

ESTTA Tracking number: **ESTTA767460**

Filing date: **08/29/2016**

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	Fitbit, Inc.
Granted to Date of previous extension	08/28/2016
Address	405 Howard Street, Suite 550 San Francisco, CA 94105 UNITED STATES
Attorney information	Karen A. Webb Fenwick & West LLP 801 California Street Silicon Valley Center Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com Phone:(650) 988-8500

**Applicant Information**

Application No	86736505	Publication date	03/01/2016
Opposition Filing Date	08/29/2016	Opposition Period Ends	08/28/2016
Applicant	zipdin, Inc. 7919 N.W. Hawkins Boulevard Portland, OR 97229 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Electronic devices to be worn by an infant incorporating motion and proximity sensors, thermometers, microphones, and wireless transmitters sold as a unit, all for the purpose of monitoring, gathering, and transmitting data about the infant's status, location and caregiver proximity, and child care emergencies; downloadable computer software and computer application software for mobile phones and handheld computers, namely, software for wirelessly receiving, transmitting, processing, displaying and tracking data transmitted by sensors worn by a baby, software for guardians to view infant and caretaker location, proximity, and status, software for providing notifications and alerts related to caretaker identity, caretaker-child proximity, and child care emergencies, and software for wirelessly communicating between infant, guardians and caretakers; all of the above for purposes of remote baby-monitoring, and not for the purposes of health, fitness, or general activity tracking</p>
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**Grounds for Opposition**

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

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3732334	Application Date	08/18/2008
Registration Date	12/29/2009	Foreign Priority Date	NONE
Word Mark	FITBIT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2009/09/29 First Use In Commerce: 2009/09/29 Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time,date, [ body and heart rates, global positioning, direction, ] distance, altitude, speed, steps taken [ , ] * and * calories burned [ , navigational information, weather information, the temperature,wind speed, and the declination of bodyand heart rates, altitude and speed ]</p> <p>Class 038. First use: First Use: 2009/09/25 First Use In Commerce: 2009/09/25 Providing online chat rooms and electronic bulletin boards for registered usersfor transmission of messages concerningfood, nutrition, personal activities, general interest, classifieds, virtual community, and social networking</p> <p>Class 041. First use: First Use: 2009/09/25 First Use In Commerce: 2009/09/25 Providing a website featuring information regarding fitness training</p> <p>Class 044. First use: First Use: 2009/09/25 First Use In Commerce: 2009/09/25 Providing a website featuring information regarding nutrition, dieting, wellness, and health</p>		

U.S. Registration No.	4851801	Application Date	12/03/2013
Registration Date	11/10/2015	Foreign Priority Date	NONE
Word Mark	FITBIT		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2009/09/29 First Use In Commerce: 2009/09/29 Pedometers; altimeters; scales and personal weighing scales; multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program</p> <p>Class 038. First use: First Use: 2009/09/25 First Use In Commerce: 2009/09/25 Providing online forum and electronic bulletin board for registered users for transmission of messages concerning food, nutrition, fitness activities, personal activities, general interest, classifieds, virtual community, and social networking</p> <p>Class 041. First use: First Use: 2009/09/25 First Use In Commerce: 2009/09/25 Providing a website featuring information regarding fitness</p> <p>Class 044. First use: First Use: 2009/09/25 First Use In Commerce: 2009/09/25 Providing a website featuring information regarding nutrition, dieting, wellness, and health</p>

U.S. Registration No.	4343563	Application Date	02/22/2012
Registration Date	05/28/2013	Foreign Priority Date	NONE

Word Mark	FITBIT
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Design Mark	
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Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2012/04/22 First Use In Commerce: 2012/04/22 Fitness equipment, namely, scales and personal weighing scales; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program</p>

U.S. Registration No.	4845528	Application Date	03/27/2015
Registration Date	11/03/2015	Foreign Priority Date	NONE

Word Mark	FITBIT
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Design Mark	<h1>FITBIT</h1>		
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2014/12/03 First Use In Commerce: 2014/12/03 backpacks Class 025. First use: First Use: 2014/12/03 First Use In Commerce: 2014/12/03 clothing, namely, shirts, t-shirts, tank tops and hats		

U.S. Registration No.	4507210	Application Date	12/28/2012
Registration Date	04/01/2014	Foreign Priority Date	NONE

Word Mark	FITBIT FLEX		
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Design Mark	<h1>FITBIT FLEX</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/05/12 First Use In Commerce: 2013/05/12 Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time,distance, steps taken, activity level, calories burned, hours slept, quality ofsleep, and silent wake alarm; pedometers		

U.S. Registration No.	4492419	Application Date	02/20/2013
Registration Date	03/04/2014	Foreign Priority Date	NONE

Word Mark	FITBIT FORCE		
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Design Mark	<h1>FITBIT FORCE</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/10/23 First Use In Commerce: 2013/10/23 multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time,distance, steps taken, activity level, calories burned, hours slept, quality ofsleep and silent wake alarm; pedometers		

U.S. Registration No.	4380130	Application Date	12/31/2012
Registration Date	08/06/2013	Foreign Priority Date	NONE

