PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

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EVIDENCE SECTION	
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RESPONSE SIGNATURE	/Rachel Kronman/
SIGNATORY'S NAME	Rachel Kronman
SIGNATORY'S	

POSITION	Attorney of Record, NY Bar member
SIGNATORY'S PHONE NUMBER	212-705-4855
DATE SIGNED	08/21/2012
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Aug 21 18:46:09 EDT 2012
TEAS STAMP	USPTO/RFR-216.173.42.60-20120821184609763052-85360663-490fc6d3ef656ef7f33e49d4342bd460-N/A-N/A-20120821183905304073

PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **85360663** has been amended as follows:

EVIDENCE

Original PDF file:
evi_2161734260-183905304_._MAXX_OA_Response.pdf
Converted PDF file(s) (12 pages)
Evidence-1
Evidence-2
Evidence-3
Evidence-4
Evidence-5
Evidence-6
Evidence-7
Evidence-8
Evidence-9
Evidence-10
Evidence-11
Evidence-12

Original PDF file:
evi_2161734260-183905304_._MAXX_Exhibits_A_to_C.pdf
Converted PDF file(s) (24 pages)
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Evidence-3
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Evidence-6
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Evidence-11
Evidence-12
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Evidence-23
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SIGNATURE(S)
Request for Reconsideration Signature
Signature: /Rachel Kronman/ Date: 08/21/2012
Signatory's Name: Rachel Kronman
Signatory's Position: Attorney of Record, NY Bar member

Signatory's Phone Number: 212-705-4855

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85360663
Internet Transmission Date: Tue Aug 21 18:46:09 EDT 2012
TEAS Stamp: USPTO/RFR-216.173.42.60-2012082118460976
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UNITED STATES PATENT AND TRADEMARK OFFICE

Mark	:	
International Class	:	041
Serial No.	:	85360663
Applicant	:	First Maxx, LLC
Filed	:	June 30, 2011
Law Office	:	102
Examining Attorney	:	John M. Gartner

The following is in response to the Office Action mailed on February 21, 2012.

Final Refusal Based on Section 2(d)

The Examining Attorney made final the refusal to register Applicant's trademark, ("Applicant's Mark" owned by "Applicant"), in connection with "*providing fitness and exercise facilities*" in International Class 41 on the grounds that Applicant's Mark is likely to be confused with the registered mark MAX (Reg. No. 3337965) owned by Timothy J. Goodwin ("Goodwin") and the registered mark MaxFitness (Reg. No. 3932746) owned by Max Fitness LLC ("Max Fitness") (collectively, the "Registered Marks" owned by the "Registrants").

The court in *In re E. I. DuPont DeNemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973), listed the factors to consider when deciding whether a likelihood of confusion exists under Section 2(d). The Examining Attorney stated that the most relevant factors in this case are the "similarity of the marks, similarity of the services, and similarity of trade channels of the services." However, as discussed below, because of the differences in the marks themselves, the diluted and weak nature of the Registered Marks, the different channels of trade for the parties' services, and the high degree of care exercised by prospective purchasers, Applicant respectfully requests that the Examining Attorney reconsider the decision that confusion between Applicant's Mark and the Registered Marks is likely, and approve Applicant's Mark for publication. In the event that the Examining Attorney does not decide in favor of Applicant, simultaneously with this submission Applicant is submitting an appeal to the Trademark Trial and Appeal Board ("TTAB").

Argument

I. The Marks are Different

When comparing the trademarks in the likelihood of confusion analysis, the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E .I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973).

A. The Marks are Different in Sight, Sound, Connotation and Commercial Impression

i. The Marks in their Entireties are Visually Different

Applicant submits that THE MAXX FITNESS CLUBZZ, MAX, and MaxFitness are vastly different in overall appearance. When addressing the similarity of marks in the analysis of likelihood of confusion, marks must be considered *in their entireties*. See Opryland USA Inc. v. Great American Music Show, Inc., 970 F.2d 847, 851, 23 U.S.P.Q. 2d 1471, 1473 (Fed. Cir. 1992). "[I]t is well settled that a mark should not be dissected but rather must be considered *as a whole* in determining likelihood of confusion." MarCon, Ltd. v. Avon Prods., Inc., 4 U.S.P.Q.2d 1474, 1476 (T.T.A.B. 1987). Applicant respectfully submits that the Examining Attorney's dissection of the marks into parts, i.e. finding similarity by comparing MAX to MAXX and MAXX FITNESS to MAX FITNESS, is improper. As discussed in *Recot v Benton*, all relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to find that the marks are similar. See Recot, Inc. v. Becton, 214 F.3d 1322, 1329-30 (Fed. Cir. 2000). When considered side by side, as a whole, as they should be, it is clear that Applicant's Mark differs substantially from the Registered Marks:

Applicant's Mark:	**Goodwin's Mark:**	**Max Fitness' Mark:**
THE MAXX FITNESS CLUBZZ	MAX	MaxFitness

The Registered Marks are each one single word depicted on an single visual line with little to no distinctive design elements. Applicant's mark is four words, two of

which (MAXX and CLUBZZ) are fanciful made-up words created through distinctive spelling of ordinary words, in various sizes of font, arranged in a graphically unique manner that draws the eye up, and including a design element. This combination of uniquely spelled words, uniquely arranged, with Applicant's additional design distinguishes Applicant's Mark.

ii. The Applicant's Mark is at Least as Different from the Registered Marks as They are From Each Other

Although the Examining Attorney claims that Max Fitness' Mark is a "companion registration" to Goodwin's Mark, the Marks are owned by different owners. Goodwin's Mark was applied for by Goodwin in 2006 and is registered to Goodwin today. Max Fitness' Mark was applied for by Goodwin in 2010 and assigned, along with all goodwill in the mark, to Max Fitness LLC in 2012. Furthermore, the Registered Marks do not look similar nor do the specimens provided with their registrations indicate that they are used in a similar way. Thus, Applicant respectfully rejects the Examining Attorney's claim that the Registered Marks are "companion registrations" as, in fact, they have different owners, and nothing on the record suggests that they are used in connection with each other. Applicant submits that the visual differences between Applicant's Mark and the Registered Marks is at least as great as the visual differences between the Registered Marks. Therefore, due to these visual dissimilarities, Applicant's Mark should be able to coexist with the Registered Marks without confusion.

iii. The Marks are Not Aurally Similar

Additionally, Applicant's Mark and the Registered Marks do not sound alike when they are spoken aloud and therefore they are not aurally similar. As stated above, Applicant's Mark has the additional words THE and CLUBZZ, and fanciful spellings,

and therefore unique pronunciations of MAXX and CLUBZZ. The CLUBZZ portion of Applicant's Mark is clearly to be pronounced as "CLUBzzzz-zzzz." See In re Eaton Corp., Serial No. 85030456 (December 8, 2011) (even weak portions of a trademark can contribute to that mark sounding different for purposes of the likelihood of confusion analysis).

iv. Applicant's use of MAXX and CLUBZZ creates a unique connotation and commercial impression

Further, the connotation and commercial impression created by Applicant's unique spellings of the words MAXX and CLUBZZ differentiate Applicant's Mark from the Registered Marks. Applicant's misspellings are intentional and are used to distinguish Applicant's Mark and brand in the marketplace. Applicant's misspelling of two out of four words in Applicant's Mark, using double-letters from the end of the alphabet, creates a unique and memorable impression. Consumers are likely to notice Applicant's intentional misspellings and remember Applicant's Mark as having a distinctive look and feel. The double XX and ZZ are crucial components to the distinctiveness of Applicant's Mark. The double XX and ZZ give Applicant's Mark a unique connotation and commercial impression by implying a connection to a young, hip, contemporary culture. Hip-hop, punk, and rock music brands frequently incorporate intentional misspellings, and substitute 'z' for 's' to indicate a plural, in order to make their marks more appealing to their contemporary consumer. *See* **Exhibit A** (a San Francisco Weekly article about using misspellings in hip-hop and the frequency with which hip-hop brand replace "s" with "z" in plural nouns to make their brand names more interesting to consumers and reflective of the brand) and **Exhibit B** (an article on the Top 10 misspelled band names, describing how intentional misspellings help

consumers find companies when conducting Google searches). Similar to the effect misspellings have when used in pop-culture brand names, Applicant's use of XX and ZZ in intentional misspellings connotes and gives the commercial impression that Applicant's fitness centers are contemporary, for those "in the know," and cool, and the intentional misspellings are reflective of Applicant's brand and therefore create separately protectable elements of the brand.

