

ESTTA Tracking number: **ESTTA690484**

Filing date: **08/19/2015**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	CrossFit, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1500 Green Hills Road, Suite 201 Scotts Valley, CA 95066 UNITED STATES		
Attorney information	Joel R. Feldman, Esq. Greenberg Traurig, LLP 3333 Piedmont Rd., NE, Suite 2500 Atlanta, GA 30305 UNITED STATES atltrademark@gtlaw.com, feldmanjoel@gtlaw.com Phone:678-553-4778		

**Applicant Information**

Application No	86571654	Publication date	08/11/2015
Opposition Filing Date	08/19/2015	Opposition Period Ends	09/10/2015
Applicant	Cos Fit #308 Renton, WA 98057 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Athletic apparel, namely, pants, shorts, socks, t-shirts, tank tops, hooded sweatshirts, undergarments
Class 028. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Barbells, dumbbells, kettle bells, medicine balls

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3007458	Application Date	05/20/2004
Registration Date	10/18/2005	Foreign Priority Date	NONE
Word Mark	CROSSFIT		

Design Mark	<h1>CROSSFIT</h1>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1985/01/01 First Use In Commerce: 1985/01/01 Fitness training		

U.S. Registration No.	4049689	Application Date	04/22/2009
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	CROSSFIT		
Design Mark	<h1>CROSSFIT</h1>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2003/04/25 First Use In Commerce: 2003/04/25 Entertainment services, namely, an on-going series featuring fitness, nutrition, sports and exercise provided through television, internet; providing information in the fields of fitness, sports and exercise via a website; online publication of journals in the fields of fitness, nutrition, sports and exercise; entertainment services, namely, providing podcasts in the fields of fitness, nutrition, sports and exercise; educational services, namely, conducting lectures, seminars and workshops in the fields of fitness, nutrition, sports and exercise; entertainment in the nature of competitions in the field of fitness; entertainment in the nature of sports competitions; fitness training		

	Class 044. First use: First Use: 2003/11/01 First Use In Commerce: 2003/11/01 providing information in the field of nutrition via a website		
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U.S. Registration No.	3826111	Application Date	04/21/2009
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Registration Date	07/27/2010	Foreign Priority Date	NONE
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Word Mark	CROSSFIT		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 025. First use: First Use: 2001/09/00 First Use In Commerce: 2001/09/00 Clothing, namely, shirts, pants, shorts, jackets, sweatshirts, sweatpants, head-wear, socks		
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U.S. Registration No.	4122681	Application Date	12/13/2010
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Registration Date	04/03/2012	Foreign Priority Date	NONE
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Word Mark	CROSSFIT		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 025. First use: First Use: 2010/07/00 First Use In Commerce: 2010/07/00 Footwear		
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U.S. Registration No.	4332239	Application Date	04/22/2009
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Registration Date	05/07/2013	Foreign Priority Date	NONE
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Word Mark	CROSSFIT		
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Design Mark	<b>CROSSFIT</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2008/06/01 First Use In Commerce: 2008/06/01 Audio and video recordings featuring information and instruction on fitness, nutrition, sports and exercise; downloadable podcasts in the fields of fitness, nutrition, sports and exercise; downloadable video recordings featuring fitness, nutrition, sports and exercise instruction via the internet and wireless devices

Attachments	78422177#TMSN.png( bytes ) 77719845#TMSN.png( bytes ) 77718844#TMSN.png( bytes ) 85196654#TMSN.png( bytes ) 77983536#TMSN.png( bytes ) COS FIT Notice of Opposition.pdf(408115 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jrf/
Name	Joel R. Feldman, Esq.
Date	08/19/2015

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

In the Matter of Application Serial No. 86/571,654: COS FIT  
Published in the *Official Gazette* on August 11, 2015

_____	)	
<b>CROSSFIT, INC.,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
v.	)	<b>Opposition No.</b> _____
	)	
<b>COS FIT,</b>	)	
	)	
<b>Applicant.</b>	)	
_____	)	

**NOTICE OF OPPOSITION**

Opposer CrossFit, Inc., a Delaware corporation with an address of 1500 Green Hills Rd., Suite 201, Scotts Valley, CA 95066, opposes Cos Fit’s Application Serial No. 86/571,654 to register COS FIT in International Class 41 (the “Application”) because CrossFit, Inc. will be damaged by the registration of the Application.

**BACKGROUND**

1. In the Application, Applicant seeks to register COS FIT in International Class 25 for use in connection with athletic apparel, namely, pants, shorts, socks, t-shirts, tank tops, hooded sweatshirts, and under garments (the “Class 25 Goods”).

2. In the Application, Applicant also seeks to register COS FIT in International Class 28 for use in connection with barbells, dumbbells, kettle bells, and medicine balls (the “Class 28 Goods”).

3. The Application was filed on March 20, 2015 based on the Applicant’s alleged *bona fide* intent to use the applied-for mark.

