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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY

DEPUTY

LANCE ARMSTRONG FOUNDATION,  
a Texas non-profit corporation,

Plaintiff,

v.

CHRIS OHMAN, an individual,  
ANIMAL CHARITY COLLAR GROUP,  
INC. an Oklahoma corporation dba  
BARKSTRONG.NET

Defendants.

CASE NO.

**A07CA 769 SS**

**DEMAND FOR JURY TRIAL**

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff Lance Armstrong Foundation alleges as follows:

**PARTIES**

1. Plaintiff Lance Armstrong Foundation, Inc. is a Texas nonprofit corporation with its principal office located at 1221 South MoPac Expressway, Suite 320, Austin, Texas (hereafter "Plaintiff" or "LAF").

2. LAF is informed and believes and on that basis alleges that defendant Chris Ohman ("Ohman") is an individual residing in Tulsa, Oklahoma.

3. LAF is informed and believes and on that basis alleges that defendant Animal Charity Collar Group ("ACCG") is an Oklahoma for-profit corporation with its principal place of business located in Tulsa, Oklahoma, and which sometimes does business as Barkstrong.net. LAF is informed and believes and on that basis alleges that Defendant Ohman is the founder, sole owner, and sole officer of ACCG. Ohman and ACCG, and each of them, are hereafter referred to as "Defendants" except as otherwise noted.

**NATURE OF THE CASE**

4. This is an action for trademark infringement and related causes of action arising out of Defendants' use of marks and trade dress that infringe and dilute LAF's well-known

famous trademarks and trade dress. Despite LAF's requests that Defendants cease use of the infringing marks BARKSTRONG, PURRSTRONG, DOES YOUR DOG BARKSTRONG, DOES YOUR CAT PURRSTRONG, as well as a yellow band as a mark or product design, , an image of a yellow band in a mark, and a logo featuring a yellow band in letterhead, and each of them (collectively the "BARKSTRONG Marks"), and the parties' attempts to negotiate a resolution of this matter, Defendants have continued to use the BARKSTRONG Marks in connection with goods and services in clear violation of LAF's intellectual property rights. LAF seeks injunctive relief to prevent Defendants from using the BARKSTRONG Marks, as well as damages, Defendants' profits, attorneys' fees, costs, other monetary and equitable relief, cancellation of Defendant Ohman's registration of the PURRSTRONG mark, and other relief as set forth below.

### **JURISDICTION AND VENUE**

5. Plaintiff LAF brings claims for: (i) infringement in violation of Section 32 of the Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1114; (ii) false designation of origin and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); (iii) trademark dilution, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); (iv) trademark and trade dress infringement under the common law of the State of Texas; (v) trademark and trade dress dilution in violation of Texas law (vi) unfair competition under the common law of the State of Texas and (vii) cancellation of registration under 15 U.S.C. § 1119.

6. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331 and 1338, and has supplemental jurisdiction over the claims arising out of state law pursuant to 28 U.S.C. § 1367(a) because these claims are so related to LAF's claims under federal law that they form part of the same case or controversy and derive from a common nucleus of operative fact.

7. This Court has personal jurisdiction over the Defendants by reason of their transaction of business within the State of Texas and this district, including meeting with LAF

representatives in Austin, Texas as alleged below. LAF is informed and believes, and on that basis alleges, that Defendants also offer their products for sale throughout the United States, including in Texas and this district, over the Internet on their website at [www.barkstrong.net](http://www.barkstrong.net), and on the online retail sites Amazon.com and eBay.

8. Venue in this district is proper under 28 U.S.C. § 1391(b) and § 1400(a) as LAF is informed and believes and on that basis alleges that Defendants have done business in this district, including meeting with LAF representatives in Austin, Texas, as alleged below. Further, LAF is informed and believes on that basis alleges that Defendants operate a website at [www.barkstrong.net](http://www.barkstrong.net), on which they offer their products for sale throughout the United States, including in Texas and this district, Defendants' acts of infringement and other wrongful conduct also have caused damage in this district.

#### **PLAINTIFF LANCE ARMSTRONG FOUNDATION AND ITS TRADEMARKS**

9. Founded in 1997 by cancer survivor and champion cyclist Lance Armstrong, LAF supports public health initiatives, national cancer advocacy, cancer research, and cancer survivorship education and resources. LAF has used the LIVESTRONG mark since at least as early as December of 2003 to identify its educational and charitable fundraising services in the fields of cancer, cancer recovery, and cancer survivorship, and its related products. As part of the LAF's mission to increase public awareness about cancer survivorship issues and to raise money for LAF's charitable programs, LAF launched the LiveStrong campaign, through which distinctive yellow LIVESTRONG silicone rubber wristbands are sold.

10. The LIVESTRONG silicone rubber wristbands are sold by LAF and its partners for one dollar (\$1.00) each. LAF and its partners also sell other products bearing the LIVESTRONG mark and/or yellow band, with proceeds benefiting LAF and its charitable activities. This campaign has been extraordinarily successful, with more than 70 million yellow LIVESTRONG wristbands sold, as well as numerous other products sold bearing the LIVESTRONG mark.

11. LAF's LIVESTRONG mark and use of yellow on wristbands have become a

valuable asset of LAF and a principal symbol of its extensive goodwill. By reason of widespread use of the marks, the trade and purchasing public have come to recognize LAF's LIVESTRONG mark and trade dress as signifying LAF and as identifying LAF as the source of goods or services offered. LAF's trade dress, as alleged herein, consists of the color yellow used on bands for charitable fundraising, yellow wristbands for charitable fundraising as depicted in U.S. Reg. No. 3226837 and Ser. No. 78706554, and the appearance and three-dimensional design of a silicone rubber wristband with the mark LIVESTRONG impressed on the band, used in connection with LAF's goods and service. Hereafter LAF's trade dress shall be referred to as "LAF's Trade Dress").

12. LAF has protectable intellectual property rights in the mark LIVESTRONG and LAF's Trade Dress including use of the color yellow with wristbands and other products sold pursuant to the LAF's campaign to raise funds for LAF's cancer education, research, and survivorship programs. LAF has actively promoted its services and goods in connection with the LIVESTRONG mark and yellow wristbands, including in print advertisements and billboard advertisements ("Promotions"). Attached hereto as Exhibit A are photographs showing examples of LAF's Promotions.




13. In addition, LAF has also promoted its services and goods in connection with its marks and trade dress at its website at the domain name LIVESTRONG.ORG which LAF uses in connection with fundraising, providing charitable services in the field of cancer, cancer awareness, and survivorship, as well as a means for online ordering of yellow LIVESTRONG wristbands and other branded goods. LAF uses its trademarks and trade dress extensively on its website. Attached hereto as Exhibit B are true and correct copies of printouts from LAF's website at LIVESTRONG.ORG, showing use of the LIVESTRONG mark and yellow bands, and products for sale.

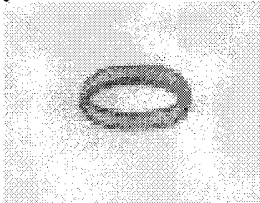
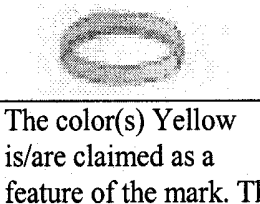
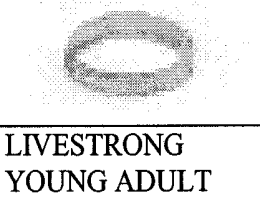
14. LAF and its yellow LIVESTRONG wristbands have received widespread media coverage, including in numerous print and online publications such as the Wall Street Journal, New York Times, Sports Illustrated and the USA Today, as well as in numerous broadcast,

radio, cable and satellite television programs such as the Oprah Winfrey Show. LAF has received numerous awards for its marks and goods, and the yellow LIVESTRONG wristbands and LAF's activities have been promoted extensively by celebrities and professional athletes including Serena Williams, Andre Agassi, Ben Stiller, U2's Bono, and Tom Brokaw. Prominent politicians, including President George Bush, Senator John Edwards and Senator John Kerry, have appeared publicly with, and received media attention in connection with, the LIVESTRONG wristbands. Attached hereto as Exhibit C are true and correct copies of various online and print articles regarding LAF and its yellow LIVESTRONG wristband. Attached hereto as Exhibit D are examples of well-known individuals wearing the yellow LIVESTRONG wristband.


15. LAF is the owner of the following U.S. trademark applications and registrations, among others, filed with the U.S. Patent and Trademark Office.

Trademark	Serial/Reg. Number	Date of Reg/App	Class	Goods/Services
LIVESTRONG	3052284 (Registered)	January 31, 2006	14, 36	Jewelry  Charitable fundraising services
LIVESTRONG	3202553 (Registered)	January 3, 2007	9, 25, 41	Bicycle helmets  Clothing articles, namely, shirts, jackets, pants, shorts and jerseys, and sweatshirts, and pullovers; socks; headwear, namely, hats, caps, visors  Educational services, namely, organizing and conducting conferences in the field of cancer, cancer recovery and survival
LIVESTRONG	3267242 (Registered)	July 24, 2007	21	Ceramic vessels, bowls, plates, pots; plates, cups, mugs, bowls, tea kettles, tea pots not made of precious metals
LIVESTRONG	3126718 (Registered)	August 8, 2006	9	Computers; Notebook computers
LIVESTRONG	77003358 (pending)	September 20, 2006	18	Collars for pets

LIVESTRONG	77003373 (pending)	September 20, 2006	25	Beachwear; Gloves; Jogging pants; Jogging suits; Scarves; Shoes; Swim wear; Ties; Track suits; Underwear; Warm up suits
LIVESTRONG	78821024 (Pending)	Feb 22, 2006	36	Mutual fund investment and brokerage services, investment consulting and management; financial services, namely, an investment security; administration and management of health savings accounts and charitable gift annuities; annuity underwriting; insurance underwriting in the field of health, dental, disability, life, and catastrophic event coverage; insurance administration and consulting
LIVESTRONG and Design 	76644416 (Pending)	August 5, 2005	14	Jewelry
LIVESTRONG and Design 	76644417 (pending)	August 5, 2005	36	Charitable fundraising services
Yellow band  The color Yellow is claimed as a feature of the mark. The mark consists of the color yellow, which is used on bands. The matter shown in broken lines is not part of the mark. 	3157452 (Registered)	October 17, 2006	36	Charitable fund raising; charitable fundraising services in the field of cancer, cancer research, cancer recovery and survival

<p>The color(s) Yellow is/are claimed as a feature of the mark. The color yellow appears on the entire surface of the band. The mark consists of a three dimensional band in the color yellow.</p> 	3226837 (Registered)	April 10, 2007	36	Charitable fund raising; charitable fundraising services in the field of cancer, cancer research, cancer recovery and survival
<p>The color(s) Yellow is/are claimed as a feature of the mark. "The mark consists of a three dimensional band in the color yellow. The color yellow appears on the entire surface of the band.</p> 	78706554 (Pending)	September 2, 2005	14	Jewelry, namely, wristbands in the nature of a bracelet for use in fundraising and education in the field of cancer, cancer research, cancer recovery and survival
<p>The color(s) Yellow is/are claimed as a feature of the mark. The mark consists of the color yellow, which is used on bands. The matter shown in broken lines is not part of the mark</p> 	78706562 (Pending)	September 2, 2005	14	Jewelry, namely, wristbands in the nature of a bracelet for use in fundraising and education in the field of cancer, cancer research, cancer recovery and survival
LIVESTRONG YOUNG ADULT ALLIANCE	78887770 (Pending)	May 19, 2006	35, 41	Lobbying services, namely promoting public health and cancer survivorship interests in the fields of politics, legislation, and regulation; promoting public awareness of public health in the fields of cancer, cancer research, delivery of patient care, cancer recovery and survival by sponsoring, developing, and



				<p>carrying out community and national programs; charitable services, namely organizing and conducting volunteer programs and community service projects</p> <p>Educational services, namely, organizing and conducting conferences in the fields of cancer, cancer recovery and survival</p>
<p>LANCE ARMSTRONG FOUNDATION LIVESTRONG and Design</p> 	3205197 (Registered)		14, 35, 36, 41 and 44	<p>Jewelry</p> <p>Lobbying services, namely, promoting public health and cancer survivorship interests in the fields of politics, legislation and regulation; promoting public awareness of public health in the fields of cancer, cancer recovery and survival by sponsoring, developing and carrying out community and national programs.</p> <p>Providing research grants to organizations in the fields of public health, cancer, cancer recovery and survival; Charitable fundraising services; Providing a web site featuring information, comprehensive content and personal stories concerning insurance, finances, financial and estate planning in the fields of cancer, cancer recovery and survival.</p> <p>Educational services, namely, organizing and conducting conferences in the fields of cancer, cancer recovery and survival; providing a web site featuring personal narrative stories relating to cancer, cancer recovery and survival for instructional and entertainment purposes.</p>



				Providing a web site featuring medical information, comprehensive content and personal stories in the fields of cancer, cancer recovery and survival.
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Attached hereto as Exhibit E are true and correct copies of the registration certificates from the United States Patent and Trademark ("USPTO") for each of these registrations listed above, and printouts from the USPTO Tess database for the pending applications listed above.

16. The LAF trademarks and LAF's Trade Dress identified in Paragraphs 9-15 above, including common law rights, and each of them, are hereinafter referred to as "LAF's LIVESTRONG Marks."

17. LAF has continuously used the mark LIVESTRONG since at least as early as December 2003 to identify its fundraising and educational services and/or goods, including use of the LIVESTRONG mark on clothing and bands since prior to May 2004, which use predates Defendants' first use date and filing date for all of the trademark applications filed by Defendant Ohman for the BARKSTRONG Marks.

18. LAF first applied to register the mark LIVESTRONG for clothing, jewelry, fundraising, and educational services on May 7, 2004 based, in part, on use of the mark and, in part, on an intent to use the mark, which filing date predates Defendants' first use date and filing date for all of the trademark applications filed by Defendant Ohman for the BARKSTRONG Marks.

#### **DEFENDANTS' INFRINGING ACTIVITIES**

19. LAF is informed and believes, and on that basis alleges that Defendants began marketing and offering for sale yellow pet collars made of a silicone-like material bearing the words BARKSTRONG or PURRSTRONG beginning in or about June 2005, and subsequently began selling other products featuring these words or similar wording, all purportedly to raise money for animal charities (hereafter the "Infringing Goods & Services"). As discussed below in

Paragraph 25, however, LAF is informed and believes, and on that basis alleges that Defendants gave only a small fraction of their revenues to animal charities. LAF is informed and believes, and on that basis alleges that Defendants also began using a logo featuring a graphic depiction of a yellow band, including on Defendants' letterhead.