v. Different Spellings Can be a Sufficient Basis to Distinguish Trademarks

In addition, different spellings can be sufficient to distinguish trademarks, even where there is aural similarity. For example, in *Citigroup Inc. v Capital City* the Federal Circuit found no likelihood of confusion between the marks CITIBANK and CAPITAL CITY BANK because of their different spellings and different words, and despite the fact that they shared the words "city" and "bank." The Federal Circuit court stated that in that case, the marks' "aural identity is overcome by the written differentiation." *Citigroup Inc. v. Capital City Bank Group, Inc.*, 637 F.3d 1344, 1350 (Fed. Cir. 2011). See also *Champagne Louis Roederer, S.A. v. Delicato Vineyards*, 148 F.3d 1373 (Fed. Cir. 1998) (finding no likelihood of confusion between 'CRISTAL' and 'CRYSTAL CREEK,' despite being used for similar goods in similar trade channels). Much as CRISTAL and CRYSTAL CREEK "evoked very different images in the minds of relevant consumers," the marks THE MAXX FITNESS CLUBZZ, MAX, and MaxFitness will evoke very different connotations and commercial impressions in the minds of consumers.

vi. The Fact That the Marks Share Terms is Not a Sufficient Basis for a Finding of Likelihood of Confusion

Moreover, the fact that two marks share the term MAX or FITNESS is not determinative that a likelihood of confusion exists. As further discussed *infra*, Applicant's Mark and the Registered Marks are highly suggestive and are entitled to only a very narrow scope of protection or exclusivity of use. The Registrants do not have exclusive control over the words MAX or FITNESS relating to health and fitness. The circumstances presented here are very similar to a case recently explored by the TTAB in a precedential decision. In *In re Hartz Hotel Services, Inc.*, 102 USPQ2d 1150 (TTAB 2012), the Board found GRAND HOTEL NYC and GRAND HOTEL not confusingly similar for hotel services. The Board determined that, because there were a significant number of registered and unregistered uses of GRAND HOTEL for hotel services, each mark was entitled only to a very narrow scope of protection. The Board held that in these circumstances **even weak additions to a mark are enough to allow consumers to differentiate it**. See also In re HerbalScience Group, LLC, 95 USPQ2d 1321 (TTAB 2010) (MINDPOWER for botanical extracts not confusingly similar with MIND POWER RX for dietary and nutritional supplements); Lever Bros. Co., 216 U.S.P.Q. (BNA) at 182 (AUTUMN for margarine not confusingly similar to AUTUMN GRAIN for bread).

B. The Marks Exist in a Crowded Field

The words MAX and FITNESS are commonly used in connection with fitness and therefore Applicant's Mark and Registrants' Marks exist in a crowded field.

i. Applicant Provides Evidence of Use for its Cited Registrations demonstrating MAX is a weak mark

Applicant previously submitted several third-party registrations to demonstrate the weakness of the term MAX in the relevant field. These registrations include:

Mark	Serial/Reg. No.	Goods/Services
Z-MAX FITNESS CLUBS	3685733	Fitness and exercise facilities
MAXIMUM FITNESS	3303847	Magazines and teaching materials in the field of health and fitness
FITNESS MAXX "I BRING OUT THE RESULTS YOU CAN SEE."	3397662	Personal training and fitness consultation
MAXIUMUM FITNESS MINIMUM TIME	3341809	Fitness and exercise facilities
ROBERT KENNEDY'S MAXIMUM FITNESS	3541855	Magazines and educational materials in the field of health and fitness
M2MAX	3067329	Personal training, health club services, providing classes and facilities for physical health and recreation
MMAXOUT	4029491	Personal training in fitness

The Examining Attorney gave these registrations little weight because he believed that they do not establish that the registered marks are in actual use or that consumers are accustomed to seeing them. Thus, Applicant submits as **Exhibit C** internet evidence corresponding to the above registrations, and/or the specimens submitted with the above registrations, demonstrating that these registrations are in actual use.

ii. Also, There are Multiple Unregistered Trademark Uses of MAX in Health and Fitness, Evidencing That MAX is a Weak Mark

Additionally, the word MAX commonly is used in connection with fitness to refer to an individual pushing themselves to capacity and/or working hard for maximum results. Many organizations in the health and fitness field use the word "max" in this manner. Applicant submits as **Exhibit D** evidence that there is a proliferation of unregistered uses of the word MAX in connection with fitness clubs (Exhibit D includes internet evidence regarding unregistered uses of the trademarks MAXWORKOUTS, MAX MARTIAL ARTS & FITNESS, MAX FITNESS ACADEMY, MAX FITNESS ELITE, O2MAX, F-MAX FITNESS, YO MAX FITNESS, BODY MAX FITNESS, TOTAL MAX FITNESS, MAX FITNESS, INC., MAX SPORTS & FITNESS, 360 MAX FITNESS, MAX LIFE FITNESS & NUTRITION, MAX FITNESS, and MAX YOUTH PERFORMANCE AND FITNESS). Indeed, the results in Exhibit D are only a small sampling of the large number of unregistered uses of MAX in the health and fitness marketplace. The evidence demonstrating that MAX is a weak formative in the health and fitness field is at least as great here as it was in *In re Hartz Hotel Services, Inc.* (applicant's submission of five registrations and ten website pages for unregistered marks including GRAND HOTEL for hotel services was sufficient evidence for the Board to conclude that GRAND HOTEL was a weak mark). Further, the Examining Attorney incorrectly states that the registrations listed above pertaining to health and fitness publications are not relevant to the determination of whether MAX is weak or diluted. As the Examining Attorney also states, similar *goods or services* are considered in determining whether a mark is weak or diluted. Applicant submits that fitness magazines

about working out are closely related, if not similar to fitness centers which provide facilities for individuals to work out. In the alternative, however, Applicant submits that assuming Reg No. 3303847 and Reg No. 3541855 are not relevant to the determination of weakness of MAX, the remaining five registrations and the evidence of numerous unregistered trademarks containing MAX are sufficient proof that MAX is a diluted and weak mark in the fitness and health field.

iii. Given the Crowded Field, Consumers Will be Able to Distinguish Applicant's Mark

The fact that there are an overabundance of businesses in the same industry using the trademark MAX in association with fitness services favors allowing Applicant's Mark to proceed. As the Board concluded in its precedential decision in *In re Hartz Hotel Services, Inc.*, given a plethora of registered and unregistered uses of a term in connection with similar services, consumers will be able to distinguish even small differences in marks, including the addition of weak elements. See *In re Hartz Hotel Services, Inc.* 102 USPQ2d 1150 (TTAB 2012) ("because of the suggestive nature of [the mark] and the number of third-party marks…consumers are able to distinguish between different GRAND HOTEL marks based on small differences in the marks").

II. The Channels of Trade Are Different

There is no geographic crossover between consumers of Applicant's Mark and consumers of Registrants' Marks, and thus no similarity in trade channels. Registrant Goodwin appears to be employed by Registrant MaxFitness, which has fourteen locations but none near the two THE MAXX FITNESS CLUBZZ locations (Allentown, Pennsylvania and Providence, Rhode Island). A gym is a highly localized business that draws customers only from its immediate geographic region. In this way, the fitness

industry is like the restaurant industry, so that "where individual restaurants rather than chains are competing, physical separation seems particularly significant to the inquiry into consumer confusion." *Brennan's, Inc. v. Brennan's Rest., L.L.C.*, 360 F.3d 125, 134 (2d Cir. 2004) (finding no competition for customers between restaurants in different cities using the same name). A gym in Rhode Island simply will not be competing for customers with a gym in Indiana or Texas, nor will it be advertising in the same channels. The rule applies here that "in the absence of actual confusion or bad faith, substantial geographic separation remains a significant indicator that the likelihood of confusion is slight." *Id*. at 135.

III. Consumers Buying Gym Memberships Exercise Significant Discretion

Furthermore, it is highly unlikely that Applicant's Mark and either of the Registered Marks will ever be encountered in a manner where confusion is likely to occur. A gym membership is not a product that can be purchased on a whim at a grocery store checkout line. An individual considering a gym membership likely will be required to first visit the gym, tour the premises, and learn about the various plans before committing. This fact weighs in favor of allowing Applicant's Mark to proceed because it demonstrates the high level of consumer discretion that is involved in selecting a fitness center. Purchasing a membership at a fitness center is a long-term (generally one year or more) investment, and a significant monthly recurring financial investment. Consumers would not believe that they are buying a membership at a gym belonging to one of the Registrants when they are making the highly researched, expensive, and considered choice to purchase a gym membership at Applicant's fitness center. *See, e.g., PC Club v. Primex Technologies, Inc.*, 32 F. App'x 576, 579 (Fed. Cir. 2002) ("When goods are sold

to consumers that exercise care there is less chance that confusion will occur."); *Magnaflux Corp. v. Sonoflux Corp.*, 231 F.2d 669, 672 (C.C.P.A. 1956) (finding less likelihood of confusion when goods are sold to discerning customers).