**CROSSFIT, INC.'S USE AND REGISTRATION  
OF THE CROSSFIT BRAND**

4. For over 25 years, CrossFit, Inc. has provided fitness training and education under the CROSSFIT mark.

5. CrossFit, Inc. owns U.S. Service Mark Registration No. 3,007,458 for CROSSFIT in International Class 41 for fitness training (TSDR record attached at Exhibit 1).

6. CrossFit, Inc. owns U.S. Service Mark Registration No. 4,049,689 for CROSSFIT in International Class 41 for Entertainment services, namely, an on-going series featuring fitness, nutrition, sports and exercise provided through television, internet; providing information in the fields of fitness, sports and exercise via a website; online publication of journals in the fields of fitness, nutrition, sports and exercise; entertainment services, namely, providing podcasts in the fields of fitness, nutrition, sports and exercise; educational services, namely, conducting lectures, seminars and workshops in the fields of fitness, nutrition, sports and exercise; entertainment in the nature of competitions in the field of fitness; entertainment in the nature of sports competitions; fitness training (TSDR record attached at Exhibit 2).

7. CrossFit, Inc. licenses the CROSSFIT mark to affiliated gyms that provide CROSSFIT-branded fitness services through trainers certified by CrossFit, Inc.. There are currently over 7,000 licensed CROSSFIT affiliates located throughout the United States, including in Renton, Washington where Applicant is located.

8. For several years, CrossFit, Inc.'s CROSSFIT Games event has been broadcast on ESPN.

9. The CROSSFIT brand, including the CROSSFIT Games, has been featured in numerous fitness and sporting magazines, including *ESPN The Magazine*, *Sports Illustrated* and *Men's Fitness*.

10. For over 10 years, CrossFit, Inc. and its licensees have sold clothing and headwear under the CROSSFIT mark.

11. CrossFit, Inc. licenses the CROSSFIT mark to Reebok International Ltd. for use in connection with clothing, headwear, and footwear for men, women, and children.

12. CrossFit, Inc. owns U.S. Trademark Registration No. 3,826,111 for CROSSFIT in International Class 25 for clothing, namely, shirts, pants, shorts, jackets, sweatshirts, sweatpants, headwear, and socks for men, women, and children (TSDR record attached at Exhibit 3).

13. CrossFit, Inc. owns U.S. Trademark Registration No. 4,122,681 for CROSSFIT in International Class 25 for footwear (TSDR record attached at Exhibit 4).

14. CrossFit, Inc. owns U.S. Trademark Registration No. 4,332,239 for CROSSFIT in International Class 9 for audio and video recordings featuring information and instruction on fitness, nutrition, sports and exercise; downloadable podcasts in the fields of fitness, nutrition, sports and exercise; downloadable video recordings featuring fitness, nutrition, sports and exercise instruction via the internet and wireless devices (TSDR record attached at Exhibit 5).

**COUNT I**  
**PRIORITY AND LIKELIHOOD OF CONFUSION**

15. CrossFit, Inc. used the CROSSFIT mark in connection with fitness training services for over 25 years before Applicant applied to register the COS FIT mark.

16. CrossFit, Inc. used the CROSSFIT mark in connection with clothing for over 11 years before Applicant applied to register the COS FIT mark.

17. As a result of CrossFit, Inc.'s efforts, long before Applicant filed the Application, CrossFit, Inc.'s CROSSFIT mark was substantially recognized by the public as a strong indicator of CrossFit, Inc.'s goods and services.

18. The applied-for COS FIT mark is confusingly similar in sight, sound, meaning,

and commercial impression to CrossFit, Inc.'s CROSSFIT mark.

19. The Class 25 Goods are identical to or closely related to CrossFit, Inc.'s CROSSFIT-branded clothing, headwear, and footwear.

20. The Class 28 Goods are closely related to CrossFit, Inc.'s CROSSFIT-branded fitness training services, entertainment services, educational services, and sports and exercise recordings and podcasts.

21. Applicant's COS FIT-branded Class 25 Goods and Class 28 Goods may be offered to the same types of consumers that purchase CrossFit, Inc. CROSSFIT-branded clothing, headwear, and footwear as well as CrossFit, Inc.'s CROSSFIT-branded fitness training services.

22. Based on the high degree of similarity between Applicant's and CrossFit, Inc.'s marks, and the identity or relatedness of Applicant's goods and CrossFit, Inc.'s goods and services, the public is likely to incorrectly believe that Applicant's goods are connected to CrossFit, Inc. This confusion will cause irreparable damage to CrossFit, Inc. and the CROSSFIT mark.

23. Any dissatisfaction with Applicant's Class 25 Goods and Class 28 Goods would reflect upon and irreparably damage CrossFit, Inc.'s reputation and the goodwill embodied in its CROSSFIT mark.

24. Applicant's use and registration of its applied-for COS FIT mark is likely to cause confusion, mistake, and deception as to the source of Applicant's Class 25 Goods and Class 28 Goods within the meaning of 15 U.S.C §§ 1114 and 1125(a).

