWIM SUITS, TANK TOPS, THONGS, TOPS, T- SHIRTS, UNDERSHIRTS, V-NECK SWEATER, WALKING SHORTS, WETSUITS, WIND RESISTANT JACKETS, WIND RESISTANT SHIRTS, WRIST BANDS, WATER SOCKS, BELTS, TRACK SUITS, PULLOVERS. FIRST USE: 20030901. FIRST USE IN COMMERCE: 20050901

Mark Drawing Code (2) DESIGN ONLY
Design Search Code 05.01.25 - Cypress tree; Other trees or bushes; Willow tree
Serial Number 78870406
Filing Date April 26, 2006
Current Basis 1A
Original Filing Basis 1A
Published for Opposition November 28, 2006

Registration Number 3209071

Registration Date February 13, 2007

Owner (REGISTRANT) Sarnecki, Andrew T. INDIVIDUAL UNITED STATES 520 8th Street Hermosa Beach CALIFORNIA 90254

(LAST LISTED OWNER) HIPPY TREE, LLC LIMITED LIABILITY COMPANY UNITED STATES P.O. BOX 1137 HERMOSA BEACH CALIFORNIA 90254

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Hani Z. Sayed

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a stylized design in the shape of a tree.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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EXHIBIT 3



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TREES

Word Mark TREES

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, t-shirts, shirts, casual tops with long and short sleeves, bodysuits, sweatshirts, hooded sweatshirts, sweaters, vests, blazers, suits, jackets, coats, anoraks, parkas, jeans, pants, slacks, dresses, skirts, shorts, overalls, socks, belts, gloves, mittens, swimwear, pajamas, boxers, underwear, lingerie, panties, undershirts, ski wear; snowboard wear, namely, snowboard boots, gloves, jackets, mittens, pants, scarves, and beanies; sarongs; footwear, headwear

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86039394

Filing Date August 15, 2013

Current Basis 1B

Original Filing Basis 1B

Published for Opposition September 23, 2014

Owner (APPLICANT) Lifted Research Group, Inc. CORPORATION CALIFORNIA P.O. Box 54668 Irvine CALIFORNIA 92618

Attorney of Record Lowell Anderson

Type of Mark TRADEMARK

Register PRINCIPAL

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