Conclusion

Because of the differences in the marks themselves, the diluted and weak nature of the Registered Marks, the different channels of trade for the parties' services, and the high degree of care exercise by prospective purchasers, there is no likelihood of confusion between Applicant's Mark and the Registered Marks. For the foregoing reasons, Applicant respectfully requests that its application be allowed to proceed.

Dated: August 21, 2012

Respectfully Submitted,

FRANKFURT KURNIT KLEIN & SELZ, P.C.

By: _____

Mary Sotis, Esq.
Rachel Kronman, Esq.
Attorneys for Applicant
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EXHIBIT A

SFWEEKLY
Blogs

THE SHINS · TEGAN & SARA · JIMMY CLIFF · BEATS AN

SF WEEKLY SHOOKDOWN S.F

TOP *blog* STORIES

The Upsetter
Why Background Music Makes Life Worse
By Andrew Stout

Over the Weekend
Phish Pleases the Loyalists at Bill Graham Civic
By Alee Karim

Lost in the
Midnight
Takes th
Ricksha
to 1979
By Derek Opperman

Hip-Hop

What's With All The Misspelled Names in Hip-Hop?: An Examination

By Daniel Levin Becker Fri., Aug. 6 2010 at 1:35 PM
Categories: **Hip-Hop**

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Now

Chali 2na

So Chali 2na's coming to Yoshi's tonight. Dude may be the most likeable member of Jurassic 5, with his booming voice and salaam-to-that-ass demeanor, but he's also the one whose name mounts the most nihilistic assault on orthographic sensibility (distant second: Mark 7even). Not that there's not precedent: hip-hop history is rife with willful misspellings, from Kool Herc down to Soulja Boy, from the West Coast (Makaveli, Del tha Funkee Homosapien, Invisibl Skratch Piklz) to the East (Mobb Deep, Canibus, and perhaps most spectacularly Onyx) and territories in between (Geto Boys, Mystikal, Twista...). Nonetheless, one is not out of line to ask: how necessary is this?

Cop-out answer: depends. The transgression can be a mark of pride; in some cases, as in those of Curren$y and Nipsey Hu$$le, the intruding character glosses almost literally as bling. (I still haven't forgiven CurT@!n$ for making me type his name a bunch of times yesterday, but that's not really the same thing.) In other cases it seems more like a kneejerk thing, the way everyone in 2Pac's entourage started replacing S with Z at every given opportunity circa *All Eyez On Me*, but still an intentional one. Simple thought experiment: how much less appealing is Outlaws than Outlawz? The Dog Pound than Tha Dogg Pound? Would anyone listen to a rapper who called himself Corrupt rather than Kurupt? Even if so, would they be the same people?

Perhaps it's only when it looks like an accident that it's bothersome. Fabolous, Digable Planets, Da Lench Mob -- were those decisions? What got me thinking about this was the title of Big Boi's long-delayed and justly lauded album, *Sir Lucious Left Foot*, which I assumed for at least a year was just an internet-propagated typo for "luscious" until I saw the album art. (Census data confirms that Lucious is also a valid, if arcane, variant of Lucius, but that doesn't inspire a whole lot more confidence than, say, this high-heel company.) But still: isn't Big Boi more credible than Big Boy? Doesn't OutCast sound more

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like a gay telecom provider than a Southern rap group?

The thesis-worthy question here -- and lord knows I haven't put in the time or work to answer it -- is whether hip-hop has any greater claim to or need for this kind of alpha-poetic license than any other medium does. Rap's relationship to the plasticity of language is at once more reckless and more reverent than any other music (or for that matter any other literature) I know of, but that doesn't exclude the same trick, or the same idiotic oversight, from being effective elsewhere. After all, isn't Wavves still more interesting, and more reflective of that band's lo-fi shtick, than Waves? How different is the J in Wooden Shjips from the (second) J in Jeru the Damaja ? How different is *Only Built 4 Cuban Linx* (which should be "built only" anyway) from *Odessey and Oracle*?

In Chali 2na's case, anyway, it was presumably a question of copyright infringement. Although that obviously didn't stop this guy.

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Tags:chali 2na, Curtains, Jurassic 5, odd predilictions of hip-hop culture, Yoshi's

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Top 10 misspelled band names

Wednesday September 7, 2011 2:20 PM

By Chris DeVille

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10. Ratt

Does that extra "T" really elevate this band's badass quotient? Probably not, but it probably does help people find this hair-metal ensemble on Google.

9. Lynyrd Skynyrd

Making fun of your uptight gym teacher is sweet. Misspelling his name in a proto-nu-metal fashion is decidedly not sweet.

8. Twiztid

Perhaps this misspelling is the result of some bizarre Juggalo dialect. Or perhaps this psychopathic duo never graduated kindergarten, and this is their feeble attempt at English. It's a tossup!

7. Puddle of Mudd

Like Ratt, only worse! Not only did these Fred Durst proteges misspell their name, they picked one that conjures up images of the juniors' section at Kohl's.

6. Staind

These nu-metal balladeers, who will appear at the LC next Thursday for WNCI's Jingle Ball, are missing an "E." This is, in fact, appropriate because their music is all agony, no ecstasy.

5. Phish

It's not just brooding nu-metal dudes - hippies like to intentionally misspell names, too!

4. Def Leppard

This misspelling is extra dumb because the band's name still wouldn't make sense even if Deaf Leopard was spelled right. As it stands, the "Def" part of the name falsely alludes to a hip-hop influence that is nowhere to be found in the sound of Pyromania.

3. KoRn

To think so much angst could be wrought from four little letters! Meditating on this messy maize misspelling is like staring thoughtfully at a Mark Rothko painting, if Rothko paintings were really stupid.

2. Limp Bizkit

Some would call them the kings of misspelled band names. But one of the words is spelled properly, so the real

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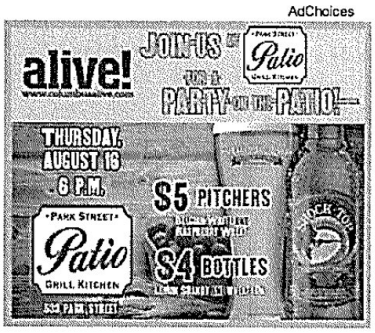

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1. Wyld Stallyns

The band fronted by Bill S. Preston Esq. and Ted "Theodore" Logan is undeniably the best and worst use of intentional misspelling: two words that embody the spirit of rock 'n' roll, mangled almost past the point of recognition. Plus, credit is due for any band that literally saves the world with rock.

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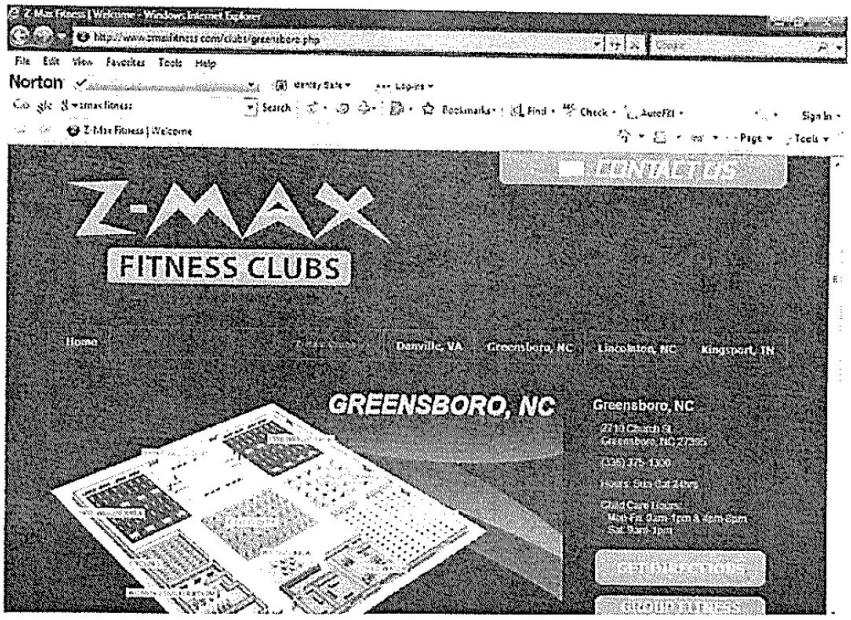
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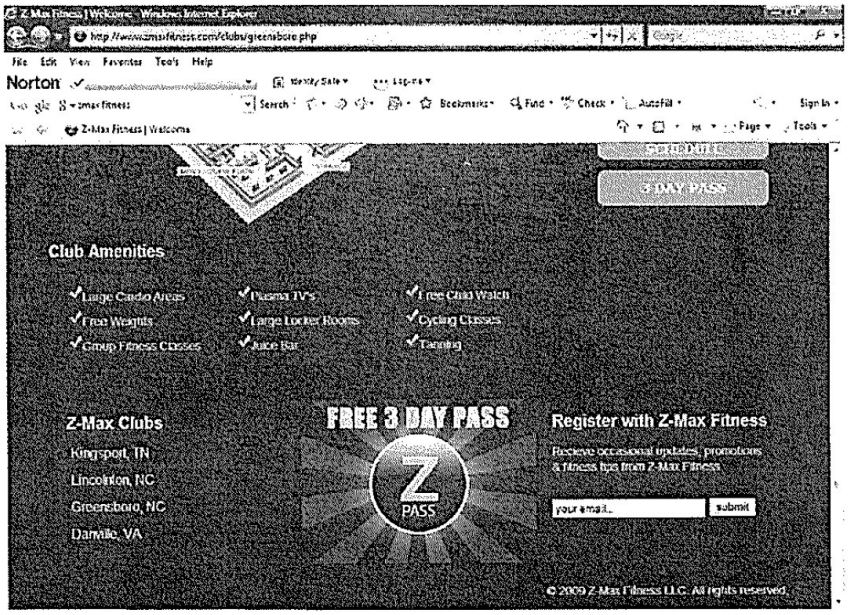
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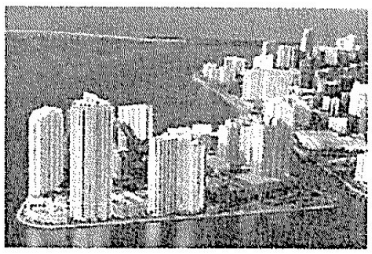