25. Applicant's use and registration of its applied-for COS FIT mark will injure and damage CrossFit, Inc. and the goodwill and reputation symbolized by CrossFit, Inc.'s

CROSSFIT mark within the meaning of 15 U.S.C. §1063(a).

26. Applicant's applied-for COS FIT mark is not registrable under 15 U.S.C. § 1052(d), because it resembles a mark previously used in the United States by CrossFit, Inc. and is likely to cause consumer confusion, mistake, or to deceive.

**CONCLUSION**

27. CrossFit, Inc. respectfully requests that this opposition be sustained and registration of Applicant's applied-for COS FIT mark be refused.

Dated: August 19, 2015

Respectfully submitted,  
**GREENBERG TRAURIG LLP**



---

Joel R. Feldman, Esq.  
Jacquelynne J. Regan, Esq.

Terminus 200  
3333 Piedmont Road, NE  
Suite 2500  
Atlanta, Georgia 30305  
Phone: (678) 553-4778  
Fax: (678) 553-4778

*Attorneys for Opposer  
CrossFit, Inc.*

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

Date: August 19, 2015

I certify that this Consolidated Notice of Opposition is being transmitted electronically to the Trademark Trial and Appeal Board of the United States Patent & Trademark Office, on the date indicated above, through the ESTTA electronic filing system at the web site <http://estta.uspto.gov/>.

By:   
\_\_\_\_\_  
Joel R. Feldman, Esq.

**CERTIFICATE OF SERVICE**

I certify that on August 19, 2015 I served this Consolidated Notice of Opposition by first-class mail to:

COS FIT  
225 Logan Avenue S, Apt. 308  
Renton, WA 98057-2066

By:   
\_\_\_\_\_  
Joel R. Feldman, Esq.

# Exhibit 1

**STATUS**    **DOCUMENTS**

[Back to Search](#)

Print

**Generated on:** This page was generated by TSDR on 2015-08-19 13:55:08 EDT

**Mark:** CROSSFIT

# CROSSFIT

**US Serial Number:** 78422177

**Application Filing Date:** May 20, 2004

**US Registration Number:** 3007458

**Registration Date:** Oct. 18, 2005

**Register:** Principal

**Mark Type:** Service Mark

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Sep. 16, 2011

**Publication Date:** Jul. 26, 2005

## Mark Information

**Mark Literal Elements:** CROSSFIT

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**International Registration** [1131170](#), [1184215](#)  
**Number:**

**International Application(s)** [A0030072/1131170](#), [A0038819/1184215](#)  
**/Registration(s) Based on**  
**this Property:**

## Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Fitness training

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jan. 01, 1985

**Use in Commerce:** Jan. 01, 1985

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

**Owner Name:** CROSSFIT, INC.

**Owner Address:** 1500 Green Hills Road Suite 201  
CrossFit, Inc.  
Scotts Valley, CALIFORNIA 95066  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Kristen L. Fancher, Esq., Joel R. Feldman, Esq.,

**Docket Number:** 119029.02000

**Attorney Primary Email Address:** [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Jeffrey M. Smith, and Kristen L. Fancher  
GREENBERG TRAUERIG, LLP  
3333 Piedmont Rd., NE, Suite 2500  
Terminus 200  
ATLANTA, GEORGIA 30305  
UNITED STATES

**Phone:** 678-553-2100

**Fax:** 678-553-2212

**Correspondent e-mail:** [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Mar. 09, 2015	NOTICE OF SUIT	
Jan. 28, 2015	NOTICE OF SUIT	
Jan. 05, 2015	NOTICE OF SUIT	
Dec. 10, 2014	NOTICE OF SUIT	
Oct. 03, 2014	NOTICE OF SUIT	
Sep. 24, 2014	NOTICE OF SUIT	
Aug. 06, 2014	NOTICE OF SUIT	
Jul. 28, 2014	NOTICE OF SUIT	
Jul. 17, 2014	NOTICE OF SUIT	
Jun. 27, 2014	NOTICE OF SUIT	
May 07, 2014	NOTICE OF SUIT	
Apr. 09, 2014	NOTICE OF SUIT	
Apr. 09, 2014	NOTICE OF SUIT	
Feb. 03, 2014	NOTICE OF SUIT	
Jan. 30, 2014	NOTICE OF SUIT	
Jan. 08, 2014	NOTICE OF SUIT	
Sep. 25, 2013	NOTICE OF SUIT	
Aug. 27, 2013	NOTICE OF SUIT	
Aug. 27, 2013	NOTICE OF SUIT	
Aug. 27, 2013	NOTICE OF SUIT	

