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Subject: U.S. TRADEMARK APPLICATION NO. 85930329 - STRETCH LA - N/A - Request for
Reconsideration Denied - Return to TTAB

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Count: 15

Files: ExhibitA.jpg, ExhibitB-1.jpg, ExhibitB-2.jpg, ExhibitB-3.jpg, ExhibitB-4.jpg, ExhibitB-5.jpg, ExhibitB-6.jpg, ExhibitB-7.jpg, ExhibitB-8.jpg, ExhibitB-9.jpg, ExhibitC-1.jpg, ExhibitC-2.jpg, ExhibitC-3.jpg, ExhibitC-4.jpg, 85930329.doc

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85930329

MARK: STRETCH LA



CORRESPONDENT ADDRESS:

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BEVERLY HILLS, CA 90212-3412

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

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APPLICANT: MMDT Stretch, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 5/19/2015

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The refusal under Trademark Act Section 2(e)(2) made final in the Office action dated October 23, 2014 is maintained and continues to be final. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); see 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); see TMEP §§715.03, 715.03(a)(ii)(B), (c).

MARK IS PRIMARILY GEOGRAPHICALLY DESCRIPTIVE – SECTION 2(e)(2) REFUSAL

Refusal of registration continued because the applied-for mark is primarily geographically descriptive of the origin of applicant's goods and/or services. Trademark Act Section 2(e)(2), 15 U.S.C. §1052(e)(2); see TMEP §§1210, 1210.01(a).

Here, applicant provides stretch services in LA. Applicant argues against the refusal by pointing to the LA FITNESS and L.A. FITNESS registrations owned by third parties. Prior decisions and actions of other trademark examining attorneys in registering other marks have little evidentiary value and are not binding upon the USPTO or the Trademark Trial and Appeal Board. TMEP §1207.01(d)(vi); see *In re Midwest Gaming & Entm't LLC*, 106 USPQ2d 1163, 1165 n.3 (TTAB 2013) (citing *In re Nett Designs, Inc.*, 236 F.3d 1339, 1342, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001)). Each case is decided on its own facts, and each mark stands on its own merits. See *AMF Inc. v. Am. Leisure Prods., Inc.*, 474 F.2d 1403, 1406, 177 USPQ 268, 269 (C.C.P.A. 1973); *In re Binion*, 93 USPQ2d 1531, 1536 (TTAB 2009).

Applicant has also argued against the refusal by stating that the wording LA in the mark is "meant to suggest a level of fitness or healthy lifestyle associated with Los Angeles/Southern California." However, applicant has provided no evidence as to any such lifestyle or any reason that consumers would recognize "LA" in the mark as pointing to anything other than the city of LA.

Because the mark is primarily geographically descriptive, registration must be refused.

The examining attorney has attached additional evidence showing use of the wording "LA" as a geographic term in connection with the provision of fitness services.

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

/SeanCrowley/

Examining Attorney

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Los Angeles, CA

club	club details
<p>Downtown LA-6th Street - SPORT 505 South Flower Street, Level B Los Angeles, CA 90071</p>	<p>Amenities: Cardio Equipment,Coin Collect Lockers,Executive Lockers,Free Weights,Group Cycling,Group Exercise,Lounge,Personal Training,Pro Shop,Sauna,Steam Room,Towel Service, Classes: group exercise schedule</p>
<p>La Cienega - SPORT 5045 W. Slauson Ave. Los Angeles, CA 90056</p>	<p>Amenities: Cardio Equipment,Circuit Training,Coin Collect Lockers,Free Weights,Full Sized Basketball Court,Group Cycling,Group Exercise,Indoor Lap Pool,Kids' Club,Personal Training,Personal Training Area,Pro Shop,Sauna,Steam Room,TRX Suspension Training,Whirlpool, Classes: group exercise schedule</p>
<p>Mid Wilshire - ACTIVE 3699 Wilshire Blvd, Suite 110 Los Angeles, CA 90010</p>	<p>Amenities: Cardio Equipment,Free Weights,Group Exercise,Personal Training,Personal Training Area,Sauna,Strength Machines,TRX Suspension Training, Classes: group exercise schedule</p>
<p>Beverly Hills - ACTIVE 9911 West Pico Blvd Los Angeles, CA 90035</p>	<p>Amenities: Cardio Equipment,Free Weights,Group Cycling,Group Exercise,Personal Training,Personal Training Area,Personal Viewing Screens,Practice Basketball Court,Racquetball Court,Sauna,Strength Machines,TRX Suspension Training, Classes: group exercise schedule</p>
<p>LAX - ACTIVE 5959 W. Century Blvd. Los Angeles, CA 90045</p>	<p>Amenities: Cardio Equipment,Coin Collect Lockers,Free Weights,Group Exercise,Personal Training, Classes: group exercise schedule</p>

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where else can you sweat to the stars with Richard Simmons—live and in person!—or do yoga on a paddleboard in the middle of the Marina? Only here in LA do you find the best workouts where a perfect confluence of healthy living, **celebrity culture**, 70-and-sunny weather and adventurous citizens combine to produce some of the world's most unique fitness workouts. Switch up the everyday **hikes** and **yoga** classes with 10 ways to tone your body, LA-style.



Stand-up Paddleboarding (SUP) Yoga

A group of five to ten people on paddleboards line up in the middle of the bright, breezy Marina and sink into Downward Dog, wobbling slightly as they find their sea legs. This is LA's latest yoga innovation, where practitioners trade a yoga mat for a 10-foot board. Ready to do Warrior I while seagulls squawk overhead? YOGAqua founder Sarah Tiefenthaler, who started teaching SUP yoga two years ago (making her one of the first teachers in the country), leads the sessions in Marina Del Rey. Show up in a swimsuit, wetsuit or yoga gear that can get wet—yes, you might fall off the board!—and pick up a rental board, included in the class fee. After 15 minutes of paddling instruction, you're ready to attempt a series of asanas on the water. Don't worry about the wobble: The challenge of aligning yourself perfectly on a floating board only adds balance to your in-studio practice.

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[Marina del Rey](#) yyyy

Circus Arts

Run away to Hollywood and join the circus! Founded by an ex-Cirque du Soleil aerialist, this school is dedicated to developing and honing your big-top skills



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developing and honing your big-top skills (and your physique) with classes in everything from trapeze to beginning contortion. Even a visit to the school is an adventure. In one corner, a student juggles; in another, a few experiment with tricks while hanging from colorful silks. It's like being granted a backdoor pass to the circus, where you train using the same equipment as real performers. Some of the moves look as death-defying here as they do in the smoke and mirrors of the middle ring, but the teachers are all professionals—many of them are part of Troupe Vertigo, which recently performed at the Ford Amphitheatre.

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o Hollywood [yyyy](#)

Parkour and Freerunning

You've probably seen Parkour experts on YouTube and Nike commercials: Nimble Spider-men and -women running along the sides of buildings and leaping over walls to get from one surface to another as efficiently as possible. From that practice sprang freerunning, a version that still takes you along unlikely surfaces, but also with as much added flair as the runner can throw in; if you want to bring in some street acrobatics, it's a freerunner's life for you. Located in the North Valley, Tempest Freerunning Academy is a big-kid playground, with a giant trampoline and a 30-foot long foam pit, plus an indoor city built by the X Games' ramp designer. Classes here are taught by such celebs of the sport as Jesse La Flair of NBC's *American Ninja Warrior*. Want more "free" in your freerunning? There's an open gym session where you can run wild. A supervised version is also

available for ages 9 to 16.

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Northridge **yyyy**

Pound

Fulfill your secret rock-star dreams with this intense cardio workout developed by two female drummers. Like the very-fit spawn of band camp and boot camp, Pound classes lead you through a series of moves borrowed from aerobics and Pilates, all while drumming out various rhythms with a pair of neon green, quarter-pound drumsticks called Ripstix. Somehow, following the beat makes you forget that you've done a set of 20 lunges, and allows you to hold a core strengthener for that much longer. Kirsten Potenza and Cristina Peerenboom, the musician/fitness freaks behind this phenomena, say they first came up with the concept when they had to drum without a stool, which made them realize the workout benefits of holding a position while ripping out a beat. Though classes are currently only held at the West Hollywood and Burbank **Crunch Gyms**, they're worth the membership (or at least worth the hassle of signing up for the free first day pass).