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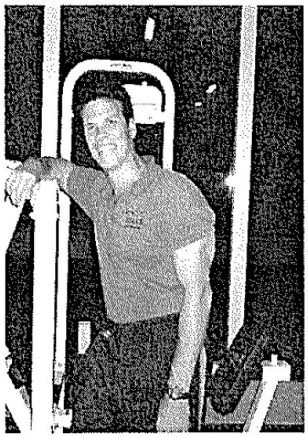

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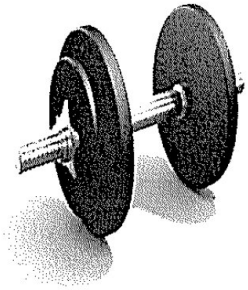

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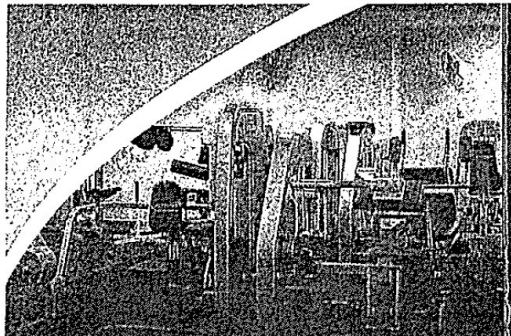

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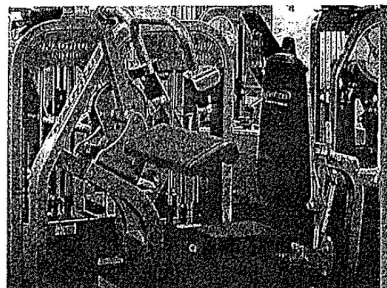

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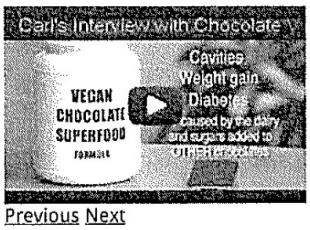

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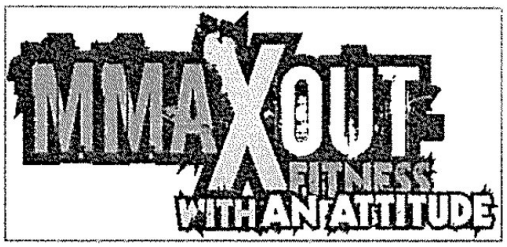

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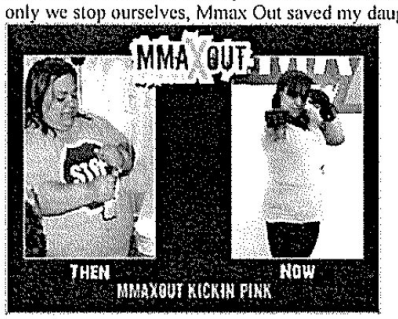

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MAXWORKOUTS
HIGH-INTENSITY WORKOUTS THAT GET YOU LEAN & RIPPED *FAST*

"These High-Intensity Interval Workouts, Circuit Workouts and Strength Workouts Get You Lean & Ripped So Fast, Your Friends Will *Beg* You to Tell Them Your Secret..."

By Shin Ohtake - Strength Coach, Fitness & Fat Loss Expert

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Here are the 6 WORST things you can do if you want to ignite your body's own fat-burning furnace and get lean, strong & totally ripped in less time:

Mistake #1: Doing isolated exercises

Doing isolated exercises like bicep curls and tricep kick-backs will not get you any significant results. These one-muscle-at-a-time moves simply don't stimulate enough muscle fibers to build lean muscle or expend enough energy to maximize your calorie burn.

If you want to build lean muscle while burning fat so you can get serious definition, you need to perform exercises that stimulate as many muscles and expend as much energy as possible *at the same time*. Using these types of exercises (which I'll reveal on the next page) will *dramatically* accelerate your results.

Mistake #2: Working out with machines

Fancy machines may make the gym look high-end, but truthfully, about the only thing they're good for is for sitting down while you tie your shoes or catch your breath! The problem is this: Machines alter the way your body naturally moves and restrict your range of motion. This severely limits your ability to fully activate all of your muscles fibers -- that means *less* fat burning and *less* muscle definition. Worse yet, machines can cause excessive strain on your joints, leading to nagging injuries down the road.

If you want fast results, it's critical that you incorporate exercises that allow your body to move *naturally* with full range of motion so you can skyrocket your metabolism and tone your entire physique. In minute, I'll explain the 6 primary movements that are the foundation of these full-body exercises...and I'll also fill you in on the best types of weights to use for your workouts.

Mistake #3: Doing long bouts of cardio

Look, you need to do cardio if you want to lose weight and burn fat ..BUT there's a right way and a wrong way to do your cardio workouts. If you've been pounding the pavement or the treadmill with nothing to show for it (except sore joints and a pair of stinky worn out sneakers), you already know it takes a lot of effort to get minimal results.

In this article, I'm going to reveal the most effective way to pump up your cardio routine that will get you insane results in *half* the time of your regular cardio workout -- without causing unnecessary stress on your joints. Seriously, don't skip this article because once you learn this simple trick, you'll kick yourself for not doing it all along.

Mistake #4: Doing crunches and sit-ups to get 6-pack abs

If you want washboard abs, doing traditional ab exercises like crunches and sit-ups WILL NOT get you a six pack. In fact, doing any exercises that target your abs won't get you a six pack either! These so-called "ab" exercises are a complete waste of time. They don't make your abs get any more defined and they definitely don't burn any fat.

About The Author

Shin Ohtake's unconventional, no-nonsense approach to fitness & fat loss has made him the go to source for fitness enthusiasts and trainers alike. His world-famous fitness program, MAX Workouts, has transformed and reshaped the bodies of thousands of people in just 30 minutes - without spending hours in the gym.

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"The Workout & Nutrition Tips in Shin's *5 Day Lean Body Kick-Start* Will Show You How To 'Trick' Your Body Into Producing a Flood of Fat-Burning Hormones"

In my "FREE 5-Day Lean Body Kick-Start" you'll discover my no B.S. workout & nutrition secrets that are scientifically PROVEN to cut your workout time in half and crank up your metabolism -- getting you lean, ripped & feeling like the Energizer Bunny...

Just fill in the form below and you'll get instant access. I can't wait for you see what I've got in store for you...this is going to save you YEARS of frustration!

First Name:

The key to getting sculpted abs is to burn off that stubborn layer of belly fat that's hiding them! In the next few minutes, I'll show you how to burn away the "ab flab" while stimulating all 6 of your abdominal muscles at the same time so you can finally carve out your six pack abs.