Aug. 26, 2013	NOTICE OF SUIT	
May 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 19, 2013	NOTICE OF SUIT	
Apr. 18, 2013	NOTICE OF SUIT	
Mar. 28, 2013	NOTICE OF SUIT	
Mar. 25, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Mar. 05, 2013	NOTICE OF SUIT	
Mar. 04, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	
Feb. 15, 2013	NOTICE OF SUIT	
Feb. 12, 2013	NOTICE OF SUIT	
Jan. 24, 2013	NOTICE OF SUIT	
Oct. 24, 2012	NOTICE OF SUIT	
Oct. 03, 2012	NOTICE OF SUIT	
May 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 16, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 16, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Sep. 15, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Aug. 11, 2011	TEAS SECTION 8 & 15 RECEIVED	
May 04, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 02, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 02, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 29, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 29, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 07, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 07, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 30, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 30, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 18, 2005	REGISTERED-PRINCIPAL REGISTER	
Jul. 26, 2005	PUBLISHED FOR OPPOSITION	
Jul. 06, 2005	NOTICE OF PUBLICATION	
May 23, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	70824
May 11, 2005	ASSIGNED TO LIE	70824
May 04, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 04, 2005	EXAMINERS AMENDMENT E-MAILED	6328
May 04, 2005	EXAMINERS AMENDMENT -WRITTEN	60219
May 03, 2005	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 05, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	78288
Dec. 23, 2004	ASSIGNED TO LIE	78288
Dec. 21, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 20, 2004	ASSIGNED TO EXAMINER	60219
May 26, 2004	NEW APPLICATION ENTERED IN TRAM	

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

### TM Staff and Location Information

TM Staff Information - None

**File Location**

**Current Location:** TMEG LAW OFFICE 101

**Date in Location:** Sep. 16, 2011

### Assignment Abstract Of Title Information

Summary

[Conveyance Filter](#)

**Total Assignments:** 2

**Registrant:** CrossFit, Inc.

#### Assignment 1 of 2

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [4530/0429](#)

**Pages:** 5

**Date Recorded:** Apr. 28, 2011

**Supporting Documents:** [assignment-tm-4530-0429.pdf](#)

**Assignor**

**Name:** [CROSSFIT, INC.](#)

**Execution Date:** Apr. 25, 2011

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

**Assignee**

**Name:** [CROSSFIT, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 1250 CONNECTICUT AVE., SUITE 200  
WASHINGTON, DISTRICT OF COLUMBIA 20036

**Correspondent**

**Correspondent Name:** JOEL R. FELDMAN, ESQ.

**Correspondent Address:** 3290 NORTHSIDE PARKWAY, SUITE 400  
GREENBERG TRAUIG, LLP  
ATLANTA, GA 30327

**Domestic Representative - Not Found**

#### Assignment 2 of 2

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [4900/0252](#)

**Pages:** 7

**Date Recorded:** Nov. 14, 2012

**Supporting Documents:** [assignment-tm-4900-0252.pdf](#)

**Assignor**

**Name:** [CROSSFIT, INC.](#)

**Execution Date:** Nov. 14, 2012

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [ABC FUNDING, LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 222 BERKELEY STREET, 28TH FLOOR  
C/O SUMMIT PARTNERS CREDIT ADVISORS, L.P.  
BOSTON, MASSACHUSETTS 02116

---

**Correspondent**

**Correspondent Name:** EZRA S. SCHNECK

---

**Correspondent Address:** 1211 AVENUE OF THE AMERICAS  
ROPES & GRAY LLP  
NEW YORK, NY 10036-8704

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**Domestic Representative - Not Found**

[Proceedings - Click to Load](#)

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# Exhibit 2

STATUS DOCUMENTS

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Print

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Mark: CROSSFIT

**CROSSFIT**

US Serial Number: 77719845

Application Filing Date: Apr. 22, 2009

US Registration Number: 4049689

Registration Date: Nov. 01, 2011

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 01, 2011

Publication Date: Mar. 30, 2010

Notice of Allowance Date: Sep. 28, 2010

### Mark Information

Mark Literal Elements: CROSSFIT

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

### Related Properties Information

International Registration [1022145](#), [1131170](#), [1184215](#)  
Number:International Application(s) [A0016812/1022145](#), [A0030072/1131170](#), [A0038819/1184215](#)  
/Registration(s) Based on  
this Property:Claimed Ownership of US [3007458](#)  
Registrations:

### Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Entertainment services, namely, an on-going series featuring fitness, nutrition, sports and exercise provided through television, internet; providing information in the fields of fitness, sports and exercise via a website; online publication of journals in the fields of fitness, nutrition, sports and exercise; entertainment services, namely, providing podcasts in the fields of fitness, nutrition, sports and exercise; educational services, namely, conducting lectures, seminars and workshops in the fields of fitness, nutrition, sports and exercise; entertainment in the nature of competitions in the field of fitness; entertainment in the nature of sports competitions; fitness training

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 25, 2003

Use in Commerce: Apr. 25, 2003

For: providing information in the field of nutrition via a website

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 01, 2003

Use in Commerce: Nov. 01, 2003

**Basis Information (Case Level)**

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

**Current Owner(s) Information**

**Owner Name:** CROSSFIT, INC.

**Owner Address:** 1500 Green Hills Road Suite 201  
CrossFit, Inc.  
Scotts Valley, CALIFORNIA 95066  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Kristen L. Fancher