20. LAF is informed and believes, and on that basis alleges that Defendants were aware of LAF and LAF's LIVESTRONG Marks prior to actively marketing and offering the Infringing Goods & Services. LAF is informed and believes, and on that basis alleges that in or about July 2005, Defendant Ohman, on behalf of himself and ACCG, wrote to LAF, proposing a business deal in which Defendants or licensees would market and sell pet collars bearing LAF's LIVESTRONG mark, and the BARKSTRONG and PURRSTRONG marks. Just a few weeks prior to writing this proposal, Defendant Ohman had filed a design patent application with U.S. Patent & Trademark Office ("PTO") purporting to register the design of a pet collar with the words LIVESTRONG, BARKSTRONG or PURRSTRONG embedded into the collar.

21. Defendants traveled to Austin, Texas and met with LAF representatives at LAF's Austin offices on or about July 29, 2005 to pitch their proposal. LAF declined to enter into a business deal with Defendants, who apparently had no prior experience selling or marketing the type of products and services contemplated. LAF also indicated to Defendants that it objected to Defendants' proposed use of the marks on pet collars.

22. Nonetheless, despite LAF's rejection of Defendants' proposal, and despite the fact that LAF did not authorize Defendants to market or sell any goods or services in connection with the BARKSTRONG Marks, LAF is informed and believes, and on that basis alleges that Defendants began actively marketing and selling the Infringing Goods & Services. In addition, LAF is informed and believes, and on that basis alleges that Defendants filed trademark applications to register the word marks BARKSTRONG, PURRSTRONG, CAN YOUR DOG BARKSTRONG and CAN YOUR CAT PURRSTRONG with the U.S. Patent & Trademark Office ("PTO").

23. The BARKSTRONG Marks are confusingly similar to, and are likely to cause

confusion, mistake or deception, as to origin, source, sponsorship or affiliation with LAF and LAF's LIVESTRONG Marks in that Defendants use the same color (yellow), the same or similar materials (silicone-like material), similar wording (BARKSTRONG, PURRSTRONG, CAN YOUR DOG BARKSTRONG, CAN YOUR CAT PURRSTRONG), embossed wording on product, and similar fonts and graphics in that one term in the word marks is inset deeper into the product to make it appear bolded (e.g., LIVESTRONG by LAF, and **BARKSTRONG** by Defendants), on similar goods (collars) and/or with similar services (charitable fundraising), through similar channels of trade. Such confusion, mistake, and deception are likely to cause irreparable harm to LAF.

24. The BARKSTRONG Marks are likely to dilute and/or do dilute and tarnish the distinctive quality of LAF's LIVESTRONG marks and the reputation and goodwill of LAF and LAF's LIVESTRONG Marks in that Defendants use the same color (yellow), the same or similar materials (silicone-like material), similar wording (BARKSTRONG, PURRSTRONG, CAN YOUR DOG BARKSTRONG, CAN YOUR CAT PURRSTRONG), on similar goods (collars) and/or with similar services (charitable fundraising), through similar channels of trade. Such dilution is likely to cause irreparable harm to LAF.

25. Defendants purport to sell the infringing goods in order to raise money for animal charities and Defendant ACCG calls itself the "Animal Charity Collar Group." LAF is informed and believes, however, and on that basis alleges that Defendants are not a charitable organization organized under IRS Code Section 501(c)(3), and that as of early December 2006, Defendants had contributed just \$875 to animal charities even though Defendants' gross sales were over \$10,000 through November 29, 2006. Such conduct further dilutes and tarnishes the distinctive quality of LAF's LIVESTRONG marks and the reputation and goodwill of LAF and LAF's LIVESTRONG Marks

26. In or about March 2006, counsel for LAF sent a cease and desist letter to Defendants' counsel requesting that Defendants cease using the BARKSTRONG Marks. In addition, on June 21, 2006, LAF filed an opposition proceeding against Defendants Ohman's

application to register the mark BARKSTRONG (Serial No. 78636367) (Proceeding No. 91171512) before the Trademark Trial and Appeal Board of the U.S. Patent & Trademark Office. Despite LAF's demands and negotiations between the parties, Defendants have continued their unlawful conduct.

**FIRST CLAIM FOR RELIEF**  
**Federal Trademark and Trade Dress Infringement**  
**15 U.S.C. § 1114**

27. Plaintiff LAF realleges and incorporates by reference the allegations in paragraphs 1 through 26 as if fully set forth herein.

28. LAF's LIVESTRONG Marks are distinctive and LAF has used and marketed its Marks to distinguish and to identify its products and services. LAF has acquired substantial goodwill through the use of LAF's LIVESTRONG Marks, and obtained federal registrations for several of these Marks, as described above.

29. Defendants' use of the BARKSTRONG Marks and domain name [www.barkstrong.net](http://www.barkstrong.net) in connection with Defendants' goods and services and related promotional activities is likely to cause confusion, mistake, or deception, and constitutes infringement of LAF's registered marks identified above, in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

30. LAF is informed and believes and on that basis alleges that Defendants were aware of LAF and LAF's registered LIVESTRONG Marks and the use thereof by LAF to identify LAF and its products and services, prior to Defendants' use of the BARKSTRONG Marks and the [www.barkstrong.net](http://www.barkstrong.net) domain name.

31. As a result of Defendants' acts of trademark infringement and unfair competition, Defendants have profited and benefited in the marketplace, at the expense of and injury to LAF.

32. LAF is informed and believes and on that basis alleges that as a result of Defendants' adoption and use of the BARKSTRONG Marks and the domain name, Defendants are able to obtain recognition and build a reputation in the market, all to the detriment of LAF

and to the benefit, and unjust enrichment and profit, of Defendants.

33. As a result of Defendants' unlawful conduct, LAF has been and continues to be substantially and irreparably harmed. If Defendants' infringement and unlawful acts are permitted to continue, further damage and irreparable injury will be sustained by LAF. Through such unfair acts and Defendants' use of confusingly similar marks and trade dress, the value of LAF's LIVESTRONG Marks will be diminished or destroyed, for which damage LAF cannot be adequately compensated at law. Accordingly, LAF is entitled to preliminary and permanent injunctive relief against Defendants, including an order to seize any and all infringing goods or materials bearing the BARKSTRONG Marks, as well as the means for making such marks and goods and materials, as well as records documenting the manufacture, sale or receipt of infringing materials.

34. LAF is informed and believes and on that basis alleges that Defendants have derived unlawful gains and profits from their infringement of LAF's LIVESTRONG Marks, and Defendants thereby have caused loss and damage to LAF's goodwill, and LAF's LIVESTRONG Marks. As a proximate result of Defendants' infringement, LAF has suffered and is likely to suffer injury to its business, goodwill, reputation, and profit, all to the damage of LAF, in an amount as yet unknown but to be proven at trial.

35. LAF's damages may be trebled pursuant to Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a) because, upon information and belief, Defendants' actions have been committed willfully, with intent and full knowledge of LAF's LIVESTRONG Marks and its rights in those Marks, among other things. In addition, LAF is entitled to recover Defendants' profits and reasonable royalties, as well as costs of this action and reasonable attorney's fees.

**SECOND CLAIM FOR RELIEF**  
**False Designation of Origin and Unfair Competition**  
**15 U.S.C. § 1125(a)**

36. Plaintiff LAF realleges and incorporates by reference the allegations in paragraphs 1 through 35 as if fully set forth herein.

37. Defendants' use of the BARKSTRONG Marks and www.barkstrong.net domain name in connection with Defendants' goods and services and related promotional activities is likely to cause confusion, mistake, or deception as to affiliation, connection, or association with LAF, and is also likely to cause confusion as to the origin, sponsorship, or approval of Defendants' goods, services, or commercial activities by LAF, all in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

38. In addition, Defendants' use of the BARKSTRONG Marks and www.barkstrong.net domain name constitutes a false designation of origin, false or misleading description of fact, or false or misleading representation of fact which is likely to cause confusion (including reverse confusion), mistake, or deception as to affiliation, connection, or association with LAF, and is also likely to cause confusion as to the origin, sponsorship, or approval of Defendants' goods, services, or commercial activities by LAF, all in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

39. Defendants' use of the BARKSTRONG Marks and www.barkstrong.net domain name has caused and will continue to cause irreparable harm for which LAF has no adequate remedy at law, in that, among other things, (i) the ownership of LAF's LIVESTRONG Marks constitutes a unique and valuable property right which have no readily determinable market value; (ii) Defendants' activities constitute a substantial interference with LAF's goodwill and relationship with its customers, business partners, vendors, the general public, and the media; and (iii) Defendants' activities, and the harm resulting to LAF, is continuing. Accordingly, LAF is entitled to preliminary and permanent injunctive relief.

40. As a result of Defendants' unlawful conduct, LAF has incurred damages in an amount to be proven at trial consisting of, among other things, lost revenues, profits, and diminution in the value of and goodwill associated with LAF's LIVESTRONG Marks. LAF's damages may be trebled pursuant to Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a) because, upon information and belief, Defendants' actions have been committed willfully, with intent and full knowledge of LAF's rights, among other things. In addition, LAF is entitled to



recover Defendants' profits and reasonable royalties, as well as costs of this action and reasonable attorney's fees.

**THIRD CLAIM FOR RELIEF**  
**Federal Trademark Dilution**  
**15 U.S.C. § 1125(a)**

41. Plaintiff LAF realleges and incorporates by reference the allegations in paragraphs 1 through 40 as if fully set forth herein.

42. LAF is informed and believes and on that basis alleges that LAF's LIVESTRONG Marks are unique and distinctive, and have achieved widespread fame and prominence which was established in the United States prior to Defendants' use of the BARKSTRONG Marks.

43. The actions of Defendants, as alleged above, dilute and destroy, or are likely to dilute, the distinctive quality of LAF's LIVESTRONG Marks in violation of the Federal Trademark Dilution Act of 1995, codified at 15 U.S.C. § 1125(c).

44. Defendants' use of the BARKSTRONG Marks and domain name has caused and will continue to cause irreparable harm for which LAF has no adequate remedy at law, in that, among other things, (i) the ownership of LAF's LIVESTRONG Marks constitutes a unique and valuable property right which have no readily determinable market value; (ii) Defendants' activities constitute a substantial interference with LAF's goodwill and relationship with its customers, business partners, vendors, the general public, and the media; and (iii) Defendants' activities, and the harm resulting to LAF, is continuing. Accordingly, LAF is entitled to preliminary and permanent injunctive relief.

45. LAF is informed and believes and thereon alleges that Defendants adopted and have continued to use the BARKSTRONG Marks and domain name [www.barkstrong.net](http://www.barkstrong.net) to willfully trade upon LAF's rights and reputation or to cause dilution of LAF's LIVESTRONG Marks. As a result of Defendants' unlawful conduct, LAF has incurred damages in an amount to be proven at trial consisting of, among other things, lost revenues, profits, and diminution in the value of and goodwill associated with LAF's LIVESTRONG Marks. LAF's damages may be



trebled pursuant to Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a) because, upon information and belief, Defendants' actions have been committed willfully, with intent and full knowledge of LAF's rights, among other things. In addition, LAF is entitled to recover Defendants' profits and reasonable royalties, destruction of infringing articles under 15 U.S.C. § 1118, as well as costs of this action and reasonable attorneys' fees.

**FOURTH CLAIM FOR RELIEF**  
**Common Law Trademark and Trade Dress Infringement**

46. Plaintiff LAF realleges and incorporates by reference the allegations in paragraphs 1 through 45 as if fully set forth herein.

47. In addition to its rights under the Lanham Act, LAF has valid common law rights in LAF's LIVESTRONG Marks based on its use of the LIVESTRONG mark since 2003 and use of yellow on bands for LAF's goods and services since 2004.

48. Defendants' use of the BARKSTRONG Marks and domain name [www.barkstrong.net](http://www.barkstrong.net) is in violation and derogation of LAF's common law rights in LAF's LIVESTRONG Marks, and is likely to cause confusion, mistake and deception among customers and the public as to the source, origin, sponsorship or quality of LAF's goods and services and business, thereby causing loss, damage and injury to LAF and the public. Defendants knew, or in the exercise of reasonable care should have known, that their conduct was likely to mislead the public, and those engaged in the sale, purchase or distribution of the parties' products and services.

49. LAF is informed and believes and on that basis alleges that the foregoing conduct by Defendants has been knowing, deliberate, willful, and with the knowledge that such conduct was likely to cause mistake or to deceive, and in disregard of LAF's rights.

50. LAF is informed and believes and on that basis alleges that Defendants' wrongful acts, as alleged above, have permitted or will permit them to make substantial sales and/or profits on the strength of LAF's marketing, advertising, sales and customer recognition of LAF and LAF's LIVESTRONG Marks.

51. As a result of Defendants' unlawful conduct, LAF has been and continues to be substantially and irreparably harmed. If Defendants' unfair competition and acts are permitted to continue, further damage and irreparable injury will be sustained by LAF. Through such unfair acts and use of confusingly similar marks, the value of LAF's LIVESTRONG Marks will be diminished or destroyed, for which damage LAF cannot be adequately compensated at law.

52. LAF is informed and believes and on that basis alleges that Defendants have derived unlawful gains and profits from their unlawful acts, as alleged above, and have caused loss and damage to LAF, LAF's goodwill, and LAF's LIVESTRONG Marks. LAF has suffered and is likely to suffer injury to its business, goodwill, reputation, and profit, in an amount as yet unknown but to be proven at trial.

53. LAF has no adequate remedy at law for, and is being irreparably harmed by, Defendants' continuing violation of its rights as set forth above, and such harm will continue unless Defendants are enjoined by this Court.

**FIFTH CLAIM FOR RELIEF**  
**State Trademark and Trade Dress Dilution**

54. Plaintiff LAF realleges and incorporates by reference the allegations in paragraphs 1 through 53 as if fully set forth herein.

55. LAF's LIVESTRONG Marks have become distinctive and famous, and were distinctive and famous at the time Defendants began using the BARKSTRONG Marks. LAF first began using the LIVESTRONG mark since at least as early as 2003 in Texas and first began using the LAF Trade Dress since 2004, and has continually been using the LIVESTRONG Marks. LAF has expended money and significant effort to promote its activities and goods offered in connection with LAF's LIVESTRONG Marks.

56. Defendants' intentional conduct including its use of the BARKSTRONG Marks and domain name [www.barkstrong.net](http://www.barkstrong.net), dilutes, blurs and tarnishes the distinctive quality of LAF's LIVESTRONG Marks, causing a likelihood of injury to LAF's business reputation and dilution of the distinctive quality of LAF's LIVESTRONG Marks under Texas Business &

Commercial Code § 16.29.

57. As a result of Defendants' conduct, LAF has suffered irreparable harm to LAF's LIVESTRONG Marks. Unless Defendants are enjoined from using the BARKSTRONG Marks and www.barkstrong.net domain name, LAF will continue to be irreparably harmed. LAF has no adequate remedy at law that will compensate it for the continued and irreparable harm it will suffer if the Defendants are not enjoined from using BARKSTRONG Marks and www.barkstrong.net domain name. Accordingly, LAF is entitled to injunctive relief prohibiting Defendants from continuing such acts.

**SIXTH CLAIM FOR RELIEF**  
**Unfair Competition**

58. Plaintiff LAF realleges and incorporates by reference the allegations in paragraphs 1 through 57 as if fully set forth herein.

59. LAF has valid common law rights in LAF's LIVESTRONG Marks based on its use of the LIVESTRONG mark since 2003 and use of yellow on bands for LAF's goods and services since 2004.

60. Defendants' use and marketing of products and services under the BARKSTRONG Marks and www.barkstrong.net domain name, as alleged above, constitutes unfair competition in violation of Texas common law.

61. LAF is informed and believes and on that basis alleges that Defendants' unfair competition practices, namely, the adoption, use and marketing of products and services under the under the BARKSTRONG Marks and www.barkstrong.net domain name, have been willful and have been committed with the knowledge of LAF's activities and use of LAF's LIVESTRONG Marks.

62. LAF is informed and believes and on that basis alleges that Defendants' use of the BARKSTRONG Marks and www.barkstrong.net domain name have deceived or are likely to deceive LAF's customers and potential customers and/or Defendants' customers and potential customers into believing that Defendants' products and services and LAF's products and

services, or the parties' businesses, are related, and/or that Defendants' products and services are affiliated with, associated with, and/or sold by LAF and/or that LAF's products and services are affiliated with, associated with, and/or sold by Defendants.

63. As a result of Defendants' acts of unfair competition, LAF has been and continues to be substantially and irreparably harmed. If Defendants' unfair competition is permitted to continue, further damage and irreparable injury will be sustained by LAF. Through such unfair acts and the use of confusingly similar marks, the value of LAF's LIVESTRONG Marks will be diminished or destroyed, for which damage LAF cannot be adequately compensated at law.

64. LAF is informed and believes and on that basis alleges that Defendants have derived unlawful gains and profits from their acts of unfair competition, as alleged above, and have caused loss and damage to LAF, LAF's goodwill, and LAF's LIVESTRONG Marks. LAF has suffered and is likely to suffer injury to its business, goodwill, reputation, and profit, in an amount as yet unknown but to be proven at trial.

**SEVENTH CLAIM FOR RELIEF**  
**Cancellation of Registration**  
**15 U.S.C. § 1119**

65. Plaintiff LAF realleges and incorporates by reference the allegations in paragraphs 1 through 64 as if fully set forth herein.

66. LAF is informed and believes and on that basis alleges that on or about May 24, 2005, despite LAF's refusal to enter into a business deal with Defendants, Defendant Ohman applied to register the marks BARKSTRONG and PURRSTRONG, and approximately one month later began offering for sale yellow pet collars made of a silicone-like material, with the marks BARKSTRONG or PURRSTRONG embedded in the collars, in violation of LAF's rights.

67. Defendant Ohman eventually obtained a registration of the mark PURRSTRONG with the United States Patent & Trademark Office ("USPTO") (Registration No. 3225827) on April 3, 2007.

68. LAF believes it will be damaged by Defendant Ohman's registration of the

PURRSTRONG mark and Defendants' continued use of the mark, as alleged above, including that the PURRSTRONG marks infringes LAF's LIVESTRONG Marks and dilutes or is likely to dilute LAF's LIVESTRONG Marks.

69. Pursuant to 15 U.S.C. § 1119, LAF requests that this Court determine that PURRSTRONG mark infringes and dilutes or is likely to dilute LAF's LIVESTRONG Marks, and order the cancellation of USPTO Registration No. 3225827.

WHEREFORE, LAF prays for relief as follows:

1. That Defendants be adjudged to have infringed and diluted LAF's LIVESTRONG Marks in violation of federal and Texas state law;
2. That Defendants be adjudged to have willfully and deliberately infringed and diluted LAF's LIVESTRONG Marks in violation of federal and Texas state law;
3. That Defendants be adjudged to have willfully and deliberately used false designations of origin and competed unfairly with LAF in violation of federal and Texas state law;
4. That Defendants be adjudged to have competed unfairly with LAF and used a false designation of origin in violation of federal and Texas state law;
5. That ownership and control of the domain name www.barkstrong.net be forfeited by Defendants or transferred to Plaintiff, and/or that the registration in the domain name be cancelled;
6. That Defendants, their officers, agents, servants, employees and all persons acting or claiming to act on its behalf under its direction or authority, and all persons acting or claiming to act in concert or in participation with Defendants, be preliminarily and permanently enjoined and restrained from infringing and diluting LAF's LIVESTRONG Marks in any manner in the sale, promotion, distribution, purchase, or advertising of Defendants' products and services, including but not limited to in their company logo and letterhead, and, in particular, from using the BARKSTRONG Marks and the domain name www.barkstrong.net, including applying for or

registering any trademark, trade name, patent, copyright for the BARKSTRONG Marks or similar designs or marks;

7. That Defendants, their officers, agents, servants, employees and all persons acting or claiming to act on its behalf under its direction or authority, and all persons acting or claiming to act in concert or in participation with Defendants, be permanently enjoined and restrained from or engaging in acts of unfair competition with LAF relating to use of the BARKSTRONG Marks and domain name www.barkstrong.net in any manner, in the sale, promotion, distribution, purchase or advertising of Defendants' goods and services, and, in particular, from using the BARKSTRONG Marks and the domain name www.barkstrong.net, including applying for or registering any trademark, trade name, patent, copyright for the BARKSTRONG Marks or similar designs or marks;

8. That Defendants be required to turn over and deliver up to the Court or to a Court-designated party during the pendency of this action all infringing products in their custody and control (including records documenting the manufacture, sale or receipt of infringing items) and to turn over for destruction all infringing products and all matters used to make infringing product, as well as turn over and deliver any and all catalogues, marketing materials or labels in its possession, custody or control, or that of its owners, officers, agents, brokers, servants or employees, that would, if used, or marketed or otherwise distributed, violate the injunctive relief granted herein, for ultimate destruction of such items;

9. That Defendants be required to publish notice to all distributors, brokers, retailers, tradeshow, sellers, and other customers or others in the trade who may have seen, or heard of Defendants' use of the BARKSTRONG Marks or domain name(s), or purchased any of Defendants' products or services which were marketed using the BARKSTRONG Marks or domain name(s), which notice shall disclaim any connection with LAF and shall advise them of the Court's injunction order and of Defendants' discontinuance from all use of the BARKSTRONG Marks or domain name(s);

10. That Defendants be ordered to pay the costs of corrective advertising;

11. That Defendants be ordered to pay damages in the amount of their infringing profits and/or reasonable royalties, increased by the Court by such amount as the Court deems to be just, together with LAF's actual damages, which, according to the circumstances of this case, should be trebled;

12. That USPTO Reg. No. 3225827 for the mark PURRSTRONG be cancelled;

13. That Defendants expressly withdraw all pending trademark, copyright and design patent applications for the BARKSTRONG Marks including USPTO Serial Nos. 78636367, 77060432, and 77060368, and the design patent application filed by Ohman as described above.

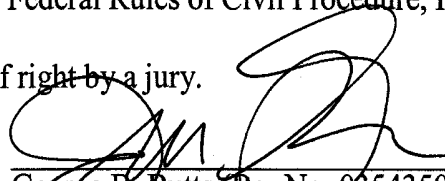
14. For an award of costs and reasonable attorneys' fees; and

15. For all other relief the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(a) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury of all issues properly triable of right by a jury.

DATED: September 11, 2007



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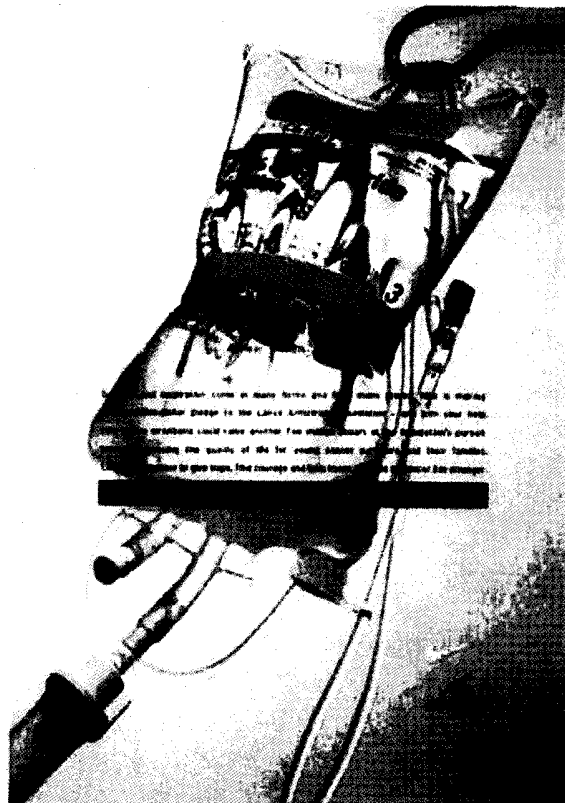
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Facsimile: (415) 836-2501

Attorneys for Plaintiff  
LANCE ARMSTRONG FOUNDATION

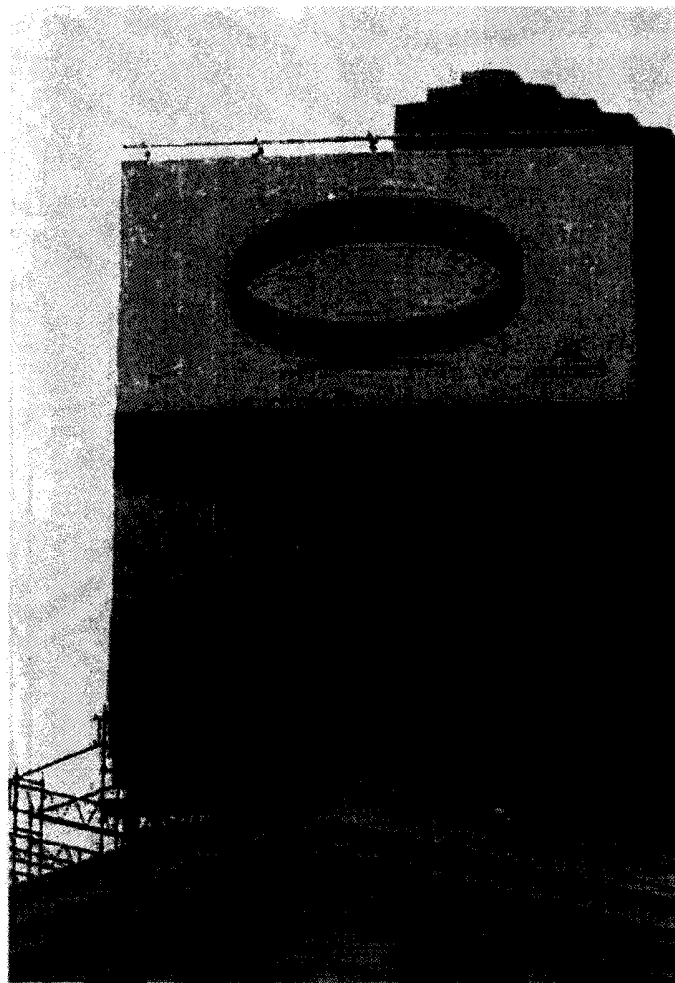
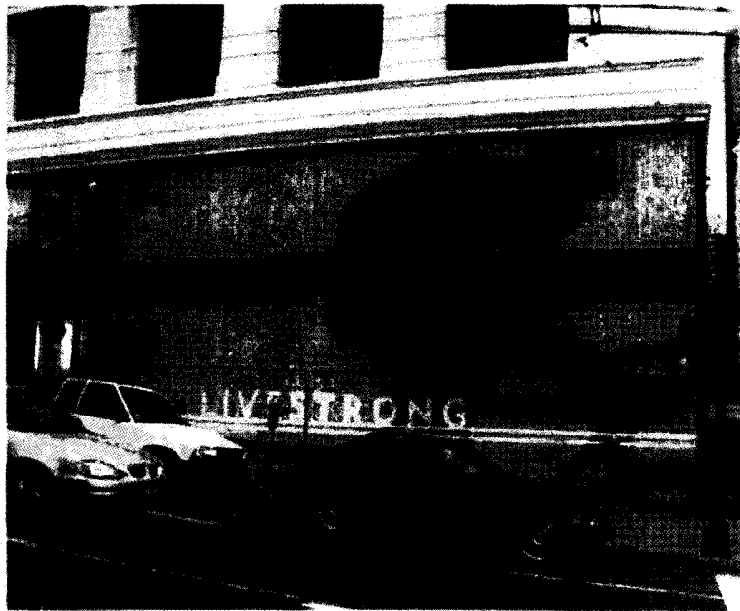


# **EXHIBIT A**

## Ads and Promotional Materials



Ads and Promotional Materials



## Ads and Promotional Materials



### YELLOW IS THE NEW PINK.



Donna Karan

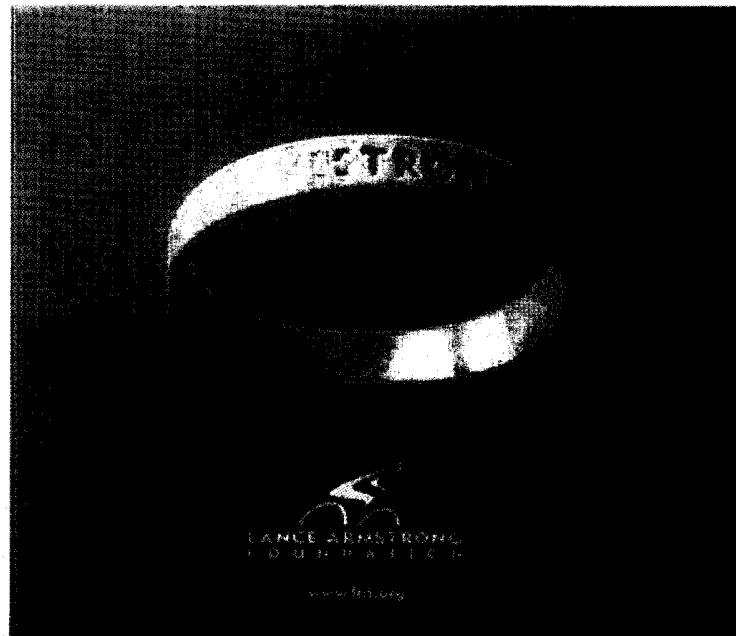
Made with the talents of Fashion Designers of America and the  
world's best of the fashion world, the new Donna Karan collection is  
a collection of the most beautiful, elegant, and sophisticated  
fashion designs ever created.

The collection is a collection of the most beautiful, elegant, and  
sophisticated fashion designs ever created.

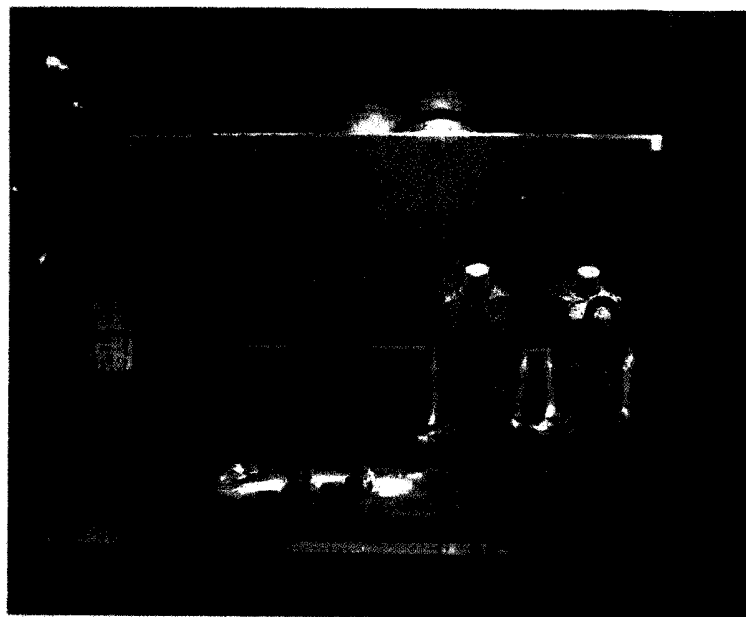
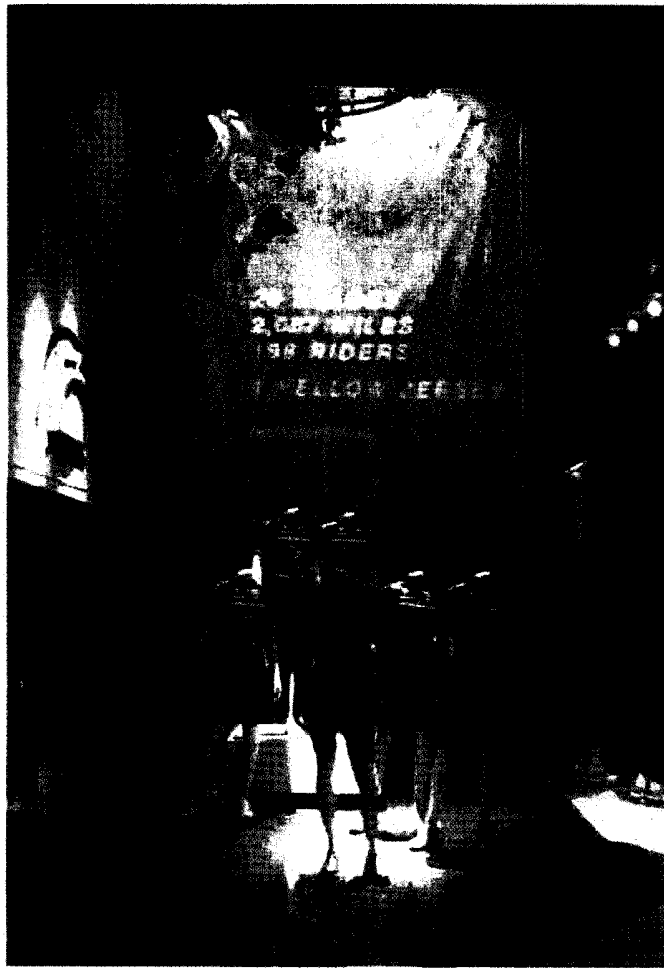
For more information, please visit our website at  
[www.dk.com](http://www.dk.com)

Donna Karan is a registered trademark of Donna Karan Inc. All rights reserved.  
The collection is a collection of the most beautiful, elegant, and sophisticated  
fashion designs ever created.

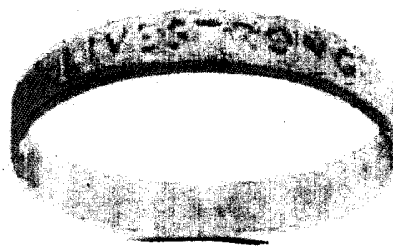
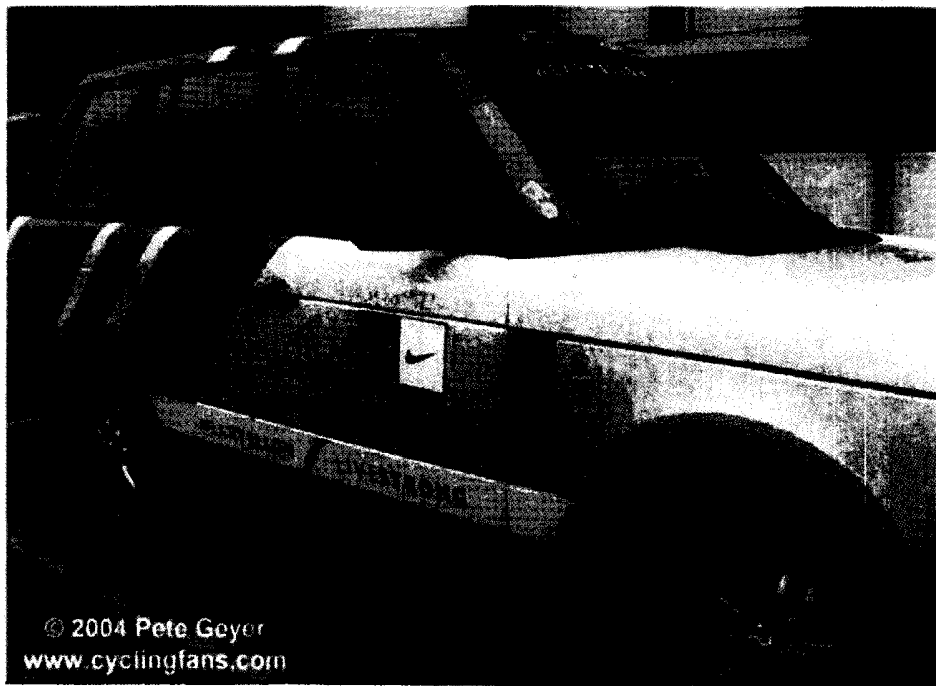
Donna Karan is a registered trademark of Donna Karan Inc. All rights reserved.  
The collection is a collection of the most beautiful, elegant, and sophisticated  
fashion designs ever created.



## Ads and Promotional Materials



## Ads and Promotional Materials



# **EXHIBIT B**



Lance Armstrong Foundation: Home - Microsoft Internet Explorer provided by DLA Piper

File Edit View Favorites Tools Help Address http://www.livestrong.org/site/c.khLXK1PxHmf/b.2660611/k.BCED/home.htm

Go

SEARCH >>   **LIVESTRONG** UNITE THE ARMY

**LANCE ARMSTRONG FOUNDATION**

CANCER SUPPORT GET INVOLVED GRANTS & PROGRAMS ABOUT US DONATE SHOP

## Cancer enters the '08 presidential race.

Presidential Candidates speak out on cancer  
Read Newsweek's Jonathan Alter's columns.

**MEET  
THE  
PRESS**

from the cancer forum.

**LIVESTRONG PRESIDENTIAL CANCER FORUM**

moderated by **MSNBC**

**HEADLINES** | Lance Armstrong Foundation Receives Bipartisan Commitment

### ▶ LIVE

We can help you face the challenges and changes that come with cancer.



CANCER SUPPORT | CLINICAL TRIALS

### ▶ ACT

Unite in the fight against cancer. Be a part of the LIVESTRONG Challenge. Register today.



GET INVOLVED | JOIN THE ARMY

### ▶ GIVE

Our programs and services depend on the generosity of supporters like you.



SHOP | DONATE

Contact Us | Site Map | Privacy Policy | Legal  
@ Lance Armstrong Foundation P O Box 161150 Austin, TX 78716-1150 (512) 236-8820

SANFI1378791.1

Lance Armstrong Foundation: Cancer Support - Microsoft Internet Explorer provided by DLA Piper

File Edit View Favorites Tools Help Address [http://www.livestrong.org/site/c.ktLKK1PxHmf/b.2661019/k.8FE9/Cancer\\_Support.htm](http://www.livestrong.org/site/c.ktLKK1PxHmf/b.2661019/k.8FE9/Cancer_Support.htm)



SEARCH >>  > GO **LIVESTRONG** UNITE ARMY

HOME GET INVOLVED GRANTS & PROGRAMS ABOUT US DONATE SHOP

**LANCE ARMSTRONG FOUNDATION**



I AM AMY.  
I LIVE STRONG.

>> SURVIVORSHIP STORIES

SIGN UP  
**LIVESTRONG** NEWSLETTER

Take a survey about our cancer support resources.

► **CANCER SUPPORT**

LEARN ABOUT  
CANCER

GET  
ORGANIZED

► **LEARN ABOUT CANCER**

Read about what to expect from your cancer experience and what questions to ask.

GET ONE-ON-ONE  
SUPPORT

HEAR  
SURVIVOR  
STORIES

FOR  
PROFESSIONALS

CLICK ICONS FOR MORE INFORMATION

We help anyone affected by cancer.

Whether you have cancer or are a caregiver, family member or friend of someone diagnosed, we'll help you face the challenges and changes of cancer, head on.

We help you understand what to expect, teach you what questions to ask and give you one-on-one support along the way.

And if you're a healthcare professional, we provide the information, tools and training opportunities you need to effectively care for your cancer patients.

Supported by Cooperative Agreement Number U55/CCU624967 from the Centers for Disease Control and Prevention (CDC). Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the CDC.

Lance Armstrong Foundation: Donate - Microsoft Internet Explorer provided by DLA Piper

File Edit View Favorites Tools Help Address

http://www.livestrong.org/site/c.khlXK1PxtmfIb.2661025/k.C0A6/Donate.htm

SEARCH >>

go

LIVESTRONG ARMY

go

LANCE ARMSTRONG FOUNDATION



SIGN UP  
LIVESTRONG NEWSLETTER

ELIZABETH EDWARDS  
SHARES HER STORY

Elizabeth Edwards spoke at the 2006  
LIVESTRONG Summit. Watch a video of  
her remarks.

## DONATE

HOME CANCER SUPPORT GET INVOLVED GRANTS & PROGRAMS ABOUT US SHOP

MAKE A  
DONATION

DONATE IN  
HONOR OR  
MEMORY

WEDDING  
DONATIONS

SUPPORT OUR  
EVENTS



WORKPLACE  
GIVING

PLANNED  
GIVING

STOCK GIFTS

CLICK ICONS FOR MORE INFORMATION

## MAKE A DONATION

78% of your generous donation will support  
our grants and programs.

- Donate online
- Donate by phone, mail or wire transfer

Our survivorship programs and services depend on the generosity of our supporters.

Thanks to our donors and other supporters, we have raised \$181 million for cancer survivorship programs and initiatives to make cancer a national priority.

To learn how your support helps, check out our survivorship services for people affected by cancer.

Also, learn about our grants and programs and see how we're making a difference in your state.





Wristbands - Microsoft Internet Explorer provided by DLA Piper

File Edit View Favorites Tools Help Address  http://www.store-laf.org/lwristbands.html




SHOP

CONTACT US | FAQS | MY SHOPPING CART 

## WRISTBANDS

Home > Wristbands

The Lance Armstrong Foundation unites people to fight cancer. We offer information and services to help cancer survivors live life on their own terms. We engage people to make cancer a national priority. **Unite with us. JOIN THE FIGHT.**

<p><b>ADULT</b></p>  <p><b>10</b></p> <p>LIVESTRONG® Wristband, 10 Pack - Adult \$10.00</p> <p>YOUTH</p>	<p><b>ADULT</b></p>  <p><b>100</b></p> <p>LIVESTRONG® Wristband, 100 Pack - Adult \$100.00</p> <p>YOUTH</p>	<p><b>ADULT</b></p>  <p><b>1200</b></p> <p>LIVESTRONG® Wristband, 1200 Pack - Adult \$1,200.00</p> <p>YOUTH</p>
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### NEW ARRIVALS

#### APPAREL

- : Men's Apparel
- : Women's Apparel
- : LIVESTRONG Kids

#### WRISTBANDS

#### SPORTS GEAR

- : Running & Walking Gear
- : Cycling Gear
- : Golf & Tennis Gear

#### ACCESSORIES

- : Women's Scarves
- : Headwear
- : Socks
- : For Pet Lovers

#### SURVIVORSHIP GIFT IDEAS

- : LIVESTRONG® Notebook
- : Gift Ideas

#### MAKE A DONATION







#### SALE!

Wristbands - Microsoft Internet Explorer provided by DLA Piper

File Edit View Favorites Tools Help Address http://www.store-laf.org/wristbands.html

Home &gt; Wristbands

The Lance Armstrong Foundation unites people to fight cancer. We offer information and services to help cancer survivors live life on their own terms. We engage people to make cancer a national priority. **Unite with us. JOIN THE FIGHT.**

<b>ADULT</b>  <b>10</b> LIVESTRONG?Wristband, 10 Pack - Adult <b>\$10.00</b>	<b>ADULT</b>  <b>100</b> LIVESTRONG?Wristband, 100 Pack - Adult <b>\$100.00</b>	<b>ADULT</b>  <b>1200</b> LIVESTRONG?Wristband, 1200 Pack - Adult <b>\$1,200.00</b>
<b>YOUTH</b>  <b>10</b> LIVESTRONG?Wristband, 10 Pack - Youth <b>\$10.00</b>	<b>YOUTH</b>  <b>100</b> LIVESTRONG?Wristband, 100 Pack - Youth <b>\$100.00</b>	<b>YOUTH</b>  <b>1200</b> LIVESTRONG?Wristband, 1200 Pack - Youth <b>\$1,200.00</b>

**NEW ARRIVALS****APPAREL**

- : Men's Apparel
- : Women's Apparel
- : LIVESTRONG Kids

**WRISTBANDS****SPORTS GEAR**

- : Running & Walking Gear
- : Cycling Gear
- : Golf & Tennis Gear

**ACCESSORIES**

- : Women's Scarves
- : Headwear
- : Socks
- : For Pet Lovers

**SURVIVORSHIP GIFT IDEAS**

- : LIVESTRONG?Notebook
- : Gift Ideas

**MAKE A DONATION****SALE!**

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# **EXHIBIT C**



Metropolitan Desk; SECTB

**The Race Is On for Bracelets Benefiting Armstrong Charity**

By ELAINE ARADILLAS

778 words

29 July 2004

The New York Times

Late Edition - Final

2

English

(c) 2004 New York Times Company

When **Lance Armstrong** was crossing the finish line for his sixth victory at the Tour de France on Sunday, Sean Duffy and his friend Mark Backman were cycling through city traffic down Broadway.

They stopped off at NikeTown in search of yellow wristbands, similar to the one Mr. Armstrong wore throughout the Tour, but none were in stock. Then they rode to Macy's Sport store, where some were still available.

"We were biking and pretending to be Lance for a day," said Mr. Duffy, a 20-year-old student at Columbia University. "Every time I look at the bracelet, I think of people struggling in the fight against cancer."

In late May, Nike and the **Lance Armstrong Foundation** joined forces and created the bracelet campaign with five million bright yellow wristbands bearing the word "LIVE-STRONG."

Sales benefit the **foundation**, which Mr. Armstrong set up in 1997 when he was being treated for testicular cancer, which had spread to his lungs and his brain. Two years later, at age 27 and as a cancer survivor, he won his first Tour de France. The **foundation** aims to help people with cancer live powerfully through education, research, advocacy and support after treatment.

The initial demand for the wristbands was strong, causing Nike to make more for the Tour de France. They sold out in Paris and have been selling out as soon as they have arrived in sporting goods stores across the United States, said Trisha Burns, a spokeswoman for Nike. The Web site [www.wearyellow.com](http://www.wearyellow.com), which sells the bands in bulk, shows them back-ordered and sold out. The total number sold is unknown. But Michelle Milford, a spokeswoman for the **foundation**, based in Austin, Texas, said it was nearing eight million.

The bands cost \$1 each, with all proceeds going to the **foundation**. Nike has agreed to donate an additional \$1 million. Ms. Milford said the continued interest in the band has been thrilling to watch.

"In addition to celebrities, we've been seeing a lot of Olympians wearing them," she said during a telephone interview from Austin. "People who have been wearing them through the Tour de France haven't taken them off."

Like the coveted yellow jersey that takes a feat to obtain, the yellow band can seem just as difficult.

Steve Hamilton, 38, was walking through NikeTown on 57th Street when he saw a box of wristbands near the cashier.

"I saw that last box on the counter and sort of lunged at them," he said.

He bought one for his 10-year-old daughter, Bailey, who, moments later, had already pulled it out of the cellophane wrapper and slipped it over her wrist.

Mr. Hamilton said it was a popular cause because everyone seems to know someone who was affected by cancer. He said that his father died of lung cancer in 1986 and that his mother-in-law was recovering from ovarian cancer.

The yellow bracelet has quickly become a symbol for cancer.

"I think the bracelet is a nice change from the ribbon," he said. "There's so many ribbons, you don't know what they stand for anymore."

The bracelet has quickly become as popular as the red and pink ribbons that have become synonymous with awareness of AIDS and breast cancer, respectively. But according to the foundation's Web site, yellow means more than the color of a jersey or a disease; it stands for hope, courage, inspiration and perseverance.

For Steve Strompf, the wristband is a symbol of support.

About six months ago, his father-in-law was found to have lung cancer. Mr. Strompf said he read Mr. Armstrong's books in a couple of days and turned to his Web site to learn more about cancer.

He recently learned about the wristband and decided to check NikeTown to see whether it had any. He grabbed four of them as other customers clamored to get one. He plans on giving one each to his wife, his two children and his father-in-law.

Mr. Strompf said he was amazed by the athletic feat that Mr. Armstrong had accomplished six times in as many years, but he said it was Mr. Armstrong's dedication to cancer patients that was most inspiring.

"I'm not buying these because he won the Tour," he said. "I think the guy is an awesome person."

Photo: **Lance Armstrong Foundation** bracelets sold out quickly at NikeTown on East 57th Street yesterday, and were hard to find at other retailers. (Photo by Sara Krulwich/The New York Times)

**Plastic, yellow, cheap . . . it's the hottest thing in town**

Andrea Ball, AMERICAN-STATESMAN STAFF

597 words

27 July 2004

Austin American-Statesman

A1

English

Copyright (c) 2004 Bell & Howell Information and Learning Company. All rights reserved.

Looking for one of those nifty yellow wristbands from the **Lance Armstrong Foundation**? Good luck. Those \$1 plastic bracelets are becoming an endangered species in Austin's shops and grocery stores. The bands are so popular, they're even showing up for sale on eBay - - at a markup, of course.

"They're sold out all over town," said Adam Reiser, co-owner of John Cobb's Bicycle Sports. "It's crazy. It's like the Cabbage Patch dolls."

Earlier this year, Nike produced 5 million wristbands engraved with Armstrong's mantra - - "Live Strong" -- as a fund raiser for the **Lance Armstrong Foundation**. An additional 2 million wristbands have been made since then because of growing demand.

The nonprofit group raises money for programs for young people living with cancer.

Armstrong, who snagged his sixth Tour de France cycling victory Sunday, battled testicular, lung and brain cancer in the 1990s. The yellow bands offer support for the 10 million cancer survivors living in the United States.

More than 6 million wristbands have been sold since May through the charity's Web site and retailers across the country. Celebrities such as actor Matt Damon and tennis star Serena Williams have been seen wearing the bracelets. Presidential candidate John Kerry is also sporting one.

**Foundation** officials hope to make more than \$7 million from the project. And judging by the huge call for those taxicab-colored wristbands, they may not be too far from their goal.

Chuy's Comida Deluxe -- the parent company of Chuy's restaurants - - sold out of its 12,700 bands at eight locations. RunTex sold 2,000 bands. And Bicycle Sport Shop sold 2,000 in one day.

Even the **Lance Armstrong Foundation** is struggling to keep up with the demand.

In the past week, the nonprofit ordered 1 million more bracelets from Nike. People who buy the wristbands online today will have them delivered in mid-August, said **foundation** spokeswoman Britney Puryear.

"The demand is just incredible right now," she said. "Retailers want them. People want them. It's unbelievable."

Some people have even started selling the coveted bands on eBay. On Monday, a 10-pack of the wristbands -- which would cost \$10 in stores -- sold for \$36.

**Foundation** officials have discouraged the eBay sales. In a memo posted on eBay, the nonprofit calls sales of the bands "highly discouraged and illegal." Such sales undermine Nike's effort and could jeopardize the **foundation's** tax-exempt status with the IRS, the memo states.

The group even frowns upon sellers promising to give the money to the **foundation**, said spokeswoman Michelle Milford.

"We have no processes in place to ensure that the sales of the yellow wristbands will be going to support our programs," she said.

Meanwhile, local dealers are restocking their shelves with the summer's must-have fashion accessory. Whole Foods is expecting a few thousands bands on Friday. And Bicycle Sport Shop will have another 2,000 at about noon on Thursday, said L.J. Miller, the store's assistant sales manager.

"If people want them, they'd better get down here early," he said.

aball@statesman.com; 912-2506

COLOR PHOTOS; Photo: Christophe Ena photos ASSOCIATED PRESS; Paris might be known for pricey fashion, but for these fans greeting **Lance Armstrong** on Sunday, the \$1 wristbands from the **Lance Armstrong Foundation** are the year's must-have fashion accessory. Even Lance's cycling opponents, including Juan Miguel Mercado of Spain, have been seen wearing the wristband.

News; International  
**Yellow Wristbands as Fashion Craze**  
Sharyl Attkisson, Serena Altschul  
399 words  
31 July 2004  
CBS News: Evening News - Saturday  
English  
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SHARYL ATTKISSON, CBS ANCHOR: It has become hard to separate **Lance Armstrong** and the color yellow, as in the yellow jersey of the six-time Tour de France winner.

Serena Altschul tells us why the cancer survivor's success has made a new fashion accessory almost impossible to find.

(BEGIN VIDEOTAPE)

SERENA ALTSCHUL, CBS CORRESPONDENT (voice-over): Robin Williams and Will Smith wear one; so does Sheryl Crow. John Kerry wears his, and the president has one, too; and so do millions of others worldwide.

SHAWN BELL, NEW YORK RESIDENT: I just thought it looked kind of funky, and when the manager told me more about the story, about that meant, it meant even more to me, so I bought five of them right there.

ALTSCHUL: It seems that everyone wants to be a part of the **Lance Armstrong** story.

CHARLES MCCORKELL, BICYCLE HABITAT: We've all had a remarkable experience with this thing. People just coming in for them; people wanting to show their association with Lance and with the Cancer Foundation.

ALTSCHUL: At a dollar apiece, the yellow "Live Strong" wristbands are a major fundraising success for the **Lance Armstrong Foundation**.

DOUG ULMAN, **LANCE ARMSTRONG FOUNDATION**: Everybody is affected by cancer in some way. And this is just a small way that people can show their support for people they know who have had the disease.

ALTSCHUL: Now that the Tour de France is over, the frenzy over the wristband continues.

JOSE REYES, BIKE MESSENGER: I have the bracelet. First of all, I was supporting Lance during his races, and second, is for the cancer cause.

ALTSCHUL: Available since May, they've become so popular that it's almost impossible to get your hands on one.

MCCORKELL: We're having trouble keeping these in stock

ALTSCHUL: The wristband's "Live Strong" message has struck a chord, and raised more than \$7 million to help people living with cancer.

LINDA ARMSTRONG KELLY, MOTHER OF **LANCE ARMSTRONG**: I see yellow wristbands in this crowd, everywhere, and I just wish we had more.

ALTSCHUL: More yellow wristbands are on the way soon. Nike and the **Lance Armstrong Foundation** have the \$1 bracelets on back order. They're hoping you'll wait for them, rather than paying scalpers \$5 on eBay.

Serena Altschul, CBS News, New York.

(END VIDEOTAPE)

**"Live Strong" wristbands a hit among politicians, movie stars**

By JIM VERTUNO

Associated Press Writer

543 words

2 August 2004

14:40

Associated Press Newswires

English

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AUSTIN, Texas (AP) - Presidential candidate John Kerry wears one. President Bush has one, too. So do several movie stars.

One of the hottest fashion trends in America is the "Live Strong" yellow wristband produced by the **Lance Armstrong Foundation**, the cycling superstar's cancer-fighting organization.

Since the fund-raising effort started in May, the charity has sold 7 million of the rubber bands for \$1 each -- and it plans to sell 1.8 million more. Nike donated the first \$1 million, and proceeds go toward programs for young people with cancer.

Sales easily surpassed the \$6 million the **foundation** initially hoped to raise. The wristbands can be purchased at [www.wearyellow.com](http://www.wearyellow.com).

"It's been an overwhelming experience," **foundation** President Mitch Stoller said. "I think everybody, from average Americans to celebrities, are getting the message of courage and hope."

Armstrong overcame advanced testicular cancer that had spread to his lungs and brain before putting together one of the most astonishing athletic feats of the past decade by winning a record six Tour de France titles, all in a row.

Armstrong was given only a 50 percent chance to live in 1996 but has won every Tour de France since 1999. He has inspired cancer survivors around the world and linked himself to the traditional yellow jersey worn by the Tour leader and champion.

The **foundation** timed the fund-raising campaign to coincide with this year's race, which Armstrong won on July 25.

Kerry, the Democratic nominee for president, wore his wristband while campaigning this week and at the Democratic National Convention. Kerry had a cancerous prostate removed in February 2003; his father died of complications from cancer in 2000.

White House spokesman Taylor Gross said Bush also has a wristband and supports the **Armstrong foundation**.

**Foundation** spokeswoman Michelle Milford said the group appreciates the candidates' support but will avoid any political debate.



"The way we fight cancer is a bipartisan issue," she said. "We want support from everybody."

Milford said **foundation** officials have been keeping track of celebrities wearing the wristbands. Bono of the band U2 and actors Alec Baldwin, Bruce Willis, Robin Williams, Matt Damon and Ben Stiller have been sighted wearing them, Milford said.

The wristband had a noticeable presence at the Tour de France as well.

"A lot of his competitors were wearing them," Milford said. "Cancer doesn't pick teams."

The biggest spike in sales came during the race. The **foundation** sold 25,000 in Paris on the race's final Sunday alone. Another 400,000 were sold over the **foundation's** Web site over the next three days.

But the popularity has brought out profit seekers as well.

The online auction site eBay has several listings for wristbands for sale at inflated prices. One listing said the online sale could help the **foundation** raise cash, but there is no guarantee the money will be sent there, Stoller said.

The **foundation** is trying to steer buyers away from secondhand purchases.

"We don't want people buying these and trying to profit," Stoller said. "That's not the intention of this campaign."

-----

On the Net:

**Lance Armstrong Foundation:** <http://www.laf.org>

**LAF News**  
**July 28 - August 3, 2004**

Tip Sheet;STYLE

**Style: Going For Yellow**

Lisa Helem

181 words

9 August 2004

Newsweek

U.S. Edition

55

English

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Want to bask in the glow of **Lance Armstrong's** sixth Tour de France win? The **Lance Armstrong Foundation** (LAF) and Nike are raising funds for youth-cancer support groups, research and education by selling \$1 yellow rubber bracelets etched with the phrase LIVE STRONG. Celebrity exposure from Bono, Will Smith and others has helped to drive \$7 million in sales since May. Many stores have sold out, but you can still grab a yellow band if you move fast. Here's how:

^ Niketown stores in L.A. and Miami still have them. Or call your local Niketown (niketown.com ).

^ If you happen to be in Texas, Bicycle Sport Shops (bicycle shop.com ), a mini-chain in Austin, is expecting a new shipment this week. But it doesn't take orders by phone or Internet.

^ LAF's Web site, laf.org , has 2 million bracelets on back order--and only half are claimed.

^ May department stores, like Filene's and Lord & Taylor, stock them. Check mayco.com for one near you.

Westlaw.

NewsRoom

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5/13/05 USA TODAY 01A

2005 WLNR 7551630

USA Today (USA)  
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May 13, 2005

Section: NEWS

Livestrong shows solidarity of 50M

Sal Ruibal

How ubiquitous are those bright yellow Livestrong bracelets? When the campaign for cancer survivors hits the one-year mark Tuesday, Nike officials predict 50 million of the \$1 bracelets will have been sold. That's one for every six Americans or the entire populations of New York, Florida and Illinois.

When Nike and the Lance Armstrong Foundation planned the Livestrong campaign, their revenue projection was \$6million: a \$1million donation from the sports brand and an additional \$5million in guaranteed bracelet sales. The foundation was created in 1996 by the cyclist after he survived testicular cancer.

"When I heard that Nike was making 5 million of them, I was a little skeptical," Armstrong says. "I figured we'd be shooting them at each other for years."

In its first eight years, the foundation raised \$11.5million. In the year since Livestrong was launched, bracelet sales and other fundraisers have brought in \$50million. The foundation keeps about 77 cents from each \$1 bracelet after production costs; 81% of that is dedicated to educational and grant programs for cancer survivors and research, according to President and CEO Mitchell Stoller.