Word Mark	FITBIT ONE		
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Design Mark	<h1>FITBIT ONE</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/09/00 First Use In Commerce: 2012/09/00 Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time,distance, steps taken, activity level, calories burned, altitude, hours slept, quality of sleep, and silent wake alarm;pedometers		

U.S. Registration No.	5013394	Application Date	06/03/2014
Registration Date	08/02/2016	Foreign Priority Date	NONE

Word Mark	FITBIT SURGE		
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Design Mark	<b>FITBIT SURGE</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2014/12/04 First Use In Commerce: 2014/12/04 Pedometers; altimeters; multifunctionalelectronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, elevation, speed, pace, steps taken, calories burned, routes, navigational information, weather information, temperature, wind speed, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm;multifunctional electronic devices thatlink to mobile phones to control volumeand notify users of incoming calls or messages; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health andfitness program

U.S. Registration No.	4413639	Application Date	12/31/2012
Registration Date	10/08/2013	Foreign Priority Date	NONE
Word Mark	FITBIT ZIP		
Design Mark	<b>FITBIT ZIP</b>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/09/00 First Use In Commerce: 2012/09/00 Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time,distance, steps taken, activity level, and calories burned; pedometers		

U.S. Application No.	86298916	Application Date	06/03/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FITBIT CHARGE		

Design Mark	<h1>FITBIT CHARGE</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2014/10/27 First Use In Commerce: 2014/10/27 Pedometers; altimeters; multifunctionalelectronic devices for displaying, measuring, and uploading to the Internet information including time, date, steps taken, calories burned, distance travelled,floors climbed, active time, elevation,altitude, speed, pace, hours slept, quality of sleep, silent wake alarm, heart rate, multifunctional electronic devicesthat link to mobile phones to notify users of incoming calls or messages; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program		

U.S. Application No.	87007686	Application Date	04/20/2016
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	FITBIT CHARGE 2		
Design Mark	<h1>FITBIT CHARGE 2</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Pedometers; altimeters; scales and personal weighing scales; multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance,altitude, elevation, speed, pace, stepstaken, calories burned, routes, navigational information, weather information, temperature, wind speed, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; multifunctional electronic devices that link to mobile phones to control volume and notify users of incoming calls or messages; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program		

U.S. Application	87007121	Application Date	04/20/2016
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FITBIT FLEX 2		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Pedometers; altimeters; scales and personal weighing scales; multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, elevation, speed, pace, stepstaken, calories burned, routes, navigational information, weather information, temperature, wind speed, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; multifunctional electronic devices that link to mobile phones to control volume and notify users of incoming calls or messages; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program</p>		

U.S. Application No.	86865107	Application Date	01/04/2016
Registration Date	NONE	Foreign Priority Date	09/11/2015
Word Mark	FITBIT BLAZE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Personal electronic devices used to track fitness goals and statistics; wearable portable fitness activity trackers; portable, handheld, and personal digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, and digital files; wearable electronic devices, namely,</p>		

	watches, bracelets, and wrist bands that are comprised of software that communicates data to personal digital assistants, smart phones, and personal computers through Internet websites and other computer and electronic communication networks; wearable digital electronic devices comprised primarily of software for alerts, messages, emails, and reminders, and for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, and digital files and display screens; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program
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Attachments	77549355#TMSN.png( bytes ) 86133604#TMSN.png( bytes ) 85549196#TMSN.png( bytes ) 86578855#TMSN.png( bytes ) 85811829#TMSN.png( bytes ) 85854784#TMSN.png( bytes ) 85813093#TMSN.png( bytes ) 86298924#TMSN.png( bytes ) 85813068#TMSN.png( bytes ) 86298916#TMSN.png( bytes ) 87007686#TMSN.png( bytes ) 87007121#TMSN.png( bytes ) 86865107#TMSN.png( bytes ) NOO - BABYBIT.pdf(2085886 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	/kaw/
Name	Karen A. Webb
Date	08/29/2016

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

Fitbit, Inc.	)	
	)	
Opposer,	)	Mark: BABYBIT
	)	-Serial No. 86736505
vs.	)	-Published March 1, 2016
	)	
BabyBit, Inc.	)	Opposition No. _____
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Opposer Fitbit, Inc. (“Fitbit”), a Delaware corporation having its principal place of business at 405 Howard Street, Suite 550, San Francisco, California 94105, believes that it will be damaged by the issuance of a registration for the mark BABYBIT (the “BABYBIT Application”), as applied for in Application Serial No. 86736505 filed on an Intent-to-Use basis, on August 25, 2015, by Applicant BabyBit, Inc., formerly known as zipdin, Inc. (“Applicant”), a Delaware corporation in the United States with the address 7919 N.W. Hawkins Boulevard, Portland, Oregon 97229. Requests for extensions of time to oppose were granted by the Trademark Trial and Appeal Board. Fitbit now timely opposes the BABYBIT Application.