**Attorney Primary Email Address:** [atltrademark@qtlaw.com](mailto:atltrademark@qtlaw.com)

**Attorney Email Authorized:** No

**Correspondent**

**Correspondent Name/Address:** Jeffrey M. Smith, and Kristen L. Fancher  
GREENBERG TRAUIG, LLP  
3333 Piedmont Rd., NE, Suite 2500  
Terminus 200  
ATLANTA, GEORGIA 30305  
UNITED STATES

**Phone:** 678-553-2100

**Fax:** 678-553-2212

**Correspondent e-mail:** [atltrademark@qtlaw.com](mailto:atltrademark@qtlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Mar. 09, 2015	NOTICE OF SUIT	
Jan. 28, 2015	NOTICE OF SUIT	
Jan. 05, 2015	NOTICE OF SUIT	
Dec. 10, 2014	NOTICE OF SUIT	
Oct. 03, 2014	NOTICE OF SUIT	
Sep. 24, 2014	NOTICE OF SUIT	
Aug. 06, 2014	NOTICE OF SUIT	
May 07, 2014	NOTICE OF SUIT	
Apr. 09, 2014	NOTICE OF SUIT	
May 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 21, 2013	NOTICE OF SUIT	

Oct. 24, 2012	NOTICE OF SUIT	
May 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 01, 2011	REGISTERED-PRINCIPAL REGISTER	
Sep. 27, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 24, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70633
Sep. 19, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 16, 2011	STATEMENT OF USE PROCESSING COMPLETE	76985
Sep. 14, 2011	USE AMENDMENT FILED	76985
Sep. 15, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Sep. 14, 2011	TEAS STATEMENT OF USE RECEIVED	
May 04, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 17, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 15, 2011	EXTENSION 1 GRANTED	98765
Mar. 15, 2011	EXTENSION 1 FILED	98765
Mar. 15, 2011	TEAS EXTENSION RECEIVED	
Sep. 28, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 13, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
May 07, 2010	EXTENSION OF TIME TO OPPOSE RECEIVED	
Mar. 30, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 30, 2010	PUBLISHED FOR OPPOSITION	
Feb. 22, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Feb. 22, 2010	ASSIGNED TO LIE	70633
Jan. 26, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 12, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 12, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 12, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 16, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION WRITTEN	72152
Jul. 10, 2009	ASSIGNED TO EXAMINER	72152
Apr. 28, 2009	NOTICE OF PSEUDO MARK MAILED	
Apr. 27, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 25, 2009	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 24, 2011

## Assignment Abstract Of Title Information

### Summary

[Conveyance Filter](#)

**Total Assignments:** 2

**Registrant:** CROSSFIT, INC.

### Assignment 1 of 2

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [4530/0429](#)

**Pages:** 5

**Date Recorded:** Apr. 28, 2011

**Supporting Documents:** [assignment-tm-4530-0429.pdf](#)

**Assignor**Name: [CROSSFIT, INC.](#)

Execution Date: Apr. 25, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Organized:

**Assignee**Name: [CROSSFIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 1250 CONNECTICUT AVE., SUITE 200  
WASHINGTON, DISTRICT OF COLUMBIA 20036**Correspondent**

Correspondent Name: JOEL R. FELDMAN, ESQ.

Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400  
GREENBERG TRAUERIG, LLP  
ATLANTA, GA 30327**Domestic Representative - Not Found****Assignment 2 of 2**

Conveyance: SECURITY INTEREST

Reel/Frame: [4900/0252](#)

Pages: 7

Date Recorded: Nov. 14, 2012

Supporting Documents: [assignment-tm-4900-0252.pdf](#)**Assignor**Name: [CROSSFIT, INC.](#)

Execution Date: Nov. 14, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

**Assignee**Name: [ABC FUNDING, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Organized:

Address: 222 BERKELEY STREET, 28TH FLOOR  
C/O SUMMIT PARTNERS CREDIT ADVISORS, L.P.  
BOSTON, MASSACHUSETTS 02116**Correspondent**

Correspondent Name: EZRA S. SCHNECK

Correspondent Address: 1211 AVENUE OF THE AMERICAS  
ROPES & GRAY LLP  
NEW YORK, NY 10036-8704**Domestic Representative - Not Found****[Proceedings - Click to Load](#)**

# Exhibit 3

**STATUS**    **DOCUMENTS**

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**Mark:** CROSSFIT

# CROSSFIT

**US Serial Number:** 77718844

**Application Filing Date:** Apr. 21, 2009

**US Registration Number:** 3826111

**Registration Date:** Jul. 27, 2010

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Jul. 27, 2010

**Publication Date:** Sep. 01, 2009

**Notice of Allowance Date:** Nov. 24, 2009

## Mark Information

**Mark Literal Elements:** CROSSFIT

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**International Registration** [1086145](#), [1131170](#), [1184215](#)  
**Number:**

**International Application(s)** [A0025363/1086145](#), [A0030072/1131170](#), [A0038819/1184215](#)  
**/Registration(s) Based on**  
**this Property:**

**Claimed Ownership of US** [3007458](#)  
**Registrations:**

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Clothing, namely, shirts, pants, shorts, jackets, sweatshirts, sweatpants, headwear, socks