Mistake #5: Repeating the same workout routines over and over

Repeating the same workouts over and over is a surefire way to STOP getting results. We're creatures of habit and we tend to stick to things we're familiar with and good at. But when it comes to your workouts, if you want to keep making progress and keep seeing changes in your body, you've got to start switching things up

You see, your body has an amazingly ability to adapt quickly and when it does, that's when you hit the dreaded plateau and you stop making progress. On the next page, I'm going to tell you exactly how often you need to change up your workout routine so you can keep your body guessing to accelerate the results process.

Mistake #6: Doing long workouts

Longer workouts do NOT equal better or faster results. If you've been slaving away at the gym and your body isn't visibly changing, you can't do more of the same thing and expect a different result.

When it comes to getting lean and fit, your body responds to quality over quantity. I'm going to tell you the #1 way to super-charge your workouts -- this simple, yet overlooked method is the single fastest way to getting lean and ripped while cutting your workout time almost in *half*. No joke - this technique will open up a can of whoop-ass on your workout!

Stop doing the same old workouts that haven't gotten you any results and find out the TRUTH about how to get lean and ripped with shorter, more effective workouts...

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Women, discover the biggest mistakes that are sabotaging your workout efforts. Plus, learn *the only way to* use high intensity intervals, strength, and circuit training to get maximum fat-loss & muscle tone.

Guys, find out why your current workouts aren't cutting it. Discover the secrets to kicking your fitness level into high gear so you can pack on more muscle, get more cut, melt the fat, and improve your athletic performance.

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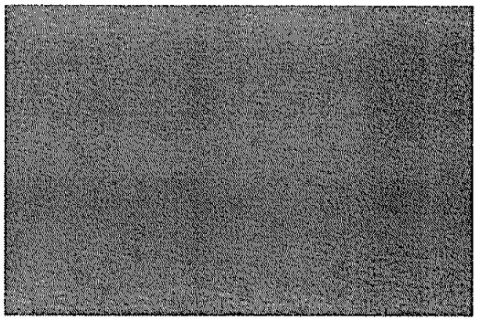

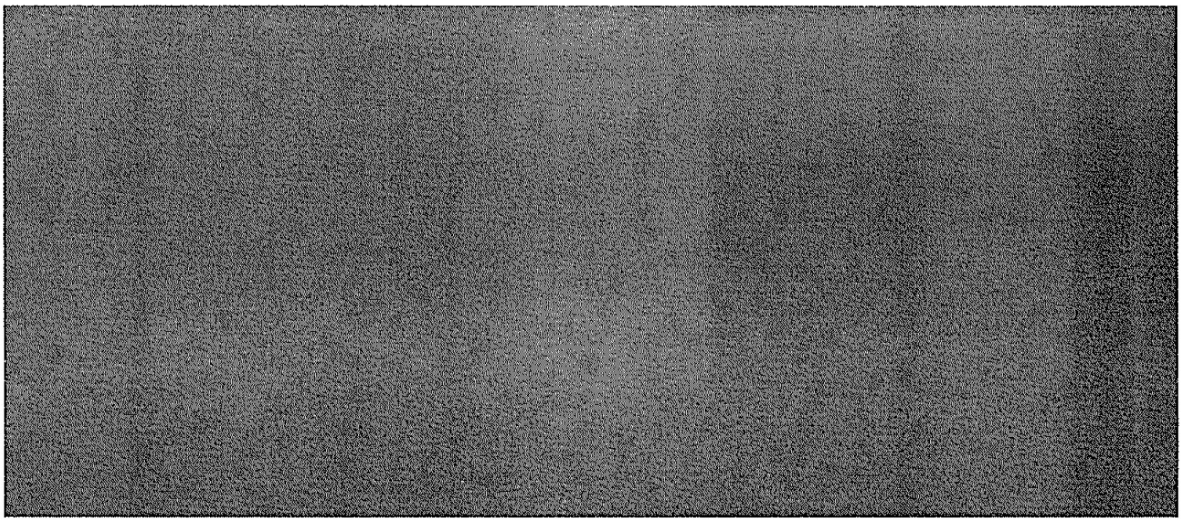

Rafael

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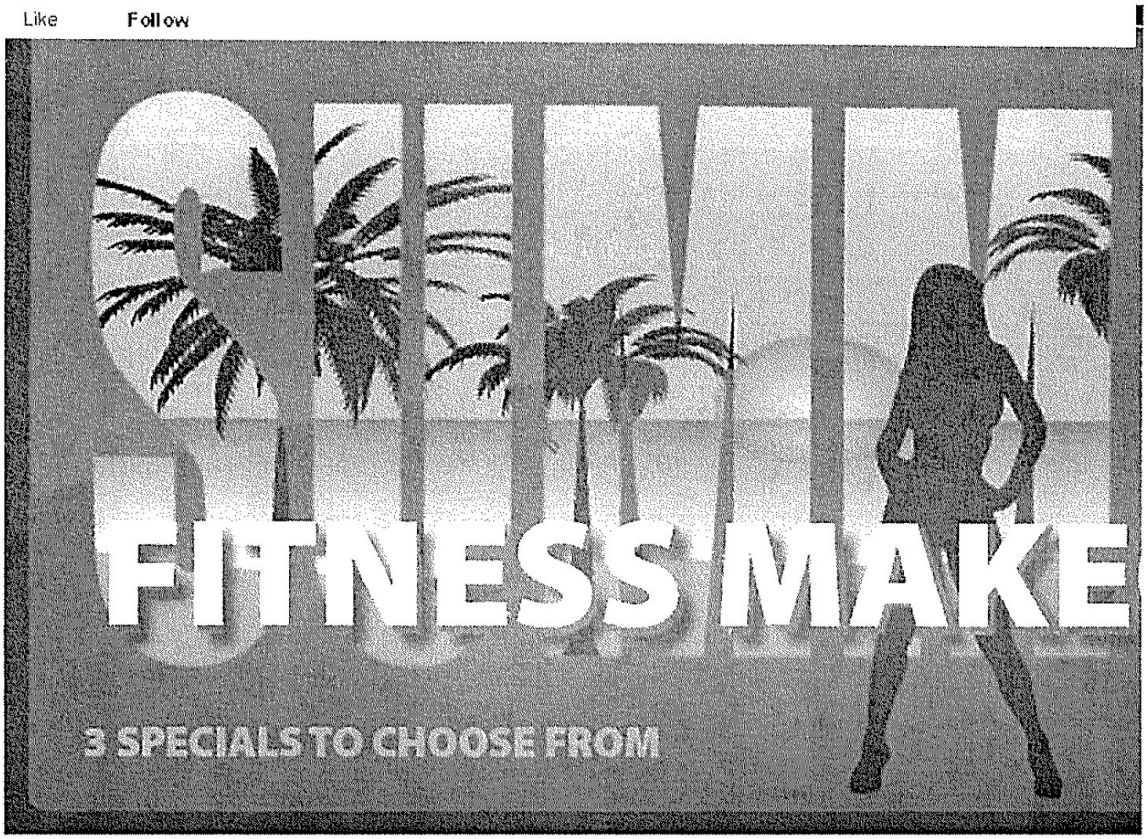

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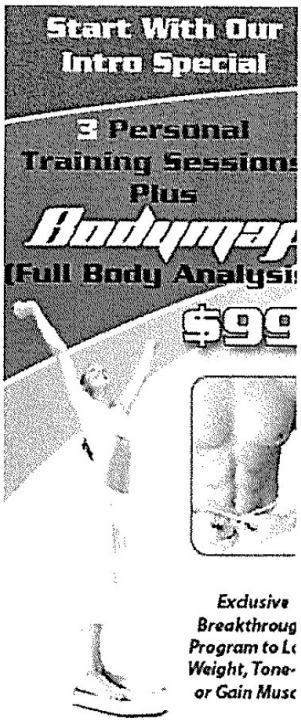

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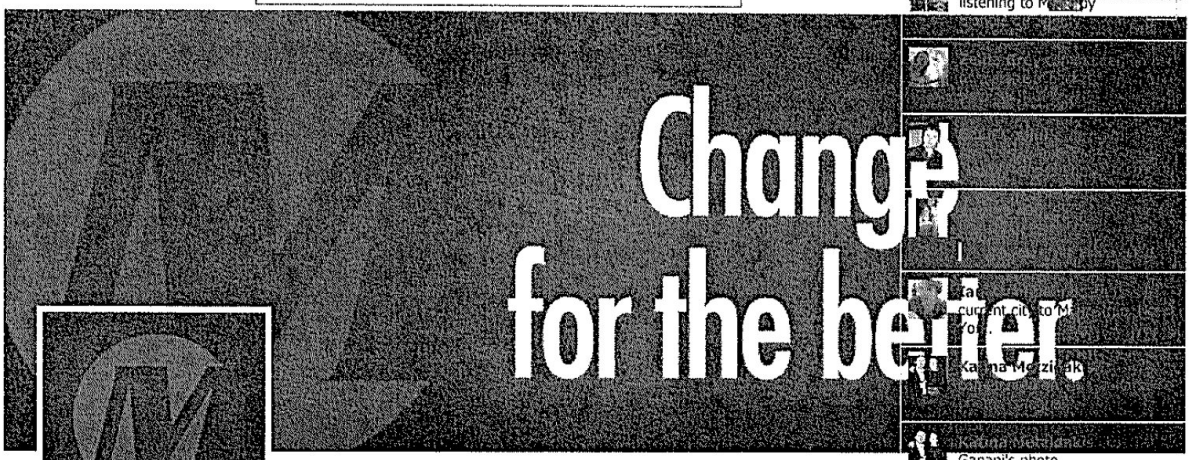

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10 hours ago via RSS Grafiti

Melatonin in cherries, especially the Montmorency variety, protects the skin against ultraviolet radiation and helps repair sunburned skin by stimulating new skin-cell growth.

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Max Fitness Elite - Columbus, GA
Sunday

Here is a CENTERGY-sational way to center your energy, reduce stress and even smile!

Join us tomorrow at 10:15am or 7:30pm!!

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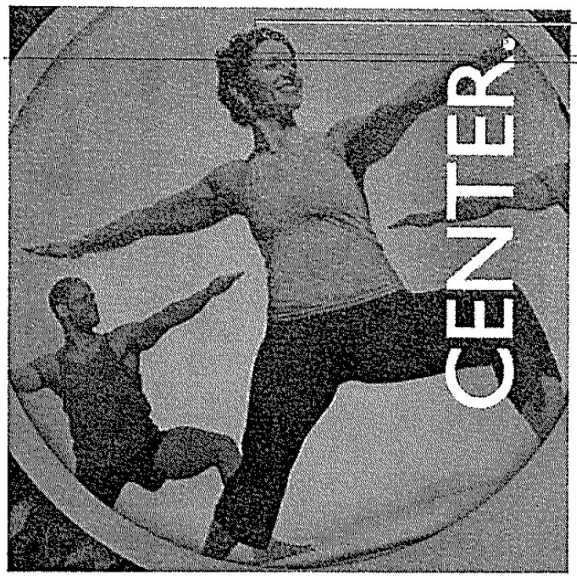

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Sunday at 2:26pm · Like

Write a comment...

Max Fitness Elite - Columbus, GA
Sunday via RSS Graffiti

Restaurant meal portions tend to be huge. Push a third to half of it aside and have it packed to go. You'll feel better, it will do wonders for your waistline and you'll have a nice meal for next day.

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4 people like this.

Write a comment...

Max Fitness Elite - Columbus, GA
Saturday via RSS Graffiti

A sudden end to a tough aerobic workout causes your heart rate to drop quickly causing blood to pool in the legs, and this leads to light-headedness. Take five minutes to lower your heart rate gradually by tapering exercise intensity, and perform slow movements that include stretching.

Like · Comment · Share

5 people like this.

Write a comment...

Max Fitness Elite - Columbus, GA shared a link.
Sunday

Check out what's coming in Group Kick! It's (a high-energy cardio combative exercise experience) + (a hattestorm bunsscapark, likely to cause an eruption) = KICK-splosive!

Join us tomorrow at 9:15am or 6:

http://www.youtube.com/watch?v=9xwnA78Q

Group Kick JULY 2012 Program Teaser
www.youtube.com
Group Kick is a high energy cardio 60 minute fusion class of martial arts and boxing movements will kick your cardio to the next level while

Like · Comment · Share

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on your Wall and let your friends know where to come to Kick Some ... **
Sunday at 2:26pm · Like

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Max Fitness Elite - Columbus, GA
Saturday

New music and new moves can b
classes this week - we are launch
tried any of the classes or even if
fan, this is a great time to come

Core and Active have launched n

Monday - Kick and Centergy Laur
Wednesday - Groove Launch
Thursday - Step Launch
Friday - Ride Launch
Monday, August 27 - Power Laur

Let's MOVE! We hope to see you in class soon!

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Regina Leone
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Ian Archbold updated his current city to Manhattan, New York.

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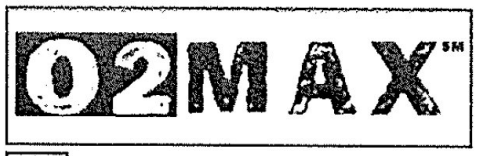
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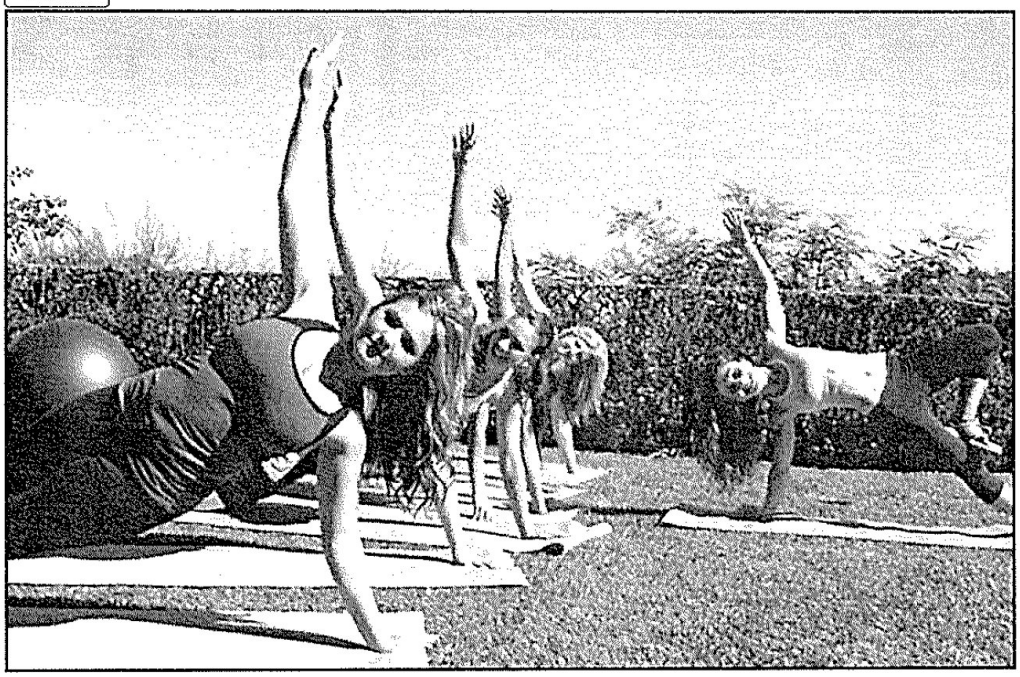

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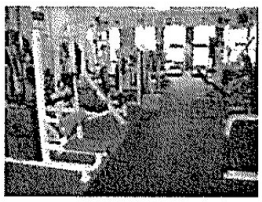

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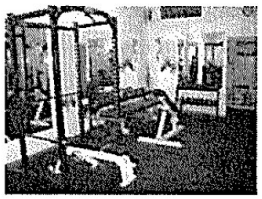

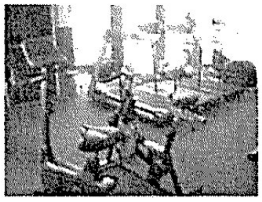

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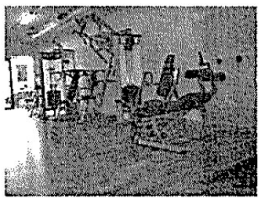

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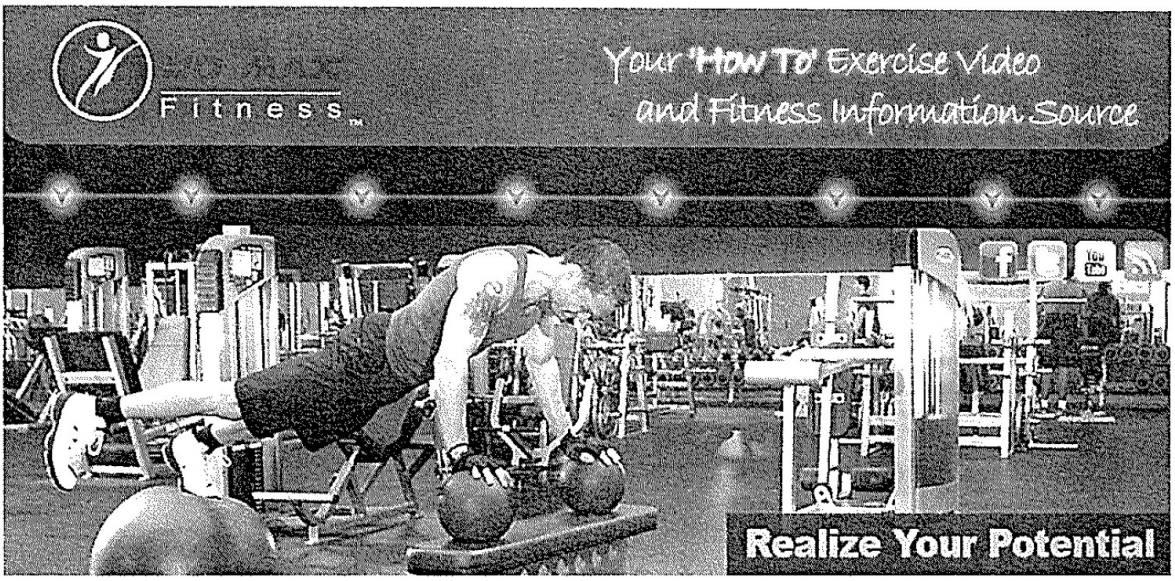

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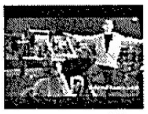
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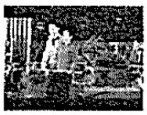
Barbell Biceps curl

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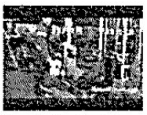
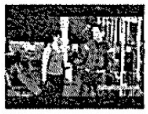
Dumb. Sumo Squat


Dumb. Incline Press

Dumb. Row

S.E.D.'s with Dumbbells for Shoulders, Biceps, and Triceps - Beginner Level

Dumb. Lateral Raise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Dumb. Overhead Ext.

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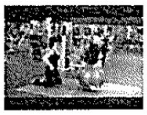

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MM Ditch the scale

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DB Strength 102

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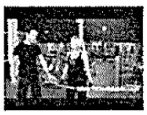
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Smith Machine

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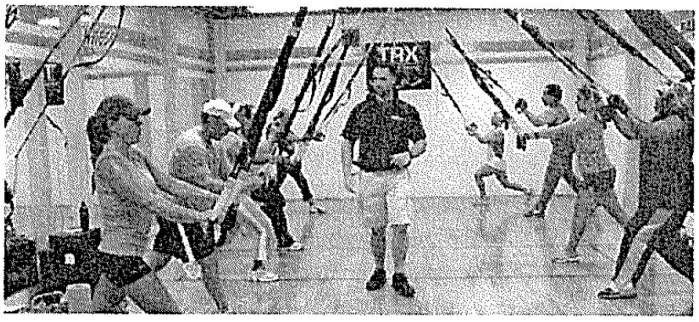

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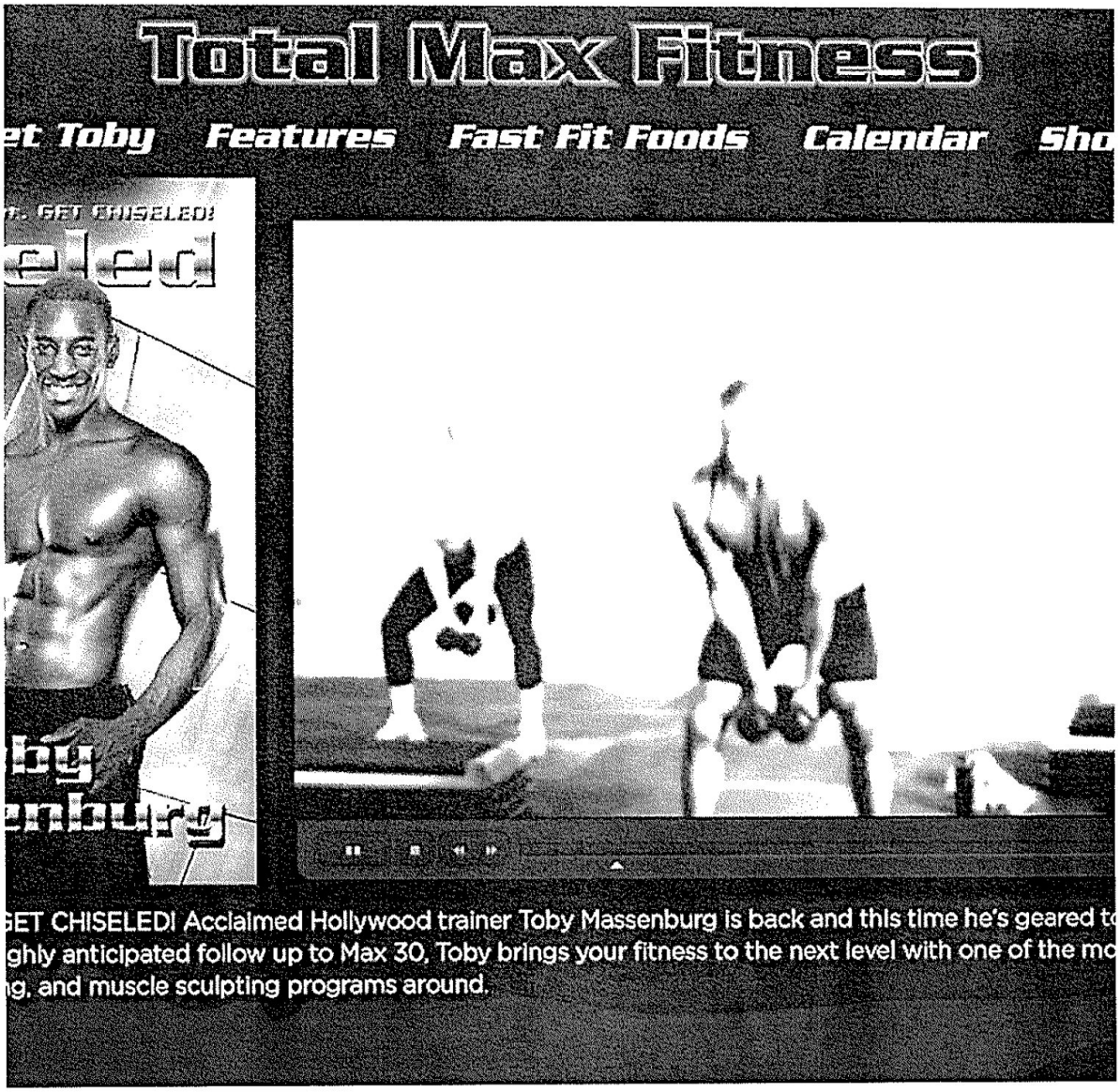
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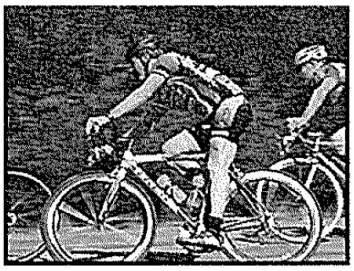
If you are looking for personal one-on-one coaching, done by cyclist who know the sport, live the sport and love the sport, then you have come to the right place.



Located in Dallas Texas, Max Fitness, Inc was founded by Max Miley, a successful racer of 25+ years (still racing) and cycling coach for 15+ years. Max has a passion for the sport of cycling and has coached many riders of all levels from beginners to top professionals. Max's method of coaching and that of the coaches that work for Max Fitness, Inc. is to get to know each rider they work with and to find out what makes him or her tick. Max believes it is important to teach the riders to know themselves and learn to train and race by feel for the most part. This doesn't mean we won't prescribe workouts using heart rate or power, but it does mean that these devices will not be the end all and be all of your training program. It is Max's opinion, if he and the Max Fitness coaches do their job, they will teach their students to coach themselves over time

The coaching process starts with a face-to-face meeting that covers many areas including history, goals, strengths, weaknesses, time, stresses, family and anything else that might help or hinder you from reaching your cycling goals. Next, Max, or the coach you are working with, will ride with you to get a better feel for your cycling abilities, bike fit and riding style. Your coach will follow this ride with a comprehensive bike fit to make sure you are in the most efficient position on the bike for you.

Once the coach is convinced he or she knows you, they will write a personal training schedule aimed at peaking you for your goals. From this point the coach and rider will stay in contact by phone or e-mail to make adjustments as needed. If you are a racer, your coach will give you pre race suggestions for race prep, strategies and tactics, followed by post race assessment. Along the way your coach will be your motivator, confidant, sounding board and an outside objective view to keep you on the right track.