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Richard Simmons' Slimmons Studio

This is fitness class as interactive performance art. Richard Simmons—yes, we're talking Simmons of *Sweatin' to the Oldies*—shows up as anything from the fifth member of KISS to a glam aerobics version of *Black Swan* and greets each and every devotee of his gym.

and every devotee of his crazy-haired genius with an individual smile, hug, pat on the ass or wickedly inappropriate comment. He is all sincerity and megawatt excitement. The ready-to-sweat audience—who lines up an hour before class to ensure a spot in the packed studio—encompasses all types, from super-fit college students to gray-haired grannies and chair-sitting regulars who punch and shimmy with the best of them. Everyone in the studio attacks the complex aerobics combinations and serious dance moves with enthusiasm, and once the class is over, there's a general stampede to take photos with Simmons, who patiently vamps for each and every person. Slimmons is open all week, but Simmons himself teaches on Tuesdays, Thursdays and Saturdays when he's in town.

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Hoopnotica

Want to join in the carnival of drummers, roller skaters, boarders and magicians on the Venice Boardwalk, but lack your own skill? Check out the hula-hoop classes run by Hoopnotica, the people who helped reignite the hula craze with their brightly-colored weighted hoops.

Hoopnotica has begun to offer small weeknight classes in its Venice studio, and the Loews Santa Monica Beach Hotel (1700 Ocean Ave) hosts a weekly class in its Ocean Spa & Fitness center (bonus: the \$25 class fee includes use of the spa!), where would-be hoopers are led through an hour-long regimen. You'll start off by using the hoop to aid you in stretches, then continue in a low-impact

stretches, then continue in a low-impact aerobic workout that focuses on loosening your hips and toning your core, a workout that Hoopnotica claims can burn 400 to 600 calories an hour, depending on your weight and level of fitness.

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o Venice [yyyy](#)

Ryan Heffington's Sweaty Sundays

The Sweat Spot is host to an array of classes, many taught by professional dancers, and is most notably the home of Sweaty Sundays. Yes, it's a dance class. But we're not talking warmed over hip-hop moves set to a familiar rotation of Top 40 hits. Heffington is a dance world chimera who has worked with Britney and Ke\$ha (in this town, who hasn't?), appeared as a choreographer on *RuPaul's Drag Race* and was commissioned by MOCA to bring a dance program to the museum. He brings his particular brand of hi-lo moves to his weekly Silver Lake classes, which have been running since 2008. They're virtually an Eastside rite of passage and the studio is always packed with bed-headed twenty-somethings dancing off the previous night's bespoke cocktail binge—but all comers are welcome. Catch the class at noon and 1:30pm on Sundays.

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o Silver Lake [yyyy](#)

Antigravity yoga

You don't need cardio to get your heart beat up when you're suspended from the ceiling in a hammock. Think of it as yoga

ceiling in a hammock. Think of it as yoga with the aerial daring of circus arts, the grace of Pilates and the gymnastic showmanship of pole dancing. Easier than it looks (as long as you have the stomach for it), this innovative form of the ancient art is perfect for those with wrist, shoulder or back problems that keep them from doing traditional mat yoga; the hammock makes poses like bridge a simple matter of letting go. In the LA area, find classes at [Crunch Gym](#) on Sunset, where first-timers can get a free one-day pass, and at [Believe Fitness Studio](#) in El Segundo.

Speaking of anti-gravity yoga... We also love the Aqua Yoga classes in the rooftop pool at the [Hotel Wilshire](#). It's super low impact but you'll feel the effects in your abs—and in your tan.

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MiMoDa Jazzo

Sign up for Jazzo—an original movement technique created by the owner of MiMoDa—in Dance Hard classes, a meditative warm-up that transitions into a full-body workout, and Jazzo Jam, a free-form dance party led by the members of the Mimoda Jazzo Gruppa theater company. They practice a form of supremely expressive movement that incorporates everything from Japanese butoh to Broadway jazz, and classes can feel like a '70s-era love-in—in the best of ways. Students show up wearing anything from yoga gear to sweats and regular street clothes. Attached to the studio is the buzzing [Paper or Plastik Cafe](#), owned by the same people who run the dance company and teach the classes. If you attend the class with a reluctant partner, they can always claim a seat on the second-story mezzanine inside the café,

where a large window provides a view down on to the classes.

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Los Angeles **FREE**

Barry's Bootcamp

Barry Jay, co-founder of the hugely popular Barry's Bootcamp, is a big believer in the power of surprise. His notoriously difficult classes toggle between cardio and strength training, but instead of doing endless reps in exactly the same stance, each set will have a slight twist to keep you interested and your body on high-alert. In true bootcamp style, the outspoken instructors are there to keep you moving at double-time. The West Hollywood location is where the BB empire began, and celebs still populate these classes. But if you're looking for Kim Kardashian, who has been vocal in her devotion, the Sherman Oaks location (14622 Ventura Blvd) is your best bet. No matter which of the studios you hit, expect lights and music at nightclub levels (lights: low; music: LOUD) that make those 5am classes feel like an after-party!

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Sherman Oaks **yyyy**

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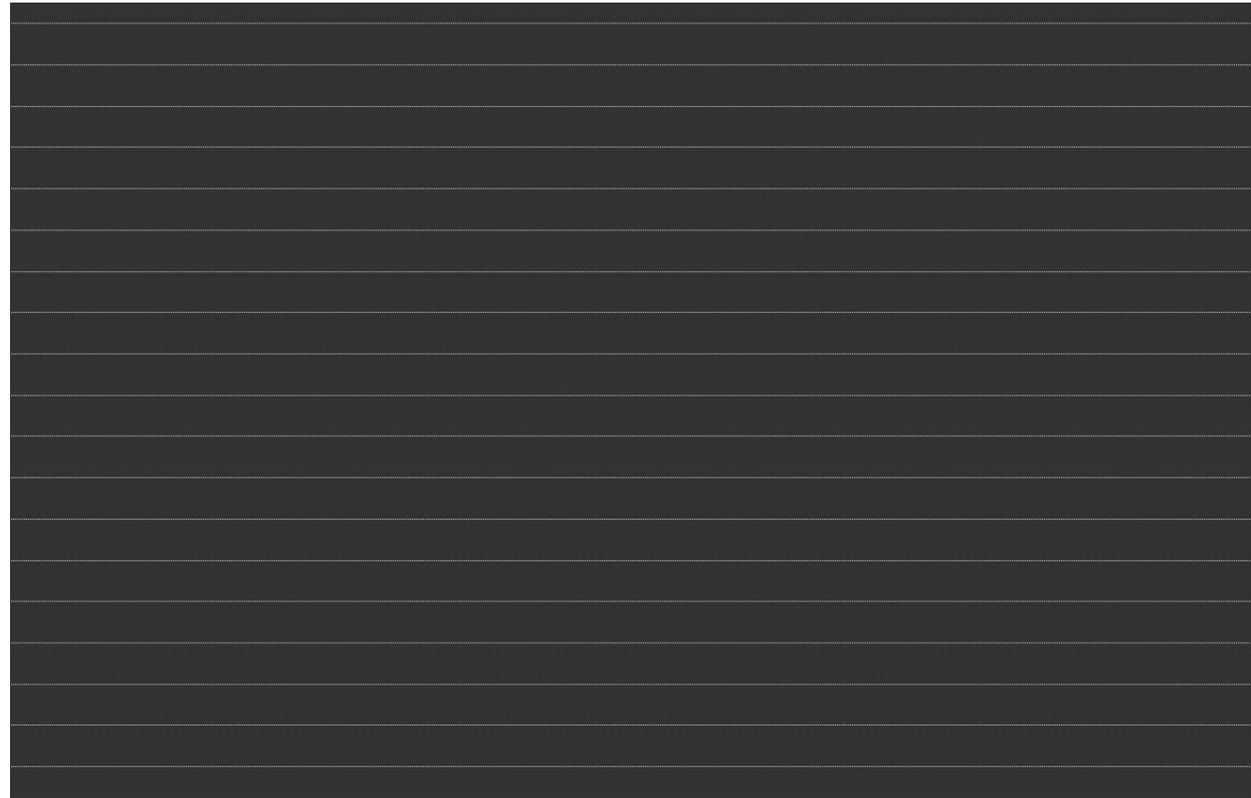
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