ESTTA Tracking number: **ESTTA737416**
Filing date: **04/01/2016**

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	ICON Health & Fitness, Inc.
Granted to Date of previous extension	04/02/2016
Address	1500 South 1000 West Salt Lake City, UT 84321 UNITED STATES

Attorney information	LaShel Shaw Parr Brown Gee & Loveless, P.C. 101 S. 200 E., Suite 700 Salt Lake City, UT 84111 UNITED STATES ghess@parrbrown.com, lshaw@parrbrown.com Phone:801-532-7840

Applicant Information

Application No	86748583	Publication date	02/02/2016
Opposition Filing Date	04/01/2016	Opposition Period Ends	04/02/2016
Applicant	Mad Dogg Athletics, Inc. c/o Stubbs Alderton & Markiles, LLP Sherman Oaks, CA 91403 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. First Use: 2014/07/25 First Use In Commerce: 2014/07/25 All goods and services in the class are opposed, namely: Stationary exercise bicycles

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)
Dilution by tarnishment	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1346441	Application Date	08/25/1983
Registration Date	07/02/1985	Foreign Priority Date	NONE
Word Mark	PRO FORM		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 1982/12/22 First Use In Commerce: 1983/01/10 Exercising Apparatus-Namely, Rowing Machines and Multiple Purpose Exercising Machines

U.S. Registration No.	1525754	Application Date	01/14/1985
Registration Date	02/21/1989	Foreign Priority Date	NONE
Word Mark	PRO FORM		
Design Mark	ProForm		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1984/11/26 First Use In Commerce: 1984/11/26 CLOTHING, NAMELY SHORTS, PANTS, SHIRTS,TOPS, SWEAT PANTS AND JACKETS		

U.S. Registration No.	1718385	Application Date	01/21/1992
Registration Date	09/22/1992	Foreign Priority Date	NONE
Word Mark	PRO FORM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1988/02/00 First Use In Commerce: 1988/02/00 exercising apparatus; namely, stepping machines, treadmills, striding machines,[multigyms] and stationary cycles		

U.S. Registration No.	2944885	Application Date	01/02/2003
Registration Date	04/26/2005	Foreign Priority Date	NONE
Word Mark	PRO FORM		
Design Mark	PRO·FORM		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/01/02 First Use In Commerce: 2003/01/02		

	[Shoes and] clothing, namely, t-shirts,long sleeve t-shirts, tank tops,[sweat-shirts, hooded sweat shirts,] jackets, [hooded jackets,] shorts, [pants, long pants, capri pants, sport bras,] sport tops, [socks,] [hats, caps, and gloves]

U.S. Registration No.	4665905	Application Date	12/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	PRO-FORM		
Design Mark	PRO-FORM		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2004/02/07 First Use In Commerce: 2004/02/07 Elliptical exercise machines; Exercise balls; Exercise doorway gym bars; Exercise machines; Exercise weights; Manually-operated exercise equipment; Physical fitness equipment, namely, treadmills, ellipticals, stationary exercise bicycles, stepping machines; Vibrating apparatus used in fitness and exercise programs to stimulate muscles and increase strength and physical performance; Wrist and ankle weights for exercise; Yoga mats		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PRO		
Goods/Services	Stationary exercise bicycles; treadmills; ellipticals		

Related Proceedings	ESTTA737411

Attachments	73517585#TMSN.png(bytes) 78199571#TMSN.png(bytes) 86135165#TMSN.png(bytes) Pro+ Opposition.pdf(3840651 bytes)

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	/LaShel Shaw/
Name	LaShel Shaw

Date	04/01/2016

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

In the Matter of Application Serial No. 86748583 (PRO+)
Filed: September 4, 2015
Published for Opposition: February 2, 2016

ICON HEALTH & FITNESS, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	**NOTICE OF**
	)	**OPPOSITION**
	)	
MAD DOGG ATHLETICS, INC.,	)	
	)	
Applicant.	)	

ICON Health and Fitness, Inc. ("ICON"), a corporation organized and existing under the laws of Delaware with a place of business at 1500 South 1000 West, Logan, Utah 84321, believes that it will be damaged by the issuance of a registration for the alleged mark shown in Application Serial No. 86748583 for the mark PRO+. ICON hereby opposes the same pursuant to Section 13(a) of the Lanham Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1046(1).

As grounds for opposition, ICON alleges as follows:

1. ICON is one of the world's largest manufacturers of exercise and fitness equipment and sells exercise and fitness products and services throughout Asia, Europe, and North and South America, including throughout the United States.