"This has been wonderful but also unexpected," Stoller says.

The bright, yellow plastic bands have their origin in "baller bands," rubber bands that street basketball players wear on their wrists, snapping them to get psyched up for games. Nike considered making baller bands with different messages on them as promotional items, but the concept quickly found its way to the Livestrong project, business director Scott MacEachern says.

Armstrong's team -- and rock star girlfriend Sheryl Crow -- wore the bracelets during the 2004 Tour de France, and soon other Nike athletes, film stars, musicians and even presidential candidate John Kerry picked up on the fad, followed by millions of kids.

Nike is now introducing a line of Livestrong "10/2" clothing and shoes. The numbers refer to the date in 1996 when Armstrong was diagnosed with cancer. But does Lance's brand still have legs?

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Page 2

"Absolutely," says Al Kahn, CEO of 4Kids Entertainment and the man who made Pokemon and Cabbage Patch Kids into billion-dollar global fads. "Livestrong is fun, affordable, easily identified but hard to find and makes a positive statement about the wearer."

## ----- INDEX REFERENCES -----

COMPANY: NIKE INC

INDUSTRY: (Sports (1SP75); Cycling (1BI76))

REGION: (USA (1US73); Americas (1AM92); North America (1NO39))

Language: EN

OTHER INDEXING: (ARMSTRONG; LANCE; LANCE ARMSTRONG FOUNDATION; LIVESTRONG; NIKE)  
(Absolutely; Al Kahn; Illinois; John Kerry; Mitchell Stoller; Scott MacEachern;  
Sheryl Crow; Stoller)

EDITION: FINAL

Word Count: 465

5/13/05 USATD 01A

END OF DOCUMENT

Westlaw.

NewsRoom

7/4/05 SI 23

Page 1

7/4/05 Sports Illustrated 23  
2005 WLNR 10246922

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July 4, 2005

Volume 103

Section: ScorecardNo. 1

The Beat

Adam Duerson Edited by Mark Bechtel and Stephen Cannella

Sixers guard Allen Iverson's 30th birthday bash wasn't a surprise party, but the guest of honor still got a bit of a shock. Iverson was denied entrance to the Garden of Eden Club in Hollywood by a bouncer who told him that he couldn't enter because one of the President's daughters and the Secret Service were inside the club. (To make matters worse, the bouncer did admit former child star Todd Bridges.) Turns out it was all a prank for a forthcoming episode of Punk'd. According to the show's director, Billy Rainey, Iverson (left) reacted "true to his expletive-filled on-court persona," at one point shouting, "I didn't vote for her!" When the hoax was revealed, Iverson laughed it off, then successfully ran the prank on another guest, keeping Indiana Pacers forward Jermaine O'Neal from entering the party. The show will air on July 3 on MTV.

? As if the Queer Eye show featuring a makeover of the Red Sox hasn't provided Yankees fans with enough ammo. On July 5 Bravo is releasing a DVD of the episode that includes outtakes of the Fab Five pinning down Tim Wakefield for a unibrow wax (the knuckleballer pleaded, "Please do not turn me into a girlie man!") and taking turns massaging a swollen lymph node on Johnny Damon's inner thigh--which Queer Eye style guru Carson Kressley says is "the greatest moment of my life. After meeting Cher, of course."

? Vikings running back Michael Bennett will join boxer Roy Jones Jr., rapper Biz Markie and a certain former teammate for the Randy Moss Celebrity Charity Invitational Bass Tournament on Lake Minnetonka in Spring Park, Minn. Bennett--who also turned Minnesota quarterback Daunte Culpepper on to the sport ("Daunte was so green, he once wanted to put a bobber on a spinning reel!" says Bennett)--is gunning to take down Moss for the event's \$50,000 prize. (The outing will benefit the Smile Network International, which provides health care for disadvantaged children and young adults.) "Randy and I have gone fishing a bunch," says Bennett, "and we talk more trash than you could imagine. It's the most competitive thing I do."

? Bryan Williams, the promotions man for the Northern League's Kansas City T-Bones, came up with his latest gimmick while watching his nine-year-old niece play video games. On July 16 the T-Bones and the visiting Schaumburg Flyers will stand aside while a pair of fans play the beginning of their game on an Xbox. (The virtual game

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Page 2

will be shown on the stadium scoreboard.) After two video innings the real players will take the field and pick up the contest where the gamers left off. Williams says he guaranteed the Flyers that the game would be fair. "They think we'll tinker with the game or something," Williams says. "I even offered to bring in Hans Blix to examine the Xbox before the game."

? Having successfully conquered the bracelet market, **Lance Armstrong** is moving on to clothing. The cyclist is teaming up with **Nike** for the 10/2 Collection, a casual and performance line named for the day in 1996 he was diagnosed with cancer. Every item will incorporate a yellow Live Strong band in its design, and \$1 from every piece sold will go to the **Lance Armstrong** Foundation.... Like Larry King and Elizabeth Taylor, Jerry Reinsdorf is turning marriage into a hobby. The White Sox' chairman has become an ordained minister through the nondenominational online Universal Life Church. (You can, too; just submit your name, address and e-mail.) On June 18 he performed his first ceremony at U.S. Cellular Field, marrying two Sox fans. The new clergyman's advice to the groom: "Never throw her a curve."

THIS WEEK'S SIGN OF THE APOCALYPSE Brazilian soccer star Roberto Carlos was mugged while doing a live radio interview.

They Said It SESIL KARATANCHEVA Fifteen-year-old Bulgarian tennis pro, after losing 6-0, 6-1 to Maria Sharapova in the second round at Wimbledon: "Today something didn't feel right. I guess it's the puberty's fault."

COLOR PHOTO: HAYDN WEST/AP (PICTURE THIS) PICTURE THIS He created buzz for charity, but beekeeper Philip McCabe suffered a stinging defeat in his chase for a world record bee beard in Tipperary, Ireland. McCabe took on 60 pounds, or about 200,000 bees. Alas, the record, set in 1998, is 87 1/2 pounds.

COLOR PHOTO: JEAN-PAUL AUSSÉNARD/WIREIMAGE.COM (IVERSON)

COLOR PHOTO: ANJA NEDRINGHAUS/AP (KARATANCHEVA)

----- INDEX REFERENCES -----

COMPANY: WIREIMAGE; OFFICIAL STARTER LLC; NIKE INC

INDUSTRY: (Consumer Electronics (1CO61); Electronics (1EL16); PC, Video & Online Games (1PC44); Consumer Video Products (1CO02))

REGION: (USA (1US73); Americas (1AM92); Minnesota (1MI53); North America (1NO39))

Language: EN

OTHER INDEXING: (APOCALYPSE; BEAT; EDEN CLUB; **LANCE ARMSTRONG** FOUNDATION; LARRY; MOSS; NIKE; NORTHERN LEAGUE; PUNK; QUEER EYE; RANDY; RANDY MOSS CELEBRITY CHARITY INVITATIONAL BASS TOURNAMENT; RED SOX; SECRET SERVICE; SMILE NETWORK INTL; SOX; US CELLULAR FIELD; WHITE SOX; WIREIMAGE) (Alas; Allen Iverson; Bennett; Billy Rainey; Biz Markie; Bryan Williams; Carson Kressley; Daunte; Elizabeth Taylor; Flyers; Indiana Pacers; Iverson; Jermaine O'Neal; Jerry Reinsdorf; Lance Armstrong; McCabe; Michael Bennett; Philip McCabe; Roberto Carlos; Roy Jones Jr.; Schaumburg Flyers; Sixers; Todd Bridges; Universal Life Church; Williams)

KEYWORDS: (Baseball)

Word Count: 865  
7/4/05 SI 23

7/4/05 SI 23

Page 3

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# **EXHIBIT D**

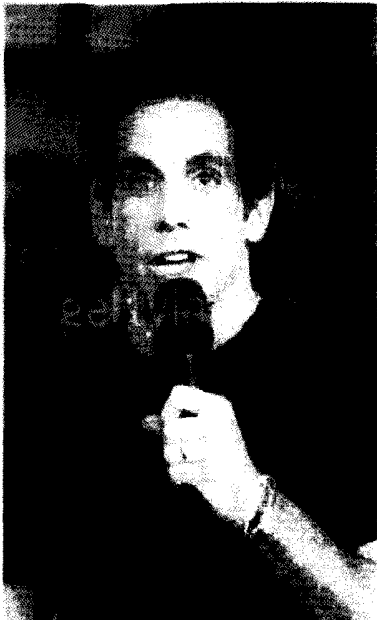
Celebrity LIVESTRONG® Wristband Wearers



Serena Williams



Andre Agassi



Ben Stiller



Ben Affleck

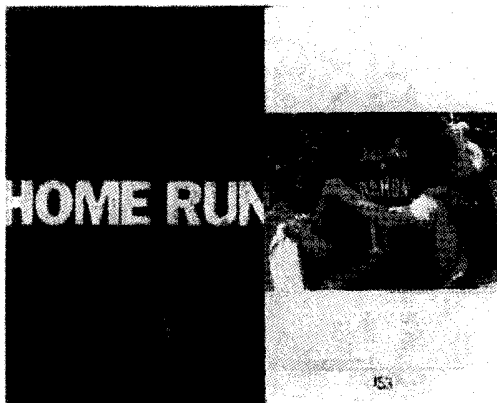
Celebrity LIVESTRONG™ Wristband Wearers



U2's Bono



New York Yankees' Robinson Cano(center)



Matt Damon



Damien Fahey, MTV VJ

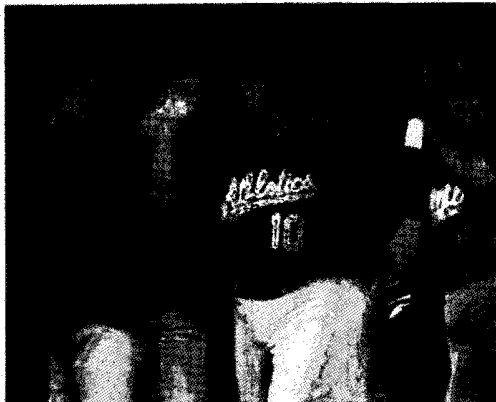


John Edwards



Hicham El Guerrouj,  
Moroccan runner, Gold Medalist  
Men's 1500 meters

Celebrity LIVESTRONG™ Wristband Wearers



Oakland Athletics' Scott Hatteberg



Ivan Basso



Jake Gyllenhaal



New York Nets' Richard Jefferson



Indiana Pacer's Jermaine O'Neal



New York Mets' Jose Reyes

Celebrity LIVESTRONG™ Wristband Wearers



Justin Gatlin, "World's Fastest Man"



New York Mets' Kazuo Matsui



John Kerry, Massachusetts US Senator



Kevin Federline



Kim Kallstrom, Swedish Soccer Player



Lance Armstrong and Sheryl Crow

Celebrity LIVESTRONG™ Wristband Wearers



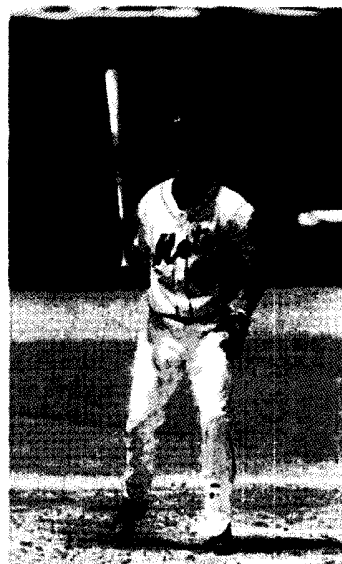
Leeann Tweeden, Correspondent



New York Yankees, Mariano Rivera



President George Bush



New York Mets' Joe McEwing



Carlos Moya



Toronto Blue Jays' Orlando Hudson



Celebrity LIVESTRONG<sup>®</sup> Wristband Wearers



Pamela Anderson



Max Papis, Corvette Racing Team Driver



New York Mets' Jason Phillips



Prince William



Celebrity LIVESTRONG™ Wristband Wearers



Sam Donaldson, ABC News Anchor



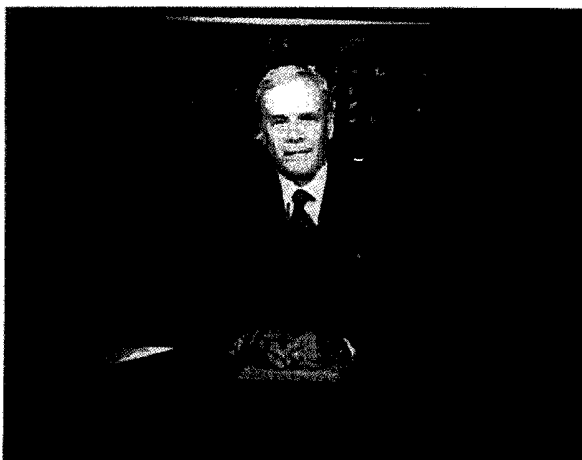
Lance and Sheryl



Stuart O'Grady, pro cyclist



Lindsay Lohan



Tom Brokaw, NBC News Anchor



Tony Cruz, pro cyclist

**Celebrity LIVESTRONG™ Wristband Wearers**



*Veronica Campbell, Jamaican Runner*

# **EXHIBIT E**

Int. Cls.: 14 and 36

Prior U.S. Cls.: 2, 27, 28, 50, 100, 101 and 102

Reg. No. 3,052,284

United States Patent and Trademark Office

Registered Jan. 31, 2006

Corrected

OG Date Oct. 31, 2006

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**LIVESTRONG**

LANCE ARMSTRONG FOUNDATION,  
INC. (TEXAS NONPROFIT CORPORATION),  
P.O. BOX 161150  
AUSTIN, TX 787161150

FOR: JEWELRY, IN CLASS 14 (U.S.  
CLS. 2, 27, 28 AND 50).  
FIRST USE 5-3-2004; IN COMMERCE  
5-3-2004.

THE MARK CONSISTS OF STANDARD  
CHARACTERS WITHOUT CLAIM  
TO ANY PARTICULAR FONT, STYLE,  
SIZE, OR COLOR.