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 2001

**Use in Commerce:** Sep. 2001

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

**Current Owner(s) Information**

**Owner Name:** CROSSFIT, INC.

**Owner Address:** 1500 Green Hills Road Suite 201  
CrossFit, Inc.  
Scotts Valley, CALIFORNIA 95066  
UNITED STATES

**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Kristen L. Fancher and Jeffrey M. Smith**Attorney Primary Email** [atitrademark@gtlaw.com](mailto:atitrademark@gtlaw.com)**Attorney Email Authorized:** No**Address:****Correspondent****Correspondent** Jeffrey M. Smith, and Kristen L. Fancher**Name/Address:** GREENBERG TRAUERIG, LLP  
3333 Piedmont Rd., NE, Suite 2500  
Terminus 200  
ATLANTA, GEORGIA 30305  
UNITED STATES**Phone:** 678-553-2100**Fax:** 678-553-2212**Correspondent e-mail:** [atitrademark@gtlaw.com](mailto:atitrademark@gtlaw.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jul. 27, 2015	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Mar. 09, 2015	NOTICE OF SUIT	
Jan. 28, 2015	NOTICE OF SUIT	
Jan. 05, 2015	NOTICE OF SUIT	
Dec. 10, 2014	NOTICE OF SUIT	
Oct. 03, 2014	NOTICE OF SUIT	
Sep. 24, 2014	NOTICE OF SUIT	
Aug. 06, 2014	NOTICE OF SUIT	
May 07, 2014	NOTICE OF SUIT	
Apr. 09, 2014	NOTICE OF SUIT	
Feb. 03, 2014	NOTICE OF SUIT	
Jan. 30, 2014	NOTICE OF SUIT	
Aug. 27, 2013	NOTICE OF SUIT	
May 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 18, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	
Jan. 24, 2013	NOTICE OF SUIT	
Oct. 24, 2012	NOTICE OF SUIT	
May 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Apr. 17, 2012	CORRECTION FROM THE IB EXAMINED, NO ACTION IS NEEDED	72589
May 04, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 27, 2010	REGISTERED-PRINCIPAL REGISTER	
Jun. 19, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 18, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	70884
Jun. 18, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 09, 2010	STATEMENT OF USE PROCESSING COMPLETE	76874
May 21, 2010	USE AMENDMENT FILED	76874
Jun. 09, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
May 21, 2010	TEAS STATEMENT OF USE RECEIVED	
Nov. 24, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 01, 2009	PUBLISHED FOR OPPOSITION	
Aug. 12, 2009	NOTICE OF PUBLICATION	
Jul. 24, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Jul. 24, 2009	ASSIGNED TO LIE	70884
Jul. 16, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 10, 2009	ASSIGNED TO EXAMINER	72152
Apr. 25, 2009	NOTICE OF PSEUDO MARK MAILED	
Apr. 24, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 24, 2009	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jun. 18, 2010

## Assignment Abstract Of Title Information

### Summary

[Conveyance Filter](#)

**Total Assignments:** 2

**Registrant:** CrossFit, Inc

### Assignment 1 of 2

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [4530/0429](#)

**Pages:** 5

**Date Recorded:** Apr. 28, 2011

**Supporting Documents:** [assignment-tm-4530-0429.pdf](#)

#### Assignor

**Name:** [CROSSFIT, INC.](#)

**Execution Date:** Apr. 25, 2011

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

#### Assignee

**Name:** [CROSSFIT, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 1250 CONNECTICUT AVE., SUITE 200  
WASHINGTON, DISTRICT OF COLUMBIA 20036

#### Correspondent

**Correspondent Name:** JOEL R. FELDMAN, ESQ.

**Correspondent Address:** 3290 NORTHSIDE PARKWAY, SUITE 400

GREENBERG TRAURIG, LLP  
ATLANTA, GA 30327

Domestic Representative - Not Found

### Assignment 2 of 2

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [4900/0252](#)

**Pages:** 7

**Date Recorded:** Nov. 14, 2012

**Supporting Documents:** [assignment-tm-4900-0252.pdf](#)

#### Assignor

**Name:** [CROSSFIT, INC.](#)

**Execution Date:** Nov. 14, 2012

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** DELAWARE

#### Assignee

**Name:** [ABC FUNDING, LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where  
Organized:** DELAWARE

**Address:** 222 BERKELEY STREET, 28TH FLOOR  
C/O SUMMIT PARTNERS CREDIT ADVISORS, L.P.  
BOSTON, MASSACHUSETTS 02116

#### Correspondent

**Correspondent Name:** EZRA S. SCHNECK

**Correspondent Address:** 1211 AVENUE OF THE AMERICAS  
ROPES & GRAY LLP  
NEW YORK, NY 10036-8704

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# Exhibit 4

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**Mark:** CROSSFIT

# CROSSFIT

**US Serial Number:** 85196654

**Application Filing Date:** Dec. 13, 2010

**US Registration Number:** 4122681

**Registration Date:** Apr. 03, 2012

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Apr. 03, 2012

**Publication Date:** Apr. 26, 2011

**Notice of Allowance Date:** Jun. 21, 2011

## Mark Information

**Mark Literal Elements:** CROSSFIT

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**International Registration Number:** [1086145](#), [1131170](#), [1184215](#)

**International Application(s) /Registration(s) Based on this Property:** [A0025363/1086145](#), [A0030072/1131170](#), [A0038819/1184215](#)

**Claimed Ownership of US Registrations:** [3007458](#), [3826111](#)

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Footwear

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 2010

**Use in Commerce:** Jul. 2010

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

**Current Owner(s) Information**

**Owner Name:** CrossFit, Inc.

**Owner Address:** 1500 Green Hills Road Suite 201  
CrossFit, Inc.  
Scotts Valley, CALIFORNIA 95066  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information****Attorney of Record**

**Attorney Name:** Jeffrey M. Smith

**Attorney Primary Email:** [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

**Address:**

**Docket Number:** 119029.02000

**Attorney Email Authorized:** No

**Correspondent**

**Correspondent Name/Address:** Jeffrey M. Smith, and Kristen L. Fancher  
GREENBERG TRAUERIG, LLP  
3333 Piedmont Rd., NE, Suite 2500  
Terminus 200  
ATLANTA, GEORGIA 30305  
UNITED STATES

**Phone:** 678-553-2100**Fax:** 678-553-2212**Correspondent e-mail:** [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Mar. 09, 2015	NOTICE OF SUIT	
Jan. 28, 2015	NOTICE OF SUIT	
Jan. 05, 2015	NOTICE OF SUIT	
Dec. 10, 2014	NOTICE OF SUIT	
Oct. 03, 2014	NOTICE OF SUIT	
Sep. 24, 2014	NOTICE OF SUIT	
Aug. 06, 2014	NOTICE OF SUIT	
May 07, 2014	NOTICE OF SUIT	
Apr. 09, 2014	NOTICE OF SUIT	
Feb. 03, 2014	NOTICE OF SUIT	
Jan. 30, 2014	NOTICE OF SUIT	
Aug. 27, 2013	NOTICE OF SUIT	
Aug. 27, 2013	NOTICE OF SUIT	
May 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 18, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	
Oct. 24, 2012	NOTICE OF SUIT	
May 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 03, 2012	REGISTERED-PRINCIPAL REGISTER	

Feb. 29, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 28, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Feb. 25, 2012	ASSIGNED TO LIE	69712
Feb. 09, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 20, 2012	STATEMENT OF USE PROCESSING COMPLETE	70565
Dec. 20, 2011	USE AMENDMENT FILED	70565
Jan. 20, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Dec. 20, 2011	TEAS STATEMENT OF USE RECEIVED	
Jun. 21, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 04, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 26, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 26, 2011	PUBLISHED FOR OPPOSITION	
Mar. 18, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2011	ASSIGNED TO EXAMINER	83223
Dec. 17, 2010	NOTICE OF PSEUDO MARK MAILED	
Dec. 16, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 16, 2010	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

#### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 28, 2012

### Assignment Abstract Of Title Information

#### Summary

[Conveyance Filter](#)

**Total Assignments:** 2

**Registrant:** CrossFit, Inc.

#### Assignment 1 of 2

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [4530/0429](#)

**Pages:** 5

**Date Recorded:** Apr. 28, 2011

**Supporting Documents:** [assignment-tm-4530-0429.pdf](#)

#### Assignor

**Name:** [CROSSFIT, INC.](#)

**Execution Date:** Apr. 25, 2011

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

#### Assignee

**Name:** [CROSSFIT, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 1250 CONNECTICUT AVE., SUITE 200  
WASHINGTON, DISTRICT OF COLUMBIA 20036

#### Correspondent

**Correspondent Name:** JOEL R. FELDMAN, ESQ.

**Correspondent Address:** 3290 NORTHSIDE PARKWAY, SUITE 400  
GREENBERG TRAURIG, LLP  
ATLANTA, GA 30327

#### Domestic Representative - Not Found

**Assignment 2 of 2****Conveyance:** SECURITY INTEREST**Reel/Frame:** [4900/0252](#)**Pages:** 7**Date Recorded:** Nov. 14, 2012**Supporting Documents:** [assignment-tm-4900-0252.pdf](#)**Assignor****Name:** [CROSSFIT, INC.](#)**Execution Date:** Nov. 14, 2012**Legal Entity Type:** CORPORATION**State or Country Where  
Organized:** DELAWARE**Assignee****Name:** [ABC FUNDING, LLC](#)**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where  
Organized:** DELAWARE**Address:** 222 BERKELEY STREET, 28TH FLOOR  
C/O SUMMIT PARTNERS CREDIT ADVISORS, L.P.  
BOSTON, MASSACHUSETTS 02116**Correspondent****Correspondent Name:** EZRA S. SCHNECK**Correspondent Address:** 1211 AVENUE OF THE AMERICAS  
ROPES & GRAY LLP  
NEW YORK, NY 10036-8704**Domestic Representative - Not Found**[Proceedings - Click to Load](#)