2. ICON for years has used the trademark PRO in commerce on stationary bicycles, treadmills, and ellipticals. See Exhibits A, B, and C. ICON has therefore built up and now owns valuable goodwill and common law trademark rights in the PRO mark (the "PRO Mark").

3. In addition, since at least as early as 1982, ICON's predecessor in interest began using the trademark PRO FORM in connection with clothing. Since at least as early as 1988, ICON's predecessor in interest began using the trademark PRO FORM in connection with exercise equipment, including stepping machines, treadmills, striding machines, stationary cycles, rowing machines, and other exercise-related equipment.

4. ICON owns the following five relevant valid and subsisting U.S. Trademark Registrations on the Principal Register in the U.S. Patent and Trademark Office ("PTO"):

Mark	No.	Date Issued	Goods & Services
PRO FORM	1,346,441	7/2/1985	Exercising Apparatus-Namely, Rowing Machines and Multiple Purpose Exercising Machines.
PRO FORM	1,525,754	2/21/1989	Clothing, namely shorts, pants, shirts, tops, sweat pants and jackets.
PRO FORM	1,718,385	9/22/1992	Exercising apparatus; namely, stepping machines, striding machines, and stationary cycles.
PRO FORM	2,944,885	4/26/2005	Clothing, namely, t-shirts, long sleeve t-shirts, tank tops, jackets, shorts, sport tops.
PRO-FORM	4,665,905	1/6/2015	Elliptical exercise machines; Exercise balls; Exercise doorway gym bars; Exercise machines; Exercise weights; Manually-operated exercise equipment; Physical fitness equipment, namely, treadmills, ellipticals, stationary exercise bicycles, stepping machines; Vibrating apparatus used in fitness and exercise programs to stimulate muscles and increase strength and physical performance; Wrist and ankle weights for exercise; Yoga mats.

Collectively these five marks shall be referred to herein as the "PRO FORM Marks" and the associated registrations shall be referred to herein as the "PRO FORM Registrations."

5. ICON and its predecessors in interest first used the mark protected by U.S. Trademark Registration No. 1,346,441 in the United States at least as early as December 22, 1982 and first used the mark in interstate commerce in the United States at least as early as January 10, 1983 in connection with the manufacture, distribution, provision, offering for sale, sale, marketing, advertising, and promotion of exercising equipment, namely, rowing machines and multiple

purpose exercise machines. Attached as Exhibit D is a true and correct printout of the PTO's information about U.S. Trademark Registration No. 1,346,441, which was issued by the PTO on July 2, 1985. ICON and its predecessors in interest have used the mark continually in interstate commerce in the United States since that time.

6. ICON and its predecessors in interest have used the mark protected by U.S. Trademark Registration No. 1,525,754 in interstate commerce in the United States continuously since at least November 26, 1984 in connection with the manufacture, distribution, provision, offering for sale, sale, marketing, advertising, and promotion of clothing. Attached as Exhibit E is a true and correct printout of the PTO's information about U.S. Trademark Registration No. 1,525,754, which was issued by the PTO on February 21, 1989.

7. ICON and its predecessors in interest have used the mark protected by U.S. Trademark Registration No. 1,718,385 in interstate commerce in the United States continuously since at least February, 1988 in connection with the manufacture, distribution, provision, offering for sale, sale, marketing, advertising, and promotion of exercising apparatus. Attached as Exhibit F is a true and correct printout of the PTO's information about U.S. Trademark Registration No. 1,718,385, which was issued by the PTO on September 22, 1992.

8. ICON has used the mark protected by U.S. Trademark Registration No. 2,944,885 in interstate commerce in the United States continuously since at least January 2, 2003 in connection with the manufacture, distribution, provision, offering for sale, sale, marketing, advertising, and promotion of clothing. Attached as Exhibit G is a true and correct printout of the PTO's information about U.S. Trademark Registration No. 2,944,885, which was issued by the PTO on April 26, 2005.

9. ICON has used the mark protected by U.S. Trademark Registration No. 4,665,905 in interstate commerce in the United States continuously since at least February 7, 2004 in connection with the provision, sale, marketing, advertising, and promotion of exercise equipment, machines, balls, bars, apparatus, weights, and mats. Attached as Exhibit H is a true and correct printout of the PTO's information about U.S. Trademark Registration No. 4,665,905, which was issued by the PTO on January 6, 2015.

10. As a result of its widespread, continuous, and exclusive use of the PRO FORM Marks to identify its goods and services with ICON as their source, ICON owns valid and subsisting federal statutory and common law rights to the PRO FORM Marks.

11. ICON has expended substantial time, money, and resources in marketing, advertising, and promoting the goods and services offered under the PRO FORM Marks, including, among other things, television, radio, newspaper, magazine, internet, social media, and other media.