At Max Fitness, Inc. our specially is full fledge one-on-one personal coaching. In addition, we offer other services such as one time consultation and bike fit assessment. Please click **Coaching Plans** for more detail

If you have questions or want to sign up for coaching please send an e-mail to **max@maxfitnessinc.com**

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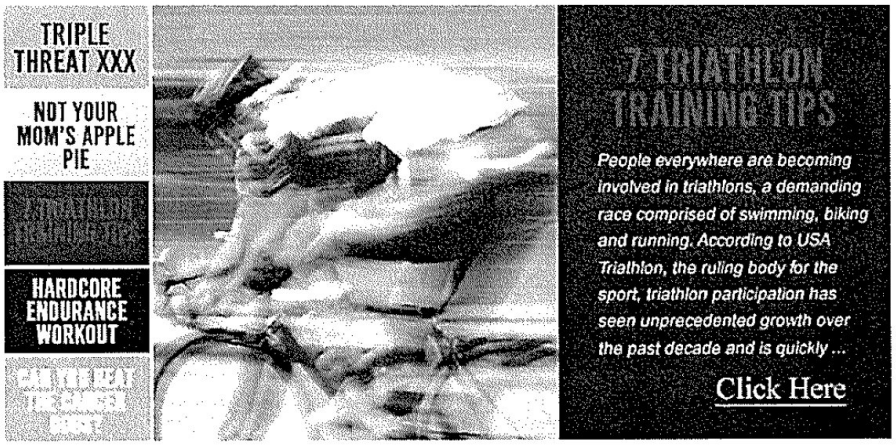

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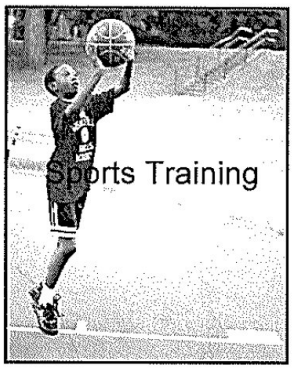
What is your workout of choice?

- Weight training, it's the only way, baby!
- Gotta mix it up, a little bit of cardio, a little strength training, a little bit of workout classes like Yoga or Zumba.
- CrossFit – All The Way!
- Anything and everything in the Great Outdoors!

Submit Vote

Personal Training, Fitness Camps, Sports Training, Custom Workout Plans

What's Your Max?



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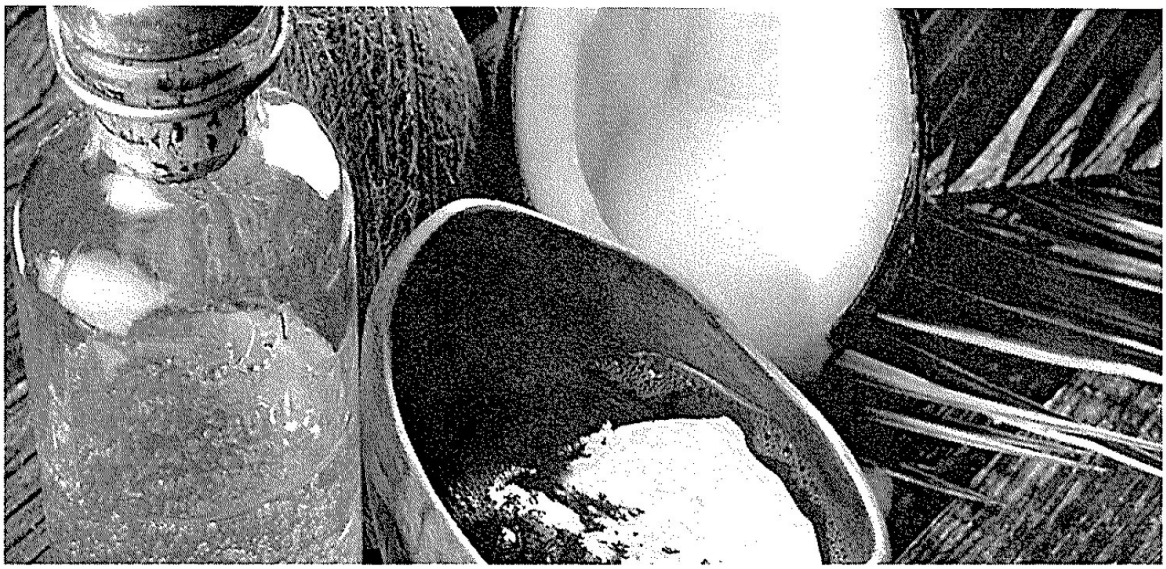

Benefits and Uses of Coconut Oil

"She put de lime in de coconut, drink 'em both up..." Everything great has a song written about it right? Coconut has always been one of Max Life's super foods! This luscious fruit shares its benefits in many forms, but the focus of this segment will be on the...

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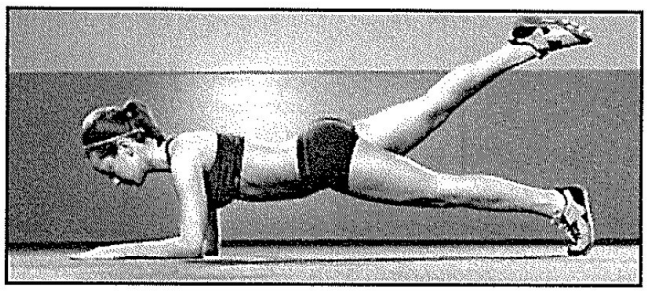
""Life begins at the end of your comfort zone.""

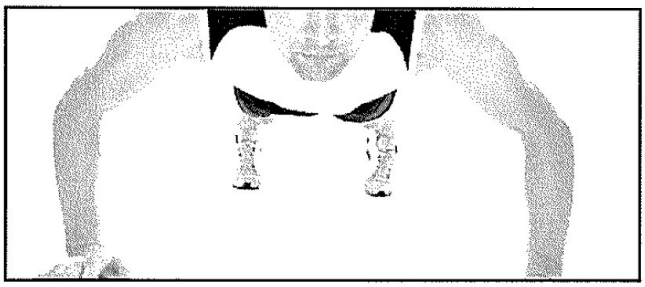
-Anonymous

Who We Are



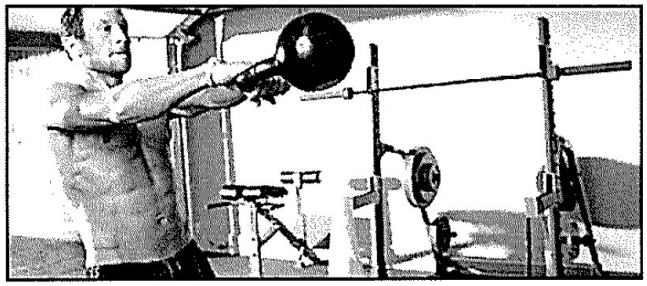
Max Life Fitness & Nutrition began on one dream, one goal, and one common mission...to create the world's most elite health, fitness, and nutrition program.

What We Do



Start today and see what we are all about! Call or email us in advance to meet with a Max Life Team member to answer any questions you may have about our gym or our program when you visit.

Mission Statement



I AM, I CAN, I OUGHT, I WILL.
We MAXIMIZE our lives to serve the PURPOSE.
We fuel our BODIES BY GOD with FOOD BY GOD for GOD.

Enroll in our "40 Day Live 2 The MAX Makeover" where you will begin to see your body and health transformation begin.

Phone: 515.978.7111
Email: info@maxlifefitness.com

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Rise with the sun ready to take on the day! Be committed to working harder and becoming STRONGER! -Anonymous

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Home of the X-Treme Body Makeover

About

Musical Aerobics X-Treme Fitness has been serving the Des Moines community for over 25 years. We have occupied a unique...niche in the fitness market, offering comprehensive fitness classes to clientele who for a variety of reasons don't want to join a "health club" for their fitness needs. We pride ourselves in offering a wide variety of classes, and having well trained and conscientious instructors, convenient class times and excellent value. We believe people of all fitness levels can be challenged by our programs and have a great experience working out with us!

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max youth performance and fitness

Where kids get fit, improve performance, and have fun!

Max has been designed to help all kids improve their fitness, improve their athleticism and have fun If you are between 8 and 18 years old, athletic or non-athletic, fit or unfit, male or female, we are here for you At Max you will work in small groups with other kids your age and you will be trained by one of our highly educated, experienced, enthusiastic, motivating and fun-loving professional trainers You will train at an intensity level that is just right for you It will be challenging but you will be able to do it You will not be competing with anyone but yourself — for yourself — to do your best'

For more information, email us at info@maxyouthperformance.com or call (703) 759-9110.

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