# Exhibit 5

STATUS DOCUMENTS

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**Generated on:** This page was generated by TSDR on 2015-08-19 14:00:44 EDT**Mark:** CROSSFIT

# CROSSFIT

**US Serial Number:** 77983536**Application Filing Date:** Apr. 22, 2009**US Registration Number:** 4332239**Registration Date:** May 07, 2013**Register:** Principal**Mark Type:** Trademark**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.**Status Date:** May 07, 2013**Publication Date:** Mar. 23, 2010**Notice of Allowance Date:** Sep. 21, 2010

## Mark Information

**Mark Literal Elements:** CROSSFIT**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**Claimed Ownership of US Registrations:** [3007458](#), [77719836](#)**Child Of:** [77719836](#)

## Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Audio and video recordings featuring information and instruction on fitness, nutrition, sports and exercise; downloadable podcasts in the fields of fitness, nutrition, sports and exercise; downloadable video recordings featuring fitness, nutrition, sports and exercise instruction via the internet and wireless devices**International Class(es):** 009 - Primary Class**U.S Class(es):** 021, 023, 026, 036, 038**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Jun. 01, 2008**Use in Commerce:** Jun. 01, 2008

## Basis Information (Case Level)

**Filed Use:** No**Currently Use:** Yes**Amended Use:** No**Filed ITU:** Yes**Currently ITU:** No**Amended ITU:** No**Filed 44D:** No**Currently 44D:** No**Amended 44D:** No**Filed 44E:** No**Currently 44E:** No**Amended 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** CROSSFIT, INC.**Owner Address:** 1500 Green Hills Road Suite 201  
CrossFit, Inc.  
Scotts Valley, CALIFORNIA 95066  
UNITED STATES**Legal Entity Type:** CORPORATION**State or Country Where  
Organized:** DELAWARE

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Jeffrey M. Smith**Attorney Primary Email** [atitrademark@gtlaw.com](mailto:atitrademark@gtlaw.com)  
**Address:****Attorney Email Authorized:** No

#### Correspondent

**Correspondent** JEFFREY M. SMITH  
**Name/Address:** GREENBERG TRAUERIG, LLP  
3333 PIEDMONT RD., NE, SUITE 2500  
TERMINUS 200  
ATLANTA, GEORGIA 30305  
UNITED STATES**Phone:** 678-553-2100**Fax:** 678-553-2212**Correspondent e-mail:** [atitrademark@gtlaw.com](mailto:atitrademark@gtlaw.com)**Correspondent e-mail  
Authorized:** Yes

#### Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Oct. 03, 2014	NOTICE OF SUIT	
May 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 07, 2013	REGISTERED-PRINCIPAL REGISTER	
Apr. 03, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 02, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	70138
Mar. 29, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 27, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Mar. 26, 2013	STATEMENT OF USE PROCESSING COMPLETE	71034
Mar. 21, 2013	USE AMENDMENT FILED	71034
Mar. 26, 2013	DIVISIONAL PROCESSING COMPLETE	
Mar. 21, 2013	DIVISIONAL REQUEST RECEIVED	
Mar. 21, 2013	TEAS REQUEST TO DIVIDE RECEIVED	
Mar. 21, 2013	TEAS STATEMENT OF USE RECEIVED	
Sep. 26, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 25, 2012	EXTENSION 4 GRANTED	71034
Sep. 21, 2012	EXTENSION 4 FILED	71034
Sep. 21, 2012	TEAS EXTENSION RECEIVED	
May 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 21, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 20, 2012	EXTENSION 3 GRANTED	71034
Mar. 19, 2012	EXTENSION 3 FILED	71034
Mar. 19, 2012	TEAS EXTENSION RECEIVED	

Sep. 16, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 15, 2011	EXTENSION 2 GRANTED	71034
Sep. 14, 2011	EXTENSION 2 FILED	71034
Sep. 15, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Sep. 14, 2011	TEAS EXTENSION RECEIVED	
May 04, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 17, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 15, 2011	EXTENSION 1 GRANTED	98765
Mar. 15, 2011	EXTENSION 1 FILED	98765
Mar. 15, 2011	TEAS EXTENSION RECEIVED	
Sep. 21, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 06, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Apr. 28, 2010	EXTENSION OF TIME TO OPPOSE RECEIVED	
Apr. 28, 2010	WITHDRAWN FROM ISSUE-TTAB REQUEST	69656
Mar. 23, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 23, 2010	PUBLISHED FOR OPPOSITION	
Feb. 18, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Feb. 17, 2010	ASSIGNED TO LIE	70138
Jan. 20, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 08, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 08, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 08, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 16, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION WRITTEN	72152
Jul. 10, 2009	ASSIGNED TO EXAMINER	72152
Apr. 28, 2009	NOTICE OF PSEUDO MARK MAILED	
Apr. 27, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 25, 2009	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 02, 2013

### Assignment Abstract Of Title Information - None recorded

### Proceedings - Click to Load