12. ICON's promotional efforts have led to ICON's patrons, potential patrons, and the general public coming to know and recognize the PRO FORM Marks and associate them with ICON and its goods and services. ICON has therefore built up extensive, valuable goodwill in the PRO FORM Marks. As a result of their distinctiveness and widespread use and promotion throughout the United States, the PRO FORM Marks are famous trademarks within the meaning of 15 U.S.C. 1125(c).

13. Applicant Mad Dogg Athletics, Inc.. ("Mad Dogg" or "Applicant"), with an address at 415260 Ventura Blvd., 20th Floor, Sherman Oaks, California 91403, on September 4, 2015 filed trademark Application Serial No. 86748583 to register the proposed mark PRO+ for the following goods and services in International Class 028: Stationary exercise bicycles. In its application, Mad Dogg claims a date of first use of the PRO+ mark of July 25, 2014.

14. ICON's common law rights in the PRO Mark predate and have seniority and priority over Mad Dogg's application and alleged use of the PRO+ mark.

15. Applicant's mark PRO+ is confusingly similar to ICON's PRO Mark, as it is exactly the same except for the "+" sign. As a result, Applicant's mark is identical or nearly identical to the PRO Mark in appearance, sound, and connotation, and creates a similar commercial impression.

16. The likelihood of confusion is heightened because Applicant seeks to register the PRO+ mark for stationary bicycles, one of the types of goods for which ICON uses its PRO Mark, and the goods are sold in the same channels of trade.

17. Moreover, ICON's PRO branded treadmills and ellipticals are sold in the same channels of trade as Mad Dogg's stationary bicycles, which increases the likelihood of confusion.

18. In addition, ICON's PRO FORM Registrations have priority over Applicant's application because ICON's first-use and registration dates for the PRO FORM Marks predate the filing date of Applicant's application and any other date on which Mad Dogg may rely for purposes of priority for use of its mark.

19. Applicant's mark PRO+ is confusingly similar to the PRO FORM Marks, as it is incorporated in all four of the PRO FORM MARKS. As a result, Applicant's mark is strikingly similar to the PRO FORM Marks in appearance, sound, and connotation, and creates a similar commercial impression.

20. The likelihood of confusion is heightened because the goods covered by Applicant's Application Serial No. 86748583 are stationary exercise bicycles, while the goods and services promoted by ICON under the PRO FORM Marks include several lines of stationary exercise bicycles, including upright, recumbent, and hybrid stationary cycles.

FIRST GROUND FOR OPPOSITION – LIKELIHOOD OF CONFUSION

21. The proposed mark is barred from registration because it consists of or comprises a mark which so resembles ICON's previously used PRO Mark as to be likely, when used in connection with the alleged goods of Applicant, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d).

22. The proposed mark is barred from registration because it consists of or compromises a mark which so resembles ICON's previously used and registered PRO FORM Marks as to be likely, when used in connection with the alleged goods of Applicant, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d).

SECOND GROUND FOR OPPOSITION - DILUTION

23. ICON's PRO FORM Marks are distinctive and a "famous mark" within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

24. The PRO FORM Marks became distinctive and famous prior to the filing date of Applicant's application or any other date on which the Respondent may rely for purposes priority.

25. Applicant's Application Serial No. 86748583 impairs the distinctiveness and causes dilution by blurring of, and thereby damages, ICON's famous PRO FORM Marks in violation of 15 U.S.C. § 1125(c). Accordingly, pursuant to 15 U.S.C. § 1063, the proposed PRO+ mark is not entitled to registration.

26. Furthermore, if and to the extent that Mad Dogg sells substandard products using the PRO+ mark, Applicant's Application Serial No. 86728087 will also likely harm the reputation and cause dilution by tarnishment of, and thereby damage, ICON's PRO FORM Marks in violation of 15 U.S.C. § 1125(c). Accordingly, pursuant to 15 U.S.C. § 1063, the proposed PRO+ mark is not entitled to registration.

WHEREFORE, ICON respectfully prays that its opposition be sustained and that registration to the pursuant to Applicant's Application Serial No. 86748583 be refused.

Dated: April 1, 2016

Respectfully submitted,
PARR BROWN GEE & LOVELESS

/LaShel Shaw/

Gregory M. Hess
LaShel Shaw
PARR BROWN GEE & LOVELESS, P.C.
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
801-532-7840
ghess@parrbrown.com
lshaw@parrbrown.com
Attorneys for ICON Health and Fitness, Inc.