As grounds for opposition, Fitbit alleges that:

1. Fitbit is a well-known technology company founded in 2007 and is a leader in the wearable device market, specializing in developing and providing electronic multifunctional tracking devices and related mobile software and an online platform.
2. Since at least as early as September 2009, Fitbit has continuously used the mark FITBIT in interstate commerce in the United States in connection with its goods and services.
3. Fitbit owns the following United States trademark registrations for the FITBIT mark and for its FITBIT-based marks, covering a variety of goods and services:

Reg. No.	Mark	Offerings Covered by Registrations	Filing Date
3732334	FITBIT	<p>Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, distance, altitude, speed, steps taken and calories burned;</p> <p>Providing online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning food, nutrition, personal activities, general interest, classifieds, virtual community, and social networking;</p> <p>Providing a website featuring information regarding fitness training;</p> <p>Providing a website featuring information regarding nutrition, dieting, wellness, and health.</p>	August 18, 2008
4851801	FITBIT	<p>Pedometers; altimeters; scales and personal weighing scales; multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program;</p> <p>Providing online forum and electronic bulletin board for registered users for transmission of</p>	December 3, 2013

**Notice of Opposition of App. No. 86736505**

Fitbit, Inc. v. BabyBit, Inc.

		<p>messages concerning food, nutrition, fitness activities, personal activities, general interest, classifieds, virtual community, and social networking;</p> <p>Providing a website featuring information regarding fitness;</p> <p>Providing a website featuring information regarding nutrition, dieting, wellness, and health.</p>	
4343563	FITBIT	Fitness equipment, namely, scales and personal weighing scales; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program.	February 22, 2012
4845528	FITBIT	<p>Backpacks</p> <p>Clothing, namely, shirts, t-shirts, tank tops and hats</p>	March 27, 2015
4507210	FITBIT FLEX	Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, distance, steps taken, activity level, calories burned, hours slept, quality of sleep, and silent wake alarm; pedometers	December 28, 2012
4492419	FITBIT FORCE	Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, distance, steps taken, activity level, calories burned, hours slept, quality of sleep and silent wake alarm; pedometers	February 20, 2013
4380130	FITBIT ONE	Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, distance, steps taken, activity level, calories burned, altitude, hours slept, quality of sleep, and silent wake alarm; pedometers	December 31, 2012
5013394	FITBIT	Pedometers; altimeters; multifunctional	June 3, 2014

**Notice of Opposition of App. No. 86736505**

Fitbit, Inc. v. BabyBit, Inc.

	SURGE	electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, elevation, speed, pace, steps taken, calories burned, routes, navigational information, weather information, temperature, wind speed, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; multifunctional electronic devices that link to mobile phones to control volume and notify users of incoming calls or messages; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program	
4413639	FITBIT ZIP	Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, distance, steps taken, activity level, and calories burned; pedometers	December 31, 2012

True and correct copies of TSDR printouts showing the current status and title of the registrations for these trademarks are attached as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. Fitbit owns numerous worldwide trademark applications and registrations for the FITBIT mark and FITBIT-based marks, including United States Application Serial Nos. 86298916, 87007686, 87007121, and 86865107, as well as numerous domain names that incorporate the FITBIT brand, earning a broad scope of protection. A true and correct copy of TSDR printouts showing the current status and title of the United States trademark applications is attached hereto as Exhibit B, and is incorporated by reference as though fully set forth herein.
5. In addition, Fitbit owns common law rights in the FITBIT mark in connection with various goods and services, including for activity trackers, a mobile app and online platform for monitoring and transmitting data, wearable digital electronic devices comprised primarily of

software for alerts, messages, emails, and reminders, and for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, and digital files and display screens, software for displaying, aggregating, analyzing and organizing data and information, software for activity trackers, jewelry and Fitbit's goods and services identified on its website at [www.fitbit.com](http://www.fitbit.com). All of Fitbit's marks that consist of or incorporate the term FITBIT are referred to herein as the "FITBIT Marks."

6. The success of Fitbit and Fitbit's goods and services, the significant and continuous media coverage, and the distinctiveness of Fitbit's FITBIT Marks have resulted in Fitbit's FITBIT Marks being adopted by consumers and media outlets to refer to Fitbit and Fitbit's goods and services.
7. Fitbit, through extensive use and promotion of the goods and services provided under its FITBIT Marks, has developed valuable goodwill in its FITBIT Marks.
8. Through extensive use, promotion and success of the FITBIT Marks, the public readily associates the FITBIT Marks with Fitbit. As such, the public has come to know FITBIT as an indication of goods and services that originate from or are affiliated with Fitbit and Fitbit's goods and services.
9. As a result of Fitbit's widespread and significant popularity and an enormous and loyal user base, Fitbit's FITBIT Marks are famous and well known to consumers and have been famous marks since before Applicant filed its U.S. application for the BABYBIT mark.
10. On August 25, 2015, Applicant filed Application Serial No. 86736505 for the mark BABYBIT, on an Intent-to-Use basis. At publication on March 1, 2016, the BABYBIT Application identified the following goods: "Electronic devices to be worn by an infant or child incorporating motion and proximity sensors, thermometers, microphones, and wireless transmitters sold as a unit, all for the purpose of monitoring, gathering, and transmitting data about the child's or infant's status, location and caregiver proximity, and child care emergencies; downloadable computer software and computer application software for mobile phones and handheld computers, namely, software for wirelessly receiving, transmitting, processing, displaying and tracking data transmitted by sensors worn by a baby or infant,

software for guardians to view infant or child and caretaker location, proximity, and status, software for providing notifications and alerts related to caretaker identity, caretaker-child proximity, and child care emergencies, and software for wirelessly communicating between infant and child guardians and caretakers” in Class 9.