FOR: CHARITABLE FUNDRAISING  
SERVICES, IN CLASS 36 (U.S. CLS. 100,  
101 AND 102).  
FIRST USE 12-15-2003; IN COMMERCE  
12-15-2003.  
SER. NO. 76-591,079, FILED 5-7-2004.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 31, 2006.*

**DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE**

**Int. Cls.: 9, 25, and 41**

**Prior U.S. Cls.: 21, 22, 23, 26, 36, 38, 39, 100, 101, and 107**

**Reg. No. 3,202,553**

**United States Patent and Trademark Office**

**Registered Jan. 23, 2007**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**LIVESTRONG**

**LANCE ARMSTRONG FOUNDATION, INC.  
(TEXAS NON-PROFIT ORGANIZATION)  
P.O. BOX 161150  
AUSTIN, TX 787161150**

**FOR: BICYCLE HELMETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

**FIRST USE 7-15-2006; IN COMMERCE 7-15-2006.**

**FOR: CLOTHING ARTICLES, NAMELY, SHIRTS, JACKETS, PANTS, SHORTS AND JERSEYS, AND SWEATSHIRTS, AND PULLOVERS; SOCKS; HEADWEAR, NAMELY, HATS, CAPS, VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).**

**FIRST USE 6-1-2005; IN COMMERCE 6-1-2005.**

**FOR: EDUCATIONAL SERVICES, NAMELY, ORGANIZING AND CONDUCTING CONFERENCES IN THE FIELD OF CANCER, CANCER RECOVERY AND SURVIVAL, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).**

**FIRST USE 5-31-2004; IN COMMERCE 5-31-2004.**

**THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.**

**SN 76-977,737, FILED 5-7-2004.**

**NAAKWAMA ANKRAH, EXAMINING ATTORNEY**

**Int. Cl.: 21**

**Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50**

**Reg. No. 3,267,242**

**United States Patent and Trademark Office**

**Registered July 24, 2007**

**TRADEMARK  
PRINCIPAL REGISTER**

**LIVESTRONG**

LANCE ARMSTRONG FOUNDATION, INC.  
(TEXAS NON-PROFIT CORPORATION)  
P.O. BOX 161150  
AUSTIN, TX 787161150

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: CERAMIC VESSELS, BOWLS, PLATES,  
POTS; PLATES, CUPS, MUGS, BOWLS, TEA KET-  
TLES, TEA POTS NOT MADE OF PRECIOUS ME-  
TALS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40  
AND 50).

OWNER OF U.S. REG. NO. 3,052,284.

SER. NO. 77-003,313, FILED 9-20-2006.

FIRST USE 7-1-2006; IN COMMERCE 7-1-2006.

GEORGE LORENZO, EXAMINING ATTORNEY

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**United States Patent and Trademark Office**

**Reg. No. 3,126,718**

**Registered Aug. 8, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**LIVESTRONG**

**LANCE ARMSTRONG FOUNDATION, INC.  
(TEXAS NON-PROFIT CORPORATION)**

**P.O. BOX 161150**

**AUSTIN, TX 787161150**

**FOR: COMPUTERS; NOTEBOOK COMPUTERS,  
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

**FIRST USE 6-30-2005; IN COMMERCE 6-30-2005.**

**THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.**

**OWNER OF U.S. REG. NO. 3,052,284.**

**SER. NO. 78-702,767, FILED 8-29-2005.**

**BRENDAN REGAN, EXAMINING ATTORNEY**



**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2007-09-05 17:54:34 ET**

**Serial Number:** 77003358 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**

# LIVESTRONG

**(words only):** LIVESTRONG

**Standard Character claim:** Yes

**Current Status:** Opposition period completed, a Notice of Allowance has been issued.

**Date of Status:** 2007-07-31

**Filing Date:** 2006-09-20

**Filed as TEAS Plus Application:** Yes

**Currently TEAS Plus Application:** Yes

**The Notice of Allowance Date is:** 2007-07-31

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**Attorney Assigned:**  
LORENZO GEORGE M Employee Location

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2007-07-31

---

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

---

1. Lance Armstrong Foundation, Inc.

**Address:**

Lance Armstrong Foundation, Inc.

P.O. Box 161150

Austin, TX 787161150

United States

**Legal Entity Type:** NON-PROFIT CORPORATION

**State or Country Where Organized:** Texas

---

**GOODS AND/OR SERVICES**

---

**International Class:** 018

**Class Status:** Active

Collars for pets

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

**ADDITIONAL INFORMATION**

---

**Prior Registration Number(s):**

3052284

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

2007-07-31 - Notice of allowance - mailed

2007-05-08 - Published for opposition

2007-04-18 - Notice of publication

2007-03-12 - Law Office Publication Review Completed

2007-03-12 - Assigned To LIE

2007-02-13 - Approved for Pub - Principal Register (Initial exam)

2007-02-09 - Assigned To Examiner

2006-09-27 - Notice Of Pseudo Mark Mailed

2006-09-26 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Heather A. Dunn

**Correspondent**

HEATHER A. DUNN

DLA PIPER US LLP

153 TOWNSEND STREET, SUITE 800

SAN FRANCISCO, CA 94107-1907

Phone Number: 415 836-2557

Fax Number: 415 836-2501

---

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2007-09-05 17:55:17 ET**

**Serial Number:** 77003373 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**

# LIVESTRONG

**(words only):** LIVESTRONG

**Standard Character claim:** Yes

**Current Status:** Opposition period completed, a Notice of Allowance has been issued.

**Date of Status:** 2007-07-31

**Filing Date:** 2006-09-20

**Filed as TEAS Plus Application:** Yes

**Currently TEAS Plus Application:** Yes

**The Notice of Allowance Date is:** 2007-07-31

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**Attorney Assigned:**  
LORENZO GEORGE M Employee Location

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2007-07-31

---

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

---

1. Lance Armstrong Foundation, Inc.

**Address:**

Lance Armstrong Foundation, Inc.

P.O. Box 161150

Austin, TX 787161150

United States

**Legal Entity Type:** NON-PROFIT ORGANIZATION

**State or Country Where Organized:** Texas

---

---

**GOODS AND/OR SERVICES**

---

**International Class:** 025

**Class Status:** Active

Beachwear; Gloves; Jogging pants; Jogging suits; Scarves; Shoes; Swim wear; Ties; Track suits; Underwear; Warm up suits

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

---

**ADDITIONAL INFORMATION**

---

**Prior Registration Number(s):**

3052284

---

---

**MADRID PROTOCOL INFORMATION**

---

**USPTO Reference Number:** A0007557

**International Registration Number:** 0916531

**International Registration Date:** 2007-03-20

**Original Filing Date with USPTO:** 2007-03-20

**International Registration Status:** Application For IR Registered By IB

**Date of International Registration Status:** 2007-04-05

**International Registration Renewal Date:** 2017-03-20

**Irregularity Reply by Date:** (DATE NOT AVAILABLE)

**Madrid History:**

04-05-2007 - 12:32:56 - Application For IR Registered By IB

03-20-2007 - 21:01:05 - IR Certified And Sent To IB

03-20-2007 - 18:21:43 - Manually Certified

03-20-2007 - 16:22:11 - New Application For IR Received

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---

**PROSECUTION HISTORY**

---

2007-07-31 - Notice of allowance - mailed

2007-05-08 - Published for opposition

---

2007-04-18 - Notice of publication

2007-03-12 - Law Office Publication Review Completed

2007-03-12 - Assigned To LIE

2007-02-13 - Approved for Pub - Principal Register (Initial exam)

2007-02-09 - Assigned To Examiner

2006-09-27 - Notice Of Pseudo Mark Mailed

2006-09-26 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Heather A. Dunn, Esq.

**Correspondent**

HEATHER A. DUNN, ESQ.

DLA PIPER US LLP

153 TOWNSEND STREET, SUITE 800

SAN FRANCISCO, CA 94107-1907

Phone Number: 415 836-2557

Fax Number: 415 836-2501

---

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2007-09-05 17:55:51 ET**

**Serial Number:** 78821024 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**

# LIVESTRONG

**(words only):** LIVESTRONG

**Standard Character claim:** Yes

**Current Status:** A request for the first extension of time to file a statement of use has been granted.

**Date of Status:** 2007-06-19

**Filing Date:** 2006-02-22

**The Notice of Allowance Date is:** 2007-01-09

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 116

**Attorney Assigned:**  
BURNS ELLEN FERRER Employee Location

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2007-01-09

---

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

---

1. Lance Armstrong Foundation, Inc.

**Address:**

Lance Armstrong Foundation, Inc.  
P.O. Box 161150  
Austin, TX 787161150  
United States

**Legal Entity Type:** NON-PROFIT CORPORATION

**State or Country Where Organized:** Texas

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### GOODS AND/OR SERVICES

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**International Class:** 036

**Class Status:** Active

Mutual fund investment and brokerage services, investment consulting and management; financial services, namely, an investment security; administration and management of health savings accounts and charitable gift annuities; annuity underwriting; insurance underwriting in the field of health, dental, disability, life, and catastrophic event coverage; insurance administration and consulting

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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### ADDITIONAL INFORMATION

---

**Prior Registration Number(s):**

3052284

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### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

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### PROSECUTION HISTORY

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2007-06-19 - Extension 1 granted

2007-06-19 - Extension 1 filed

2007-06-19 - TEAS Extension Received

2007-01-09 - Notice of allowance - mailed

2006-10-17 - Published for opposition

2006-09-27 - Notice of publication

2006-08-29 - Law Office Publication Review Completed

2006-08-29 - Assigned To LIE

2006-08-18 - Assigned To LIE



2006-08-16 - Approved for Pub - Principal Register (Initial exam)

2006-08-10 - Assigned To Examiner

2006-03-01 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Heather A. Dunn, Esq.

**Correspondent**

HEATHER A. DUNN, ESQ.

DLA PIPER RUDNICK GRAY CARY US LLP

153 TOWNSEND ST STE 800

SAN FRANCISCO, CA 94107-1957

Phone Number: 415 836-2557

Fax Number: 415 836-2501

---

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2007-09-05 17:56:30 ET**

**Serial Number:** 76644416 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**



**(words only):** LIVESTRONG

**Standard Character claim:** No

**Current Status:** Application has been published for opposition.

**Date of Status:** 2007-08-07

**Filing Date:** 2005-08-05

**The Information will be/was published in the Official Gazette on 2007-08-07**

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 115

**Attorney Assigned:**  
COLLINS ALICIA Employee Location

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2007-07-05

---

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

---

1. Lance Armstrong Foundation, Inc.

**Address:**

Lance Armstrong Foundation, Inc.  
P.O. Box 161150  
Austin, TX 787161150  
United States  
**Legal Entity Type:** NON-PROFIT CORPORATION  
**State or Country Where Organized:** Texas

---

### GOODS AND/OR SERVICES

---

**International Class:** 014  
**Class Status:** Active  
Jewelry  
**Basis:** 1(a)  
**First Use Date:** 2004-05-03  
**First Use in Commerce Date:** 2004-05-03

---

### ADDITIONAL INFORMATION

---

**Disclaimer:** the design of a rubber wristband

**Description of Mark:** The mark consists of the appearance and three-dimensional design of a rubber wristband with the word LIVESTRONG impressed on the band.

**Design Search Code(s):**  
**17.03.02** - Bracelets; Chains, jewelry; Chokers (jewelry); Dog tags (military identification); Necklaces; Tags, identification (metal)

**Prior Registration Number(s):**  
3052284

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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2007-08-07 - Published for opposition  
2007-07-18 - Notice of publication  
2007-05-16 - Law Office Publication Review Completed  
2007-05-16 - Assigned To LIE  
2007-04-28 - Approved for Pub - Principal Register (Initial exam)  
2007-04-27 - Teas/Email Correspondence Entered

2007-04-26 - Communication received from applicant  
2007-04-26 - TEAS Response to Office Action Received  
2006-10-26 - Final refusal mailed  
2006-10-26 - Final Refusal Written  
2006-09-12 - Teas/Email Correspondence Entered  
2006-09-08 - Communication received from applicant  
2006-09-08 - TEAS Response to Office Action Received  
2006-03-08 - Non-final action mailed  
2006-03-07 - Non-Final Action Written  
2006-02-25 - Assigned To Examiner  
2005-09-01 - Applicant amendment prior to exam entered  
2005-09-01 - TEAS Preliminary Amendment Received  
2005-08-17 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Heather A. Dunn

**Correspondent**

HEATHER A. DUNN  
DLA PIPER RUDNICK GRAY CARY US LLP  
153 TOWNSEND STREET, SUITE 800  
SAN FRANCISCO, CA 94107-1907  
Phone Number: (415) 836-2557  
Fax Number: (415) 836-2501

---

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2007-09-05 17:57:04 ET**

**Serial Number:** 76644417 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**



**(words only):** LIVESTRONG

**Standard Character claim:** No

**Current Status:** Application has been published for opposition.

**Date of Status:** 2007-08-18

**Filing Date:** 2005-08-05

**The Information will be/was published in the Official Gazette on 2007-06-26**

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 111

**Attorney Assigned:**  
MCCRAY RENEE D Employee Location

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2007-08-18

---

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

---

1. Lance Armstrong Foundation, Inc.

**Address:**

Lance Armstrong Foundation, Inc.  
P.O. Box 161150  
Austin, TX 787161150  
United States  
**Legal Entity Type:** NON-PROFIT CORPORATION  
**State or Country Where Organized:** Texas

---

### GOODS AND/OR SERVICES

---

**International Class:** 036  
**Class Status:** Active  
Charitable fundraising services  
**Basis:** 1(a)  
**First Use Date:** 2004-05-03  
**First Use in Commerce Date:** 2004-05-03

---

### ADDITIONAL INFORMATION

---

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Disclaimer:** THE DESIGN OF A RUBBER WRISTBAND

**Description of Mark:** The mark consists of the appearance and three-dimensional design of a rubber wristband with the word LIVESTRONG impressed on the band.

**Design Search Code(s):**

**17.03.25** - Brooches; Cuff-links; Earrings; Locket; Necktie clasps and fasteners; Pins, jewelry; Tie tacks

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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2007-08-15 - Withdrawn From Issue - Tqr/Non-Atty Request  
2007-06-26 - Published for opposition  
2007-06-06 - Notice of publication  
2007-04-21 - Law Office Publication Review Completed  
2007-04-21 - Assigned To LIE  
2007-04-02 - Examiner's amendment mailed  
2007-03-30 - Approved for Pub - Principal Register (Initial exam)

2007-03-30 - Examiner's Amendment Entered  
2007-03-30 - Examiners Amendment - Written  
2006-11-29 - Non-final action mailed  
2006-11-29 - Non-Final Action Written  
2006-11-08 - Teas/Email Correspondence Entered  
2006-10-26 - Communication received from applicant  
2006-10-26 - TEAS Response to Office Action Received  
2006-04-26 - Non-final action mailed  
2006-04-26 - Non-Final Action Written  
2006-02-27 - Non-final action mailed  
2006-02-26 - Non-Final Action Written  
2006-02-25 - Assigned To Examiner  
2005-09-09 - Amendment From Applicant Entered  
2005-09-01 - Communication received from applicant  
2005-09-01 - TEAS Preliminary Amendment Received  
2005-08-17 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Heather A. Dunn

**Correspondent**

HEATHER A. DUNN  
DLA PIPER RUDNICK GRAY CARY US LLP  
153 TOWNSEND STREET, SUITE 800  
SAN FRANCISCO, CA 94107-1907  
Phone Number: (415) 836-2557  
Fax Number: (415) 836-2501

---

**Int. CL: 36**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,157,452**

**Registered Oct. 17, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**



**LANCE ARMSTRONG FOUNDATION, INC.  
(TEXAS NON-PROFIT CORPORATION)  
P.O. BOX 161150  
AUSTIN, TX 787161150**

**THE MARK CONSISTS OF THE COLOR YELLOW, WHICH IS USED ON BANDS. THE MATTER SHOWN IN BROKEN LINES IS NOT PART OF THE MARK.**

**FOR: CHARITABLE FUND RAISING; CHARITABLE FUNDRAISING SERVICES IN THE FIELD OF CANCER, CANCER RESEARCH, CANCER RECOVERY AND SURVIVAL, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).**

**SEC. 2(F).**

**FIRST USE 5-3-2004; IN COMMERCE 5-3-2004.**

**SER. NO. 78-706,563, FILED 9-2-2005.**

**THE COLOR YELLOW IS CLAIMED AS A FEATURE OF THE MARK.**

**TERESA M. RUPP, EXAMINING ATTORNEY**



**Int. CL: 36**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,226,837**

**Registered Apr. 10, 2007**

**SERVICE MARK  
PRINCIPAL REGISTER**



**LANCE ARMSTRONG FOUNDATION, INC.  
(TEXAS NON-PROFIT CORPORATION)  
P.O. BOX 161150  
AUSTIN, TX 787161150**

**FOR: CHARITABLE FUND RAISING; CHARITABLE FUNDRAISING SERVICES IN THE FIELD OF CANCER, CANCER RESEARCH, CANCER RECOVERY AND SURVIVAL, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).**

**FIRST USE 5-3-2004; IN COMMERCE 5-3-2004.**

**NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE REPRESENTATION OF THE DESIGN OF A BAND, APART FROM THE MARK AS SHOWN.**

**THE COLOR(S) YELLOW IS/ARE CLAIMED AS A FEATURE OF THE MARK.**

**THE COLOR YELLOW APPEARS ON THE ENTIRE SURFACE OF THE BAND.**

**THE MARK CONSISTS OF A THREE DIMENSIONAL BAND IN THE COLOR YELLOW.**

**SEC. 2(F).**

**SER. NO. 78-706,568, FILED 9-2-2005.**

**TERESA M. RUPP, EXAMINING ATTORNEY**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2007-09-05 18:00:14 ET**

**Serial Number:** 78706554 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**



**Standard Character claim:** No

**Current Status:** Application has been published for opposition.

**Date of Status:** 2007-08-07

**Filing Date:** 2005-09-02

**The Information will be/was published in the Official Gazette on 2007-08-07**

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 106

**Attorney Assigned:**  
RUPP TERESA M Employee Location

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2007-07-02

---

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

---

1. Lance Armstrong Foundation, Inc.

**Address:**  
Lance Armstrong Foundation, Inc.  
P.O. Box 161150

Austin, TX 787161150

United States

**Legal Entity Type:** NON-PROFIT CORPORATION

**State or Country Where Organized:** Texas

---

### GOODS AND/OR SERVICES

---

**International Class:** 014

**Class Status:** Active

Jewelry, namely, wristbands in the nature of a bracelet for use in fundraising and education in the field of cancer, cancer research, cancer recovery and survival

**Basis:** 1(a)

**First Use Date:** 2004-05-03

**First Use in Commerce Date:** 2004-05-03

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### ADDITIONAL INFORMATION

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**Color(s) Claimed:** The color(s) Yellow is/are claimed as a feature of the mark.

**Disclaimer:** THE DESIGN OF A BAND

**Description of Mark:** "The mark consists of a three dimensional band in the color yellow. The color yellow appears on the entire surface of the band."

**Section 2(f)**

**Design Search Code(s):**

17.03.03 - Rings, jewelry

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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2007-08-07 - Published for opposition

2007-07-18 - Notice of publication

2007-07-02 - Law Office Publication Review Completed

2007-06-25 - Approved for Pub - Principal Register (Initial exam)

2007-06-22 - Teas/Email Correspondence Entered

2007-06-22 - Communication received from applicant

2007-06-22 - Assigned To LIE

2007-06-12 - TEAS Response to Office Action Received  
2007-06-12 - Ex parte appeal - Instituted  
2007-06-12 - Jurisdiction Restored To Examining Attorney  
2007-06-12 - EXPARTE APPEAL RECEIVED AT TTAB  
2006-12-15 - Final refusal e-mailed  
2006-12-15 - Final Refusal Written  
2006-10-25 - Teas/Email Correspondence Entered  
2006-10-23 - Communication received from applicant  
2006-10-23 - TEAS Response to Office Action Received  
2006-05-02 - Non-final action e-mailed  
2006-05-02 - Non-Final Action Written  
2006-03-19 - Assigned To Examiner  
2006-03-17 - Assigned To Examiner  
2005-09-12 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Heather A. Dunn

**Correspondent**

HEATHER A DUNN  
DLA PIPER RUDNICK GRAY CARY US LLP  
153 TOWNSEND ST STE 800  
SAN FRANCISCO, CA 94107-1907  
Phone Number: 415-836-2557  
Fax Number: 415-836-2501

---

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2007-09-05 18:00:44 ET**

**Serial Number:** 78706562 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**



**Standard Character claim:** No

**Current Status:** Application has been published for opposition.

**Date of Status:** 2007-08-07

**Filing Date:** 2005-09-02

**The Information will be/was published in the Official Gazette on 2007-08-07**

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 106

**Attorney Assigned:**

RUPP TERESA M Employee Location

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2007-07-02

---

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

---

1. Lance Armstrong Foundation, Inc.

**Address:**

Lance Armstrong Foundation, Inc.  
P.O. Box 161150

Austin, TX 787161150

United States

**Legal Entity Type:** NON-PROFIT CORPORATION

**State or Country Where Organized:** Texas

---

### GOODS AND/OR SERVICES

---

**International Class:** 014

**Class Status:** Active

Jewelry, namely, wristbands in the nature of a bracelet for use in fundraising and education in the field of cancer, cancer research, cancer recovery and survival

**Basis:** 1(a)

**First Use Date:** 2004-05-03

**First Use in Commerce Date:** 2004-05-03

---

### ADDITIONAL INFORMATION

---

**Color(s) Claimed:** The color(s) Yellow is/are claimed as a feature of the mark.

**Description of Mark:** The mark consists of the color yellow, which is used on bands. The matter shown in broken lines is not part of the mark.

#### Section 2(f)

**Design Search Code(s):**

17.03.03 - Rings, jewelry

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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2007-08-07 - Published for opposition

2007-07-18 - Notice of publication

2007-07-02 - Law Office Publication Review Completed

2007-06-25 - Approved for Pub - Principal Register (Initial exam)

2007-06-22 - Teas/Email Correspondence Entered

2007-06-22 - Communication received from applicant

2007-06-22 - Assigned To LIE

2007-06-12 - TEAS Response to Office Action Received

2007-06-12 - Ex parte appeal - Instituted  
2007-06-12 - Jurisdiction Restored To Examining Attorney  
2007-06-12 - EXPARTE APPEAL RECEIVED AT TTAB  
2006-12-15 - Final refusal e-mailed  
2006-12-15 - Final Refusal Written  
2006-10-31 - Teas/Email Correspondence Entered  
2006-10-30 - Communication received from applicant  
2006-10-30 - TEAS Response to Office Action Received  
2006-04-28 - Non-final action e-mailed  
2006-04-28 - Non-Final Action Written  
2006-03-19 - Assigned To Examiner  
2006-03-17 - Assigned To Examiner  
2005-09-12 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Heather A. Dunn

**Correspondent**

HEATHER A DUNN  
DLA PIPER RUDNICK GRAY CARY US LLP  
153 TOWNSEND ST STE 800  
SAN FRANCISCO, CA 94107-1907  
Phone Number: 415-836-2557  
Fax Number: 415-836-2501

---



**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2007-09-05 18:01:17 ET**

**Serial Number:** 78887770 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**

## **LIVESTRONG YOUNG ADULT ALLIANCE**

**(words only):** LIVESTRONG YOUNG ADULT ALLIANCE

**Standard Character claim:** Yes

**Current Status:** Opposition period completed, a Notice of Allowance has been issued.

**Date of Status:** 2007-05-01

**Filing Date:** 2006-05-19

**The Notice of Allowance Date is:** 2007-05-01

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 116

**Attorney Assigned:**  
BURNS ELLEN FERRER Employee Location

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2007-05-01

---

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

---

1. Lance Armstrong Foundation, Inc.

**Address:**

Lance Armstrong Foundation, Inc.  
P.O. Box 161150  
Austin, TX 787161150  
United States  
**Legal Entity Type:** NON-PROFIT CORPORATION  
**State or Country Where Organized:** Texas

---

### GOODS AND/OR SERVICES

---

**International Class:** 035

**Class Status:** Active

Lobbying services, namely promoting public health and cancer survivorship interests in the fields of politics, legislation, and regulation; promoting public awareness of public health in the fields of cancer, cancer research, delivery of patient care, cancer recovery and survival by sponsoring, developing, and carrying out community and national programs; charitable services, namely organizing and conducting volunteer programs and community service projects

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 041

**Class Status:** Active

Educational services, namely, organizing and conducting conferences in the fields of cancer, cancer recovery and survival

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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### ADDITIONAL INFORMATION

---

**Disclaimer:** "YOUNG ADULT ALLIANCE"

**Prior Registration Number(s):**

3052284

---

### MADRID PROTOCOL INFORMATION

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**USPTO Reference Number:** A0006456

**International Registration Number:** 0926679

**International Registration Date:** 2006-11-17

**Original Filing Date with USPTO:** 2006-11-17

**International Registration Status:** Application For IR Registered By IB

**Date of International Registration Status:** 2007-07-19

**International Registration Renewal Date:** 2016-11-17

**Irregularity Reply by Date:** (DATE NOT AVAILABLE)

**Madrid History:**

07-19-2007 - 18:03:50 - Application For IR Registered By IB

05-14-2007 - 21:02:20 - Irregularity Response Sent To IB

05-14-2007 - 10:35:29 - Response To Irregularity Reviewed And Accepted  
05-09-2007 - 15:26:47 - Irregularity Response Received From Applicant  
02-20-2007 - 15:46:45 - Irregularity Notice Received From IB  
11-17-2006 - 21:00:49 - IR Certified And Sent To IB  
11-17-2006 - 13:55:56 - New Application For IR Received  
11-17-2006 - 13:55:56 - Automatically Certified

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### PROSECUTION HISTORY

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2007-05-01 - Notice of allowance - mailed  
2007-02-06 - Published for opposition  
2007-01-17 - Notice of publication  
2006-12-19 - Law Office Publication Review Completed  
2006-12-15 - Assigned To LIE  
2006-11-30 - Approved for Pub - Principal Register (Initial exam)  
2006-11-29 - Teas/Email Correspondence Entered  
2006-11-28 - Communication received from applicant  
2006-11-28 - TEAS Response to Office Action Received  
2006-08-16 - Non-final action e-mailed  
2006-08-16 - Non-Final Action Written  
2006-08-10 - Assigned To Examiner  
2006-05-26 - Notice Of Pseudo Mark Mailed  
2006-05-25 - New Application Entered In Tram

---

### ATTORNEY/CORRESPONDENT INFORMATION

---

#### Attorney of Record

Heather A. Dunn, Esq.

#### Correspondent

HEATHER A. DUNN, ESQ.  
DLA PIPER RUDNICK GRAY CARY US LLP  
153 TOWNSEND ST STE 800  
SAN FRANCISCO, CA 94107-1957  
Phone Number: 415-836-2557  
Fax Number: 415-836-2501



**Int. Cls.: 14, 35, 36, 41 and 44**

**Prior U.S. Cls.: 2, 27, 28, 50, 100, 101, 102 and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,205,197**

**Registered Feb. 6, 2007**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



LANCE ARMSTRONG FOUNDATION, INC.  
(TEXAS NON-PROFIT CORPORATION)  
P.O. BOX 161150  
AUSTIN, TX 787161150

FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 11-30-2004; IN COMMERCE 11-30-2004.

FOR: LOBBYING SERVICES, NAMELY, PROMOTING PUBLIC HEALTH AND CANCER SURVIVORSHIP INTERESTS IN THE FIELDS OF POLITICS, LEGISLATION AND REGULATION; PROMOTING PUBLIC AWARENESS OF PUBLIC HEALTH IN THE FIELDS OF CANCER, CANCER RECOVERY AND SURVIVAL BY SPONSORING, DEVELOPING AND CARRYING OUT COMMUNITY AND NATIONAL PROGRAMS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-8-2005; IN COMMERCE 6-8-2005.

FOR: PROVIDING RESEARCH GRANTS TO ORGANIZATIONS IN THE FIELDS OF PUBLIC HEALTH, CANCER, CANCER RECOVERY AND SURVIVAL; CHARITABLE FUNDRAISING SERVICES; PROVIDING A WEB SITE FEATURING INFORMATION, COMPREHENSIVE CONTENT AND PERSONAL STORIES CONCERNING INSURANCE, FINANCES, FINANCIAL AND ESTATE PLANNING IN THE FIELDS OF CANCER, CANCER RECOVERY AND SURVIVAL, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-28-2005; IN COMMERCE 2-28-2005.

FOR: EDUCATIONAL SERVICES, NAMELY, ORGANIZING AND CONDUCTING CONFERENCES IN THE FIELDS OF CANCER, CANCER RECOVERY AND SURVIVAL; PROVIDING A WEB SITE FEATURING PERSONAL NARRATIVE STORIES RELATING TO CANCER, CANCER RECOVERY AND SURVIVAL FOR INSTRUCTIONAL AND ENTERTAINMENT PURPOSES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-16-2005; IN COMMERCE 5-16-2005.

FOR: PROVIDING A WEB SITE FEATURING MEDICAL INFORMATION, COMPREHENSIVE CONTENT AND PERSONAL STORIES IN THE FIELDS OF CANCER, CANCER RECOVERY AND SURVIVAL, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 5-16-2005; IN COMMERCE 5-16-2005.

OWNER OF U.S. REG. NO. 3,052,284.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FOUNDATION", APART FROM THE MARK AS SHOWN.

THE NAME SHOWN IN THE MARK IDENTIFIES LANCE ARMSTRONG, WHOSE CONSENT TO REGISTER IS SUBMITTED.

SER. NO. 78-687,069, FILED 8-5-2005.

BRENDAN REGAN, EXAMINING ATTORNEY