EXHIBIT A

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GX 5.5 Sport
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GX 4.2 Pro
SPORT SERIES

WEB PRICE ~~$699.00~~ SALE PRICE $449.00

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EXPAND EXERCISE BIKE TECHNOLOGY

RECUMBENT SERIES

COMMERCIAL VR EXERCISE BIKE
Compare

(NTEX08011) In Stock

20 lb. Inertia Enhanced Flywheel
Polar® Wireless Chest Strap (a $99 value), Included for FREE!
32 Built-In Workouts

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$649.00

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(NTEX07912) In Stock

23 lb. Effective Inertia-Enhanced Flywheel
CardioGrip™ Heart Rate Monitor with Polar® Wireless Chest Strap Included
32 Workout Apps

~~$1,299.00~~
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GX 4.5 EXERCISE BIKE
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22 Digital Resistance Levels
iFit® Compatible*
24 Workout Apps

~~$799.00~~
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GX 5.0 EXERCISE BIKE
Compare

24 Digital Resistance Levels
iFit® Compatible*
30 Workout Apps
Easy Glide Seat Adjust™

~~$999.00~~
$599.00

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GX 5.5 Sport
SPORT SERIES

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RECUMBENT BIKES

Recumbent Bikes are a great way to work out in comfort while putting minimal pressure on your joints. Sit back and ride anywhere in the world with iFit®.

COMMERCIAL VR
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20 lb. Inertia Enhanced Flywheel
Polar® Wireless Chest Strap (a $99 value), Included for FREE!
32 Built-In Workouts

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$699.00

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23 lb. Effective Inertia-Enhanced Flywheel
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24 Digital Resistance Levels
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30 Workout Apps
Easy Glide Seat Adjust™

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SPORT EXERCISE BIKES

Our Stationary Sport Series have the great feel of a real road bike while staying in the comfort of your living room. Have a indoor cycling class at home and work up a sweat.

GX 3.0 SPORT CYCLE
Compare

Adjustable Seat with Padding
44 lb. Flywheel
Pedals with Toe Clips and Straps
250 lb. Weight Capacity

GX 5.5 SPORT
Compare

Ride in Comfort with Elbow Pads, Adjustable Handlebars, and Seat
Polar® Wireless Chest Strap (a $99 value), Included for FREE!

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GX 4.6 Pro

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Touchscreen Technology For Entertainment and Training

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The GX Pro exercise bike transforms an ordinary fitness routine into an exciting adventure. Using iFit® technology, this bike simulates routes from anywhere in the world by showing Google Maps™ Street View™ on the 7-inch touchscreen display and automatically adjusting resistance to match the terrain. You can also use the touchscreen to browse the Internet or to choose from 32 preset workout apps. Complete with an iPod®-compatible sound system and an integrated tablet holder, the GX Pro provides motivation and entertainment for your exercise.

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IFIT® ENABLED

A revolutionary interactive training program, iFit® technology* helps you get much more out of each workout. Get a new workout every day, track your progress, replicate real-life training routes with Google Maps™ and custom-tailor your training to your specific goals. *Requires an iFit® subscription, sold separately.

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LCD Monitor
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UPRIGHT STATIONARY BIKE

GX 4.4 Pro
(NTEX75014) In Stock

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Adjustable, Oversized Seat
Integrated Tablet Holder
iFit® Enabled
AutoBreeze™ Workout Fan

~~$799.00~~
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GX 4.6 Pro
(NTEX78914) In Stock

Compare

CardioGrip™ Heart Rate Monitor
iFit® Enabled
Oversized Cushioned Seat
AutoBreeze™ Fan

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HOW TO CHOOSE AN EXERCISE BIKE

If you want a low-impact workout at home and you don't want your fitness machine to take up a lot of space—then you want a stationary bike. You'll still get an excellent cardio workout, but you'll avoid the jarring impact on your knees, hips and ankles.

When it comes to choosing an exercise bike, you have two options. A recumbent bike features a bigger, chair-like seat that supports your back and offers extra stability. The pedals are located in front of you. An upright bike is built more like a traditional bicycle. It has a padded saddle seat and the pedals are located below you. For a more intense workout on a fitness bike, select a stationary sport cycle. These bikes feature a chain-drive and quick-stop braking for a more realistic cycling experience.

Other options for a low-impact workout include an elliptical trainer and the FreeStride trainer. If you are a runner, look for a treadmill with joint-protecting cushioning.

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EXHIBIT B

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Performance 1450

(PFTL14511) In Stock

★★★★★

based on 9 review(s)

- 3.25 CHP DurX™ Commercial Pro Motor
- 0–15% 1-Touch™ Incline
- ProShox Plus™ Cushioning System
- iFit Live™ Built-In

Web Price ~~$2,499.00~~

SALE PRICE: $1,499.00

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PRO SERIES

The brand new ProForm Pro Series features all of our latest technology and specs that out perform any of the competition. The Pro Series is perfect for competitive runners as well as for those just looking for a solid **treadmill** that will last a long time. The features include a full-color touch screen with built-in iFit® Live, allowing you to instantly track your progress and browse the web while getting amazing results.

PRO 2500

(PFTL14011) In Stock

Review this product

- 3.5 CHP Mach Z™ Commercial Pro Motor
- 0–15% 1-Touch™ Incline
- FS2™ Full Surface Suspension
- iFit Live™ Built-In

WEB PRICE: $2,499.00

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TECH SERIES

Synchronize your workout plan with the most up-to-date **treadmill** technologies. The Technical Series offers everything from built-in TVs to a Compatible Music Port for iPod®. You can also plug-in, work out and get results with the sophisticated iFit Live Technology.

590T

(PFTL60009) In Stock

★★★★½

based on 22 review(s)

- 2.25 CHP Mach Z™ Motor
- 0-10% Quick Incline™
- ProTech™ Cushioning
- iFit® Workout Card Technology

Web Price ~~$799.00~~

SALE PRICE: $599.00

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850 T

(PFTL63609) In Stock

★★★★★

based on 9 review(s)

- 2.5 CHP Mach Z™ Commercial Motor
- 0-12% Quick Incline™
- ProShox™ Lite Cushioning
- iFit Live™ Compatible

WEB PRICE: $1,299.00

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SALE PRICE: $1,499.00

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PRO SERIES

The brand new ProForm Pro Series features all of our latest technology and specs that out perform any of the competition. The Pro Series is perfect for competitive runners as well as for those just looking for a solid **treadmill** that will last a long time. The features include a full-color touch screen with built-in iFit® Live, allowing you to instantly track your progress and browse the web while getting amazing results.

CHRISTMAS SALE

PRO 2000

(PFTL13011) In Stock

- 3.25 CHP Mach Z™ Commercial Pro Motor
- 15% Incline to 3% Decline
- FS2™ Full Surface Suspension
- iFit® Compatible

Web Price ~~$1,999.00~~
SALE PRICE: $1,299.00

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Subject to credit approval. See Terms

PRO 4500

(PFTL16011) In Stock

★★★★½
based on 1 review(s)

- 3.8 CHP Mach Z™ Commercial Pro Motor
- 15% Incline to 3% Decline
- FS2™ Full Surface Suspension
- iFit® Built-In

Web Price ~~$2,999.00~~
SALE PRICE: $1,799.00

ADD TO CART | DETAILS
COMPARE ITEM | COMPARE NOW

Paying Made Easy BillMeLater
Subject to credit approval. See Terms

TECH SERIES

Synchronize your workout plan with the most up-to-date **treadmill** technologies. The Technical Series offers everything from built-in TVs to a Compatible Music Port for iPod®. You can also plug-in, work out and get results with the sophisticated iFit Technology.

590 T

(PFTL60911) In Stock

- 2.25 CHP Mach Z™ Motor
- 6" Backlit Display
- iFit® Compatible[1]

Web Price ~~$799.00~~
SALE PRICE: $599.00

ADD TO CART | DETAILS
COMPARE ITEM | COMPARE NOW

Paying Made Easy BillMeLater
Subject to credit approval. See Terms

790 T

(PFTL81910) In Stock

★★★★★
based on 1 review(s)

- 2.5 CHP Mach Z™ Commercial Motor
- 0–12% Quick Incline™
- ProShox™ Elite 2 Cushioning
- iFit® Compatible

WEB PRICE: $999.00

ADD TO CART | DETAILS
COMPARE ITEM | COMPARE NOW

Paying Made Easy BillMeLater
Subject to credit approval. See Terms

BOSTON MARATHON SERIES

ProForm the Official Boston Marathon Treadmill

(PFTL40012) Out of Stock

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SALE PRICE: $1,199.00

ADD TO CART DETAILS

Paying Made Easy BillMeLater
Subject to credit approval. See Terms

COMPARE ITEM COMPARE NOW

PRO SERIES

The brand new ProForm Pro Series features all of our latest technology and specs that out perform any of the competition. The Pro Series is perfect for competitive runners as well as for those just looking for a solid treadmill that will last a long time. The features include powerful commercial motors, extra long 60 inch running surfaces and iFit Ready Consoles.

PRO 2000

(PFTL13011) In Stock

★★★★☆

based on 4 review(s)

- 3.25 CHP Mach Z™ Commercial Pro Motor
- 15% Incline to 3% Decline
- FS2™ Full Surface Suspension
- iFit® Compatible

Web Price ~~$1,999.00~~

SALE PRICE: $1,299.00

ADD TO CART DETAILS

Paying Made Easy BillMeLater
Subject to credit approval. See Terms

COMPARE ITEM COMPARE NOW

PRO 2500

(PFTL14011) In Stock

★★★½☆

based on 3 review(s)

- 3.5 CHP Mach Z™ Commercial Pro Motor
- 15% Incline to 3% Decline
- FS2™ Full Surface Suspension
- iFit® Built-In

Web Price ~~$2,499.00~~

SALE PRICE: $1,499.00

ADD TO CART DETAILS

Paying Made Easy BillMeLater
Subject to credit approval. See Terms

COMPARE ITEM COMPARE NOW

Pro 7000

(PFTL17112) In Stock

- 3.80 CHP Mach Z™ Commercial Pro Motor
- 15% Incline to 3% Decline
- ProShox™ Cushioning
- iFit® Enabled*

Web Price ~~$2,999.00~~

SALE PRICE: $1,799.00

ADD TO CART DETAILS

Paying Made Easy BillMeLater
Subject to credit approval. See Terms

COMPARE ITEM COMPARE NOW

Pro 9000

(PFTL20012) In Stock

- 4.2 CHP Mach Z™ Commercial Pro Motor
- 15% Incline to 3% Decline
- ProShox™ Cushioning
- iFit® Enabled*

Web Price ~~$3,499.00~~

SALE PRICE: $1,999.00

ADD TO CART DETAILS

Paying Made Easy BillMeLater
Subject to credit approval. See Terms

COMPARE ITEM COMPARE NOW

PERFORMANCE SERIES

ProForm's high end Performance Series treadmills

Performance 400c

(PFTL59512) In Stock

★★★★★

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www.proform.com/treadmills

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CREDIT NO INTEREST | 30-DAY MONEY BACK GUARANTEE | FREE SHIPPING

PRO SERIES

Professional-grade construction, impressive incline and decline, excellent cushioning.

Pro 2000

PFTL13113 (In Stock)

$1,299.99
~~$1,999.00~~

Best Buy 2016
Consumer Magazine

3.5 CHP Motor | 22"x60" Tread Belt | -3%–15% Incline

Compare | VIEW DETAILS

Pro 5000

PFTL15115 (In Stock)

$1,499.00
~~$2,499.00~~

New 2016
Introductory Offer

4.0 CHP Motor | 22"x60" Tread Belt | Tablet Holder

Compare | VIEW DETAILS

Pro 9000

PFTL19214 (Out of Stock)

$2,999.00

Gym Quality, Made for Your Home
Received best buy award.
Get your fitness moving with the PRO 9000. From deck to console, it's streamlined for your success.

4.25 CHP Motor | 22"x60" Tread Belt | 10" Color Touchscreen

Compare | VIEW DETAILS

PREMIER SERIES

Enjoy premium fitness technology promising smarter, more effective workouts.

Premier 900 — $899.00

Premier 1300 — $2,499.00

EXHIBIT C

Menu | Ellipticals | Elliptical Trainer
web.archive.org/web/20110702074109/http://www.proform.com/webapp/wcs/stores/servlet/Category_-1_14201_16002_29510_Y
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if paid in full in 6 Months. On orders over $125.
Subject to credit approval. See Terms

FRONTDRIVE SERIES

The ProForm Front Drive **Ellipticals Trainers** include a maximum stride length for an extra smooth ride. Also, with resistance up to 20 levels, you now can get an unbelievable heart pounding workout, while not injuring and feeling the pain after words. The ProForm Front Drive **Elliptical**, a perfect machine for home fitness.

590 E

(PFEL05809) In Stock

based on 7 review(s)

- 1-16 Digital Resistance Levels
- 18" Stride Length
- Intensity Ramp™
- iFit® Workout Card Technology

WEB PRICE: $999.00

ADD TO CART | DETAILS | COMPARE ITEM | COMPARE NOW

No Payments + No Interest BillMeLater
if paid in full in 6 Months. On orders over $125.
Subject to credit approval. See Terms

4TH OF JULY SALE

790E

(PFEL07909) In Stock

based on 7 review(s)

- 1-20 Digital Resistance Levels
- 18" Stride Length
- 25° Power Ramp™
- iFit® Workout Card Technology

Web Price ~~$999.00~~
SALE PRICE: $719.00

ADD TO CART | DETAILS | COMPARE ITEM | COMPARE NOW

No Payments + No Interest BillMeLater
if paid in full in 6 Months. On orders over $125.
Subject to credit approval. See Terms

PRO SERIES

The brand new Pro Series **ellipticals** features are most up to date features. Enjoy the excitement of iFit Live™ with our new incline/decline feature. Now the simulation of the earth's terrain seems even more real than before.

PRO 1500

(PFEL01211) Out of Stock

Review this product

- 1-20 1-Touch™ Resistance Levels
- 20"–22" Power Adjustable Stride
- 20° Incline, -10° Decline Power Ramp™
- iFit Live™ Compatible

WEB PRICE: $2,299.00

ADD TO CART | DETAILS | COMPARE ITEM | COMPARE NOW

No Payments + No Interest BillMeLater
if paid in full in 6 Months. On orders over $125.
Subject to credit approval. See Terms

Pro 3500

(PFEL01411) Out of Stock

Review this product

- 1-20 1-Touch™ Resistance Levels/li>
- 20"–22" Power Adjustable Stride
- 20° Incline, -10° Decline Power Ramp™
- iFit Live™ Built-In, with 1 Yr. Free Subscription

WEB PRICE: $2,599.00

ADD TO CART | DETAILS | COMPARE ITEM | COMPARE NOW

No Payments + No Interest BillMeLater
if paid in full in 6 Months. On orders over $125.
Subject to credit approval. See Terms

CLOSEOUT SERIES

1050E

(PFEL09909) Out of Stock

based on 15 review(s)

- 1-20 Digital Quick Resistance™ Levels
- 19" - 21" Adjustable Stride Length
- 10-40° Power Ramp™
- iFit® Workout Card Technology

WEB PRICE: $999.00

ADD TO CART | DETAILS | COMPARE ITEM | COMPARE NOW

No Payments + No Interest BillMeLater
if paid in full in 6 Months. On orders over $125.
Subject to credit approval. See Terms

FREE SHIPPING
When you pay in full on select items
No Payments + No Interest
if paid in full in 6 Months
on orders over $125.
BillMeLater
Subject to credit approval. See Terms

Deal OF THE Week
See All Specials

PRO-FORM COMMUNITY

What our customers are saying about ProForm Ellipticals...

10.0 ZE Elliptical
Average Rating: 5.0 / 5.0
★★★★★

604 out of 1200 people found this review helpful.
I LOVE IT!!!
By **SandyR (Gilbertsville, PA)** on **Feb 6, 2010**
This machine delivers an excellent workout for a decent price. I have some

Stay Connected...

PF BLOG

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20" Power Stride | 25 Lb. Effective Flywheel | Enabled Machine

Compare | VIEW DETAILS

Pro 12.0 NE

$1,999.00

PFEL21214 (In Stock)

20" Power Stride | 13 Lb. Effective Flywheel | 7" Color Touchscreen

Compare | VIEW DETAILS

Pro 12.9

$1,299.00
~~$1,999.00~~

PFEL31115 (In Stock)

New 2016

20" Adj. Stride | 32 Lb. Effective Flywheel | 7" Color Touchscreen

Compare | VIEW DETAILS

Pro 16.9 Elliptical

$1,499.00
~~$2,499.00~~

PFEL31315 (In Stock)

New 2016

Total-Body Training with the Best in Fitness Technology

20" Power Stride | 32 Lb. Effective Flywheel | 10" Color Touchscreen

Compare | VIEW DETAILS

Hybrid Trainer

$349.00
~~$799.00~~

PFEL03812 (In Stock)

Hybrid Trainer

$399.00
~~$799.00~~

PFEL03815 (In Stock)

New 2016

EXHIBIT D

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 1 03:21:02 EDT 2016

Record 1 out of 1

Typed Drawing

Word Mark	PRO FORM
Goods and Services	IC 028. US 022. G & S: Exercising Apparatus-Namely, Rowing Machines and Multiple Purpose Exercising Machines. FIRST USE: 19821222. FIRST USE IN COMMERCE: 19830110
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73440886
Filing Date	August 25, 1983
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 23, 1985
Registration Number	**1346441**
Registration Date	July 2, 1985
Owner	(REGISTRANT) Pro Form Industries, Inc. CORPORATION OREGON 459 SW. 9th St. Dundee OREGON 97115 (LAST LISTED OWNER) ICON Health & Fitness, Inc. CORPORATION DELAWARE 1500 SOUTH 1000 WEST LOGAN UTAH 84321
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Richard K.C. Chang II
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150819.
Renewal	2ND RENEWAL 20150819
Live/Dead Indicator	LIVE

EXHIBIT E

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 1 03:21:02 EDT 2016

Record 1 out of 1

ProForm

Word Mark	PRO FORM
Goods and Services	IC 025. US 039. G & S: CLOTHING, NAMELY SHORTS, PANTS, SHIRTS, TOPS, SWEAT PANTS AND JACKETS. FIRST USE: 19841126. FIRST USE IN COMMERCE: 19841126
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
Serial Number	73517585
Filing Date	January 14, 1985
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 27, 1985
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	**1525754**
Registration Date	February 21, 1989
Owner	(REGISTRANT) PRO FORM FITNESS PRODUCTS, INC. CORPORATION UTAH P.O. BOX 10 875 SOUTH MAIN LOGAN UTAH 843210270 (LAST LISTED OWNER) ICON HEALTH & FITNESS, INC. CORPORATION BY MERGER WITH DELAWARE 1500 SOUTH 1000 WEST LOGAN UTAH 84321
Assignment	ASSIGNMENT RECORDED

Recorded	
Attorney of Record	Richard K.C. Chang II
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090224.
Renewal	1ST RENEWAL 20090224
Live/Dead Indicator	LIVE

EXHIBIT F

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 1 03:21:02 EDT 2016

Record 1 out of 1

Typed Drawing

Word Mark	PRO FORM
Goods and Services	IC 028. US 022 023 038 050. G & S: exercising apparatus; namely, stepping machines, treadmills, striding machines, [multigyms] and stationary cycles. FIRST USE: 19880200. FIRST USE IN COMMERCE: 19880200
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74239191
Filing Date	January 21, 1992
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 30, 1992
Registration Number	**1718385**
Registration Date	September 22, 1992
Owner	(REGISTRANT) PROFORM FITNESS PRODUCTS, INC. CORPORATION UTAH 1550 South 1000 West Logan UTAH 84321 (LAST LISTED OWNER) ICON HEALTH & FITNESS, INC. CORPORATION By merger with DELAWARE 1500 South 1000 West Logan UTAH 84321
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Richard K.C. Chang II
Prior Registrations	1346441
Type of Mark	TRADEMARK

Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130208.
Renewal	2ND RENEWAL 20130208
Live/Dead Indicator	LIVE

EXHIBIT G

Trademarks > Trademark Electronic Search System (TESS)

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Record 1 out of 1

PRO·FORM

Word Mark	PRO FORM
Goods and Services	IC 025. US 022 039. G & S: [Shoes and] clothing, namely, t-shirts, long sleeve t-shirts, tank tops,[sweat shirts, hooded sweat shirts,] jackets, [hooded jackets,] shorts, [pants, long pants, capri pants, sport bras,] sport tops, [socks,] [hats, caps, and gloves]. FIRST USE: 20030102. FIRST USE IN COMMERCE: 20030102
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded. 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	78199571
Filing Date	January 2, 2003
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 26, 2003
Registration Number	**2944885**
Registration Date	April 26, 2005
Owner	(REGISTRANT) ICON IP, INC. CORPORATION DELAWARE 1500 South 1000 West Logan UTAH 84321 (LAST LISTED OWNER) ICON Health & Fitness, INC. CORPORATION DELAWARE 1500 South 1000 West Logan UTAH 84321
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Richard Chang
Prior Registrations	1346441;1525754;1718385

Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150905.
Renewal	1ST RENEWAL 20150905
Live/Dead Indicator	LIVE

EXHIBIT H

United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

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Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR | ASSIGN Status | TTAB Status ***(Use the "Back" button of the Internet Browser to return to TESS)***

PRO-FORM

Word Mark	PRO-FORM
Goods and Services	IC 028. US 022 023 038 050. G & S: Elliptical exercise machines; Exercise balls; Exercise doorway gym bars; Exercise machines; Exercise weights; Manually-operated exercise equipment; Physical fitness equipment, namely, treadmills, ellipticals, stationary exercise bicycles, stepping machines; Vibrating apparatus used in fitness and exercise programs to stimulate muscles and increase strength and physical performance; Wrist and ankle weights for exercise; Yoga mats. FIRST USE: 20040207. FIRST USE IN COMMERCE: 20040207
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86135165
Filing Date	December 4, 2013
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 21, 2014
Registration Number	**4665905**
Registration Date	January 6, 2015

Owner	(REGISTRANT) ICON Health & Fitness, Inc. CORPORATION DELAWARE Legal Department 1500 South 1000 West Logan UTAH 84321
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Richard K. C. Chang II
Prior Registrations	1346441;1718385
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2016, I caused a true and correct copy of the foregoing Notice of Opposition was served by U. S. Mail, first-class postage prepaid, on the following attorney of record for applicant:

Konrad Gatien
STUBBS ALDERTON & MARKILES, LLP
15260 Ventura Blvd, Floor 20
Sherman Oaks, California, 91403

/LaShel Shaw/