11. On May 5, 2016, after Fitbit filed for an Extension of Time to Oppose Applicant’s BABYBIT application, Applicant filed a unilateral post-publication amendment, which was approved on May 27, 2016, amending the identification of goods to: “Electronic devices to be worn by an infant incorporating motion and proximity sensors, thermometers, microphones, and wireless transmitters sold as a unit, all for the purpose of monitoring, gathering, and transmitting data about the infant's status, location and caregiver proximity, and child care emergencies; downloadable computer software and computer application software for mobile phones and handheld computers, namely, software for wirelessly receiving, transmitting, processing, displaying and tracking data transmitted by sensors worn by a baby, software for guardians to view infant and caretaker location, proximity, and status, software for providing notifications and alerts related to caretaker identity, caretaker-child proximity, and child care emergencies, and software for wirelessly communicating between infant, guardians and caretakers; all of the above for purposes of remote baby-monitoring, and not for the purposes of health, fitness, or general activity tracking” in Class 9 (the “BABYBIT Application”).
12. If Applicant is permitted to register the mark shown in the BABYBIT Application, Applicant’s corresponding right to use the BABYBIT mark in nationwide commerce will conflict with Fitbit’s lawful exclusive right to use the FITBIT Marks nationwide.
13. The goods identified in the BABYBIT Application are similar to the goods offered under Fitbit’s FITBIT Marks.
14. Both the BABYBIT Application and Fitbit’s FITBIT Marks cover wearable multifunctional electronic devices that transmit personal data and other tracked data to the user, as well as related software for tracking, processing, transmitting, and displaying the data from such electronic devices.

15. Applicant's BABYBIT mark is confusingly similar to Fitbit's FITBIT Marks.
16. Applicant's BABYBIT mark and Fitbit's FITBIT Marks both end with the same 3 letters, "BIT."
17. Applicant's BABYBIT mark creates a similar commercial impression as Fitbit's FITBIT Marks.
18. As a result of the similarity between Fitbit's FITBIT Marks and Applicant's BABYBIT mark and the related goods and services associated with each party's respective marks, Applicant's BABYBIT mark is likely to cause consumer confusion, mistake or deception in the trade and among consumers as to the source, origin or sponsorship of the parties' respective goods and services.
19. Applicant's registration of the mark in the BABYBIT Application and use of the BABYBIT mark will cause or is likely to cause dilution of the distinctive quality of Fitbit's FITBIT Marks.
20. In view of Fitbit's prior rights in the FITBIT Marks, Applicant is not entitled to registration of the BABYBIT mark.
21. By reason of the foregoing, Fitbit will be damaged by the registration of the mark shown in the BABYBIT Application.

WHEREFORE, Fitbit prays that this Notice of Opposition be sustained and that Applicant's BABYBIT Application be denied registration.

Respectfully submitted,

Date: August 29, 2016

/kaw/  
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Karen A. Webb, Esq.  
Maira C. Lion, Esq.  
Attorneys for Opposer  
FENWICK & WEST LLP  
801 California Street

Mountain View, CA 94041  
650-988-8500  
trademarks@fenwick.com

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION has been served on Applicant by placing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Nicole Kinsley  
Foley Hoag LLP  
155 Seaport Blvd, Suite 1600  
Boston, Massachusetts 02210-2600  
UNITED STATES

This 29th day of August, 2016.

/Roxanne Gibson/

Roxanne Gibson

## **Exhibit A**

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS DOCUMENTS

[Back to Search](#)

Print

**Generated on:** This page was generated by TSDR on 2016-08-25 19:52:34 EDT

**Mark:** FITBIT

# FITBIT

<b>US Serial Number:</b> 77549355	<b>Application Filing Date:</b> Aug. 18, 2008
<b>US Registration Number:</b> 3732334	<b>Registration Date:</b> Dec. 29, 2009
<b>Register:</b> Principal	
<b>Mark Type:</b> Trademark, Service Mark	
<b>TM5 Common Status Descriptor:</b>	LIVE/REGISTRATION/Issued and Active
	The trademark application has been registered with the Office.
<b>Status:</b> Registered. The registration date is used to determine when post-registration maintenance documents are due.	
<b>Status Date:</b> Dec. 29, 2009	
<b>Publication Date:</b> Jan. 20, 2009	<b>Notice of Allowance Date:</b> Apr. 14, 2009

### Mark Information

**Mark Literal Elements:** FITBIT

**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:** [1094793](#), [1218353](#)

**International Application (s) /Registration(s) Based on this Property:** [A0024746/1094793](#), [A0039945/1218353](#)

### 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:** Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, [ body and heart rates, global positioning, direction, ] distance, altitude, speed, steps taken [, ] \* and \* calories burned [, navigational information, weather information, the temperature, wind speed, and the declination of body and heart rates, altitude and speed ]

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 29, 2009

**Use in Commerce:** Sep. 29, 2009

**For:** Providing online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning food, nutrition, personal activities, general interest, classifieds, virtual community, and social networking

**International Class(es):** 038 - Primary Class

**U.S Class(es):** 100, 101, 104

**Class Status:** ACTIVE

**Basis:** 1(a)  
**First Use:** Sep. 25, 2009 **Use in Commerce:** Sep. 25, 2009  
**For:** Providing a website featuring information regarding fitness training  
**International Class(es):** 041 - Primary Class **U.S Class(es):** 100, 101, 107  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Sep. 25, 2009 **Use in Commerce:** Sep. 25, 2009  
**For:** Providing a website featuring information regarding nutrition, dieting, wellness, and health  
**International Class(es):** 044 - Primary Class **U.S Class(es):** 100, 101  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Sep. 25, 2009 **Use in Commerce:** Sep. 25, 2009

**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:** FITBIT, INC.  
**Owner Address:** 150 SPEAR STREET, SUITE 200  
 SAN FRANCISCO, CALIFORNIA UNITED STATES 94105  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Mark I. Feldman **Docket Number:** 369411-1  
**Attorney Primary Email:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com) **Attorney Email Authorized:** Yes  
**Address:**

**Correspondent**

**Correspondent Name/Address:** Mark I. Feldman  
 DLA Piper LLP (US)  
 P.O. Box 64807  
 Chicago, ILLINOIS UNITED STATES 60664-0807  
**Phone:** 312-368-4000 **Fax:** 312-236-7516  
**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
May 03, 2016	ASSIGNED TO PETITION STAFF	81093
Feb. 22, 2016	TEAS PETITION TO DIRECTOR RECEIVED	1111
Feb. 22, 2016	FAX RECEIVED	

Jan. 06, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 30, 2015	TEAS SECTION 8 & 15 RECEIVED	
Aug. 20, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 14, 2014	CERTIFICATE OF CORRECTION ISSUED	73376
Jan. 28, 2014	SEC 7 REQUEST FILED	73376
Feb. 14, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Jan. 28, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Apr. 16, 2013	NOTICE OF SUIT	
Dec. 29, 2009	REGISTERED-PRINCIPAL REGISTER	
Nov. 25, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Nov. 23, 2009	ASSIGNED TO LIE	77312
Nov. 23, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 30, 2009	STATEMENT OF USE PROCESSING COMPLETE	70565
Oct. 13, 2009	USE AMENDMENT FILED	70565
Oct. 30, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Oct. 13, 2009	TEAS STATEMENT OF USE RECEIVED	
Apr. 14, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 20, 2009	PUBLISHED FOR OPPOSITION	
Dec. 31, 2008	NOTICE OF PUBLICATION	
Dec. 18, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	78288
Dec. 18, 2008	ASSIGNED TO LIE	78288
Dec. 10, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 10, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 09, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 09, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 05, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 05, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 28, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 28, 2008	NON-FINAL ACTION E-MAILED	6325
Nov. 28, 2008	NON-FINAL ACTION WRITTEN	77301
Nov. 25, 2008	ASSIGNED TO EXAMINER	77301
Aug. 22, 2008	NOTICE OF PSEUDO MARK MAILED	
Aug. 21, 2008	NEW APPLICATION ENTERED IN TRAM	

### Maintenance Filings or Post Registration Information

**Change in Registration:** Yes

**Correction made to Registration:** In the Statement, lines 6 and 7, "BODY AND HEART RATES, GLOBAL POSITIONING, DIRECTION" should be deleted, and, In the Statement, line 8, "STEPS TAKEN, CALORIES BURNED," should be deleted, and, "STEPS TAKEN AND CALORIES BURNED," should be inserted, and, In the Statement, line 8-10, " , NAVIGATIONAL INFORMATION, WEATHER INFORMATION, THE TEMPERATURE, WIND SPEED, AND THE DECLINATION OF BODY AND HEART RATES, ALTITUDE AND SPEED" should be deleted.

### TM Staff and Location Information

**TM Staff Information - None**

#### File Location

**Current Location:** PETITIONS OFFICE

**Date in Location:** May 03, 2016

### Assignment Abstract Of Title Information

**Summary**

[Conveyance Filter](#)

Total Assignments: 4

Registrant: FITBIT, INC.

**Assignment 1 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5343/0086](#)

Pages: 7

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5343-0086.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

**Assignee**Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 1585 BROADWAY  
NEW YORK, NEW YORK 10036**Correspondent**

Correspondent Name: ALISON CARRIZALES

Correspondent Address: WEIL, GOTSHAL & MANGES LLP  
767 FIFTH AVENUE  
NEW YORK, NY 10153**Domestic Representative - Not Found****Assignment 2 of 4**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5344/0574](#)

Pages: 7

Date Recorded: Aug. 15, 2014

Supporting Documents: [assignment-tm-5344-0574.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

**Assignee**Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Organized:

Address: 3003 TASMAN DRIVE  
SANTA CLARA, CALIFORNIA 95054**Correspondent**

Correspondent Name: JOANNA MCCALL

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005**Domestic Representative - Not Found****Assignment 3 of 4**

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: [5685/0881](#)

Pages: 6

Date Recorded: Dec. 11, 2015

Supporting Documents: [assignment-tm-5685-0881.pdf](#)**Assignor**

**Name:** [MORGAN STANLEY SENIOR FUNDING, INC.](#) **Execution Date:** Dec. 10, 2015  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [FITSTAR, INC.](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** CORPORATION

**Address:** 80 LANGTON STREET  
 SAN FRANCISCO, CALIFORNIA 94103

**Name:** [FITBIT, INC.](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** CORPORATION

**Address:** 405 HOWARD STREET  
 SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

**Correspondent Name:** DWAYNE C. HOUSTON  
**Correspondent Address:** 1025 VERMONT AVENUE NW, SUITE 1130  
 NATIONAL CORPORATE RESEARCH, LTD.  
 WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 4 of 4**

**Conveyance:** TERMINATION AND RELEASE OF SECURITY INTERESTS IN TRADEMARK  
**Reel/Frame:** [5689/0776](#) **Pages:** 6  
**Date Recorded:** Dec. 15, 2015

**Supporting Documents:** [assignment-tm-5689-0776.pdf](#)

**Assignor**

**Name:** [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#) **Execution Date:** Dec. 10, 2015  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** CALIFORNIA

**Assignee**

**Name:** [FITSTAR, INC.](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** CORPORATION

**Address:** 80 LANGTON STREET  
 SAN FRANCISCO, CALIFORNIA 94103

**Name:** [FITBIT, INC.](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** CORPORATION

**Address:** 405 HOWARD STREET  
 SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

**Correspondent Name:** DWAYNE C. HOUSTON  
**Correspondent Address:** 1025 VERMONT AVENUE NW, SUITE 1130  
 NATIONAL CORPORATE RESEARCH, LTD.  
 WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Party type

Proceeding type

Number of Proceedings: 2

**Type of Proceeding: Opposition**

Proceeding Number: [91226357](#) Filing Date: Feb 17, 2016  
 Status: Terminated Status Date: May 23, 2016  
 Interlocutory Attorney: BENJAMIN U OKEKE

**Defendant**

Name: CardioFit, Inc  
 Correspondent Address: STEVEN STEWART PLLC  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770  
 Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

Name: Fitbit, Inc.  
 Correspondent Address: MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601  
 Correspondent e-mail: [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

**Type of Proceeding: Opposition**

Proceeding Number: [91226360](#) Filing Date: Feb 17, 2016  
 Status: Terminated Status Date: May 23, 2016  
 Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: CardioFit, Inc.

Correspondent Address: STEVEN STEWART  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770

Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>	

**Plaintiff(s)**

Name: Fitbit, Inc.

Correspondent Address: MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601

Correspondent e-mail: [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2016-08-25 19:54:43 EDT

Mark: FITBIT

FITBIT

US Serial Number: 86133604

Application Filing Date: Dec. 03, 2013

US Registration Number: 4851801

Registration Date: Nov. 10, 2015

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status  
Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Nov. 10, 2015

Publication Date: Aug. 05, 2014

Notice of Allowance Date: Sep. 30, 2014

### Mark Information

Mark Literal Elements: FITBIT

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: [1218353](#)International Application  
(s) /Registration(s) Based  
on this Property: [A0039945/1218353](#)Claimed Ownership of US  
Registrations: [3732334](#), [4343563](#), [4380130](#) and others

### 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:** Pedometers; altimeters; scales and personal weighing scales; multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 29, 2009

Use in Commerce: Sep. 29, 2009

**For:** Providing online forum and electronic bulletin board for registered users for transmission of messages concerning food, nutrition, fitness activities, personal activities, general interest, classifieds, virtual community, and social networking

**International Class(es):** 038 - Primary Class **U.S Class(es):** 100, 101, 104

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 25, 2009 **Use in Commerce:** Sep. 25, 2009

**For:** Providing a website featuring information regarding fitness

**International Class(es):** 041 - Primary Class **U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 25, 2009 **Use in Commerce:** Sep. 25, 2009

**For:** Providing a website featuring information regarding nutrition, dieting, wellness, and health

**International Class(es):** 044 - Primary Class **U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 25, 2009 **Use in Commerce:** Sep. 25, 2009

**Basis Information (Case Level)**

<b>Filed Use:</b> Yes	<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:** FITBIT, INC.  
**Owner Address:** 405 Howard Street Suite 550  
 San Francisco, CALIFORNIA UNITED STATES 94105  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Mark I. Feldman **Docket Number:** 369411-00000  
**Attorney Primary Email Address:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com) **Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** MARK I. FELDMAN  
 DLA PIPER LLP (US)  
 PO BOX 64807  
 CHICAGO, ILLINOIS UNITED STATES 60664-0807  
**Phone:** 312 368 4000 **Fax:** 312 236 7516  
**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jan. 06, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 10, 2015	REGISTERED-PRINCIPAL REGISTER	
Oct. 06, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 04, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 02, 2015	STATEMENT OF USE PROCESSING COMPLETE	66530
Sep. 30, 2015	USE AMENDMENT FILED	66530
Sep. 30, 2015	TEAS STATEMENT OF USE RECEIVED	
May 07, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 06, 2015	EXTENSION 1 GRANTED	66530
Mar. 30, 2015	EXTENSION 1 FILED	66530
May 05, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Mar. 30, 2015	TEAS EXTENSION RECEIVED	
Sep. 30, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 20, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 05, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 05, 2014	PUBLISHED FOR OPPOSITION	
Jul. 16, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 02, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jul. 02, 2014	CHANGES/CORRECTIONS AFTER PUB APPROVAL ENTERED	68171
Jun. 23, 2014	ASSIGNED TO LIE	68171
Jun. 11, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 11, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 11, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 11, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 11, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 11, 2014	EXAMINERS AMENDMENT -WRITTEN	72517
Mar. 23, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 23, 2014	NON-FINAL ACTION E-MAILED	6325
Mar. 23, 2014	NON-FINAL ACTION WRITTEN	72517
Mar. 15, 2014	ASSIGNED TO EXAMINER	72517
Dec. 14, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Dec. 13, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 06, 2013	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: Oct. 04, 2015

**Assignment Abstract Of Title Information**

Summary

[Conveyance Filter](#)

Total Assignments: 4

Registrant: FITBIT, INC.

**Assignment 1 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5343/0086](#)

Pages: 7

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5343-0086.pdf](#)

**Assignor**

Name: [FITBIT, INC.](#) Execution Date: Aug. 13, 2014  
 Legal Entity Type: CORPORATION State or Country Where DELAWARE  
 Organized:

**Assignee**

Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT](#)  
 Legal Entity Type: CORPORATION State or Country Where DELAWARE  
 Organized:

Address: 1585 BROADWAY  
 NEW YORK, NEW YORK 10036

**Correspondent**

Correspondent Name: ALISON CARRIZALES  
 Correspondent Address: WEIL, GOTSHAL & MANGES LLP  
 767 FIFTH AVENUE  
 NEW YORK, NY 10153

**Domestic Representative - Not Found****Assignment 2 of 4**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5344/0574](#)

Pages: 7

Date Recorded: Aug. 15, 2014

Supporting Documents: [assignment-tm-5344-0574.pdf](#)

**Assignor**

Name: [FITBIT, INC.](#) Execution Date: Aug. 13, 2014  
 Legal Entity Type: CORPORATION State or Country Where DELAWARE  
 Organized:

**Assignee**

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)  
 Legal Entity Type: CORPORATION State or Country Where CALIFORNIA  
 Organized:

Address: 3003 TASMAN DRIVE  
 SANTA CLARA, CALIFORNIA 95054

**Correspondent**

Correspondent Name: JOANNA MCCALL  
 Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
 NATIONAL CORPORATE RESEARCH, LTD.  
 WASHINGTON, DC 20005

**Domestic Representative - Not Found****Assignment 3 of 4**

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: [5685/0881](#)

Pages: 6

Date Recorded: Dec. 11, 2015

Supporting Documents: [assignment-tm-5685-0881.pdf](#)

**Assignor**

Name: [MORGAN STANLEY SENIOR FUNDING, INC.](#) Execution Date: Dec. 10, 2015  
 Legal Entity Type: CORPORATION State or Country Where DELAWARE  
 Organized:

**Assignee**

Name: [FITSTAR, INC.](#)  
 Legal Entity Type: CORPORATION State or Country Where DELAWARE  
 Organized:

**Address:** 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

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

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

**Correspondent Name:** DWAYNE C. HOUSTON

**Correspondent Address:** 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 4 of 4**

**Conveyance:** TERMINATION AND RELEASE OF SECURITY INTERESTS IN TRADEMARK

**Reel/Frame:** [5689/0776](#)

**Pages:** 6

**Date Recorded:** Dec. 15, 2015

**Supporting Documents:** [assignment-tm-5689-0776.pdf](#)

**Assignor**

**Name:** [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

**Execution Date:** Dec. 10, 2015

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

**Assignee**

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

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

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

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

**Correspondent Name:** DWAYNE C. HOUSTON

**Correspondent Address:** 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

**Party type**

**Proceeding type**

**Number of Proceedings:** 2

**Type of Proceeding:** Opposition

**Proceeding Number:** [91226357](#)

**Filing Date:** Feb 17, 2016

**Status:** Terminated

**Status Date:** May 23, 2016

**Interlocutory Attorney:** BENJAMIN U OKEKE

**Defendant**

Name: CardioFit, Inc

Correspondent Address: STEVEN STEWART PLLC  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770

Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

Name: Fitbit, Inc.

Correspondent Address: MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601

Correspondent e-mail: [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

**Type of Proceeding: Opposition**

Proceeding Number: [91226360](#) Filing Date: Feb 17, 2016  
 Status: Terminated Status Date: May 23, 2016  
 Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: CardioFit, Inc.

Correspondent Address: STEVEN STEWART  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770

Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>	

**Plaintiff(s)**

**Name:** Fitbit, Inc.

**Correspondent Address:** MARK FELDMAN  
DLA PIPER LLP  
203 NORTH LASALLE STREET, SUITE 1900  
CHICAGO IL UNITED STATES , 60601

**Correspondent e-mail:** [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS DOCUMENTS

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**Mark:** FITBIT

# FITBIT

<b>US Serial Number:</b> 85549196	<b>Application Filing Date:</b> Feb. 22, 2012
<b>US Registration Number:</b> 4343563	<b>Registration Date:</b> May 28, 2013
<b>Register:</b> Principal	
<b>Mark Type:</b> Trademark	
<b>TM5 Common Status Descriptor:</b> 	LIVE/REGISTRATION/Issued and Active The trademark application has been registered with the Office.
<b>Status:</b> Registered. The registration date is used to determine when post-registration maintenance documents are due.	
<b>Status Date:</b> May 28, 2013	
<b>Publication Date:</b> Jul. 10, 2012	<b>Notice of Allowance Date:</b> Sep. 04, 2012

### Mark Information

**Mark Literal Elements:** FITBIT

**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:** [1117233](#), [1218353](#)

**International Application (s) /Registration(s) Based on this Property:** [A0028663/1117233](#), [A0039945/1218353](#)

**Claimed Ownership of US Registrations:** [3732334](#)

### 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 equipment, namely, scales and personal weighing scales; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 22, 2012

**Use in Commerce:** Apr. 22, 2012

### 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:** Fitbit, Inc.  
**Owner Address:** 150 Spear St  
 San Francisco, CALIFORNIA UNITED STATES 94105  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Mark I. Feldman **Docket Number:** 369411-00000  
**Attorney Primary Email Address:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com) **Attorney Email Authorized:** No

**Correspondent**

**Correspondent Name/Address:** MARK I. FELDMAN  
 DLA PIPER LLP (US)  
 PO BOX 64807  
 CHICAGO, ILLINOIS UNITED STATES 60664-0807  
**Phone:** 312 368 4000 **Fax:** 312 236 7516  
**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com) [brigid.powers@dlapiper.com](mailto:brigid.powers@dlapiper.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jan. 06, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 20, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 28, 2013	REGISTERED-PRINCIPAL REGISTER	
Apr. 20, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 19, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	73797
Apr. 19, 2013	ASSIGNED TO LIE	73797
Mar. 29, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 26, 2013	STATEMENT OF USE PROCESSING COMPLETE	76538
Mar. 04, 2013	USE AMENDMENT FILED	76538
Mar. 25, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Mar. 04, 2013	TEAS STATEMENT OF USE RECEIVED	
Sep. 04, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 10, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 10, 2012	PUBLISHED FOR OPPOSITION	
Jun. 20, 2012		

	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED
Jun. 04, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER
Jun. 04, 2012	ASSIGNED TO EXAMINER 72008
Mar. 01, 2012	NOTICE OF PSEUDO MARK MAILED
Feb. 29, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Feb. 25, 2012	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. 19, 2013

**Assignment Abstract Of Title Information**

**Summary**

[Conveyance Filter](#)

Total Assignments: 4

Registrant: Fitbit, Inc.

**Assignment 1 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5343/0086](#)

Pages: 7

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5343-0086.pdf](#)

**Assignor**

Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1585 BROADWAY  
NEW YORK, NEW YORK 10036

**Correspondent**

Correspondent Name: ALISON CARRIZALES

Correspondent Address: WEIL, GOTSHAL & MANGES LLP  
767 FIFTH AVENUE  
NEW YORK, NY 10153

**Domestic Representative - Not Found**

**Assignment 2 of 4**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5344/0574](#)

Pages: 7

Date Recorded: Aug. 15, 2014

Supporting Documents: [assignment-tm-5344-0574.pdf](#)

**Assignor**

Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: CORPORATION State or Country Where: CALIFORNIA  
Organized:

Address: 3003 TASMAN DRIVE  
SANTA CLARA, CALIFORNIA 95054

**Correspondent**

Correspondent Name: JOANNA MCCALL

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 3 of 4**

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: [5685/0881](#) Pages: 6

Date Recorded: Dec. 11, 2015

Supporting Documents: [assignment-tm-5685-0881.pdf](#)

**Assignor**

Name: [MORGAN STANLEY SENIOR FUNDING, INC.](#) Execution Date: Dec. 10, 2015

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

**Assignee**

Name: [FITSTAR, INC.](#)

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

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

Name: [FITBIT, INC.](#)

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

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON

Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 4 of 4**

Conveyance: TERMINATION AND RELEASE OF SECURITY INTERESTS IN TRADEMARK

Reel/Frame: [5689/0776](#) Pages: 6

Date Recorded: Dec. 15, 2015

Supporting Documents: [assignment-tm-5689-0776.pdf](#)

**Assignor**

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#) Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION State or Country Where: CALIFORNIA  
Organized:

**Assignee**

Name: [FITSTAR, INC.](#)

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

**Address:** 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

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

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

**Correspondent Name:** DWAYNE C. HOUSTON

**Correspondent Address:** 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Party type

Proceeding type

**Number of Proceedings:** 2

**Type of Proceeding: Opposition**

**Proceeding Number:** [91226357](#)

**Filing Date:** Feb 17, 2016

**Status:** Terminated

**Status Date:** May 23, 2016

**Interlocutory Attorney:** BENJAMIN U OKEKE

**Defendant**

**Name:** KardioFit, Inc

**Correspondent Address:** STEVEN STEWART PLLC  
STEVEN STEWART PLLC  
255 CROWN VETCH LN  
ALPHARETTA GA UNITED STATES , 30005-8770

**Correspondent e-mail:** [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

**Name:** Fitbit, Inc.

**Correspondent Address:** MARK FELDMAN  
DLA PIPER LLP  
203 NORTH LASALLE STREET, SUITE 1900  
CHICAGO IL UNITED STATES , 60601

**Correspondent e-mail:** [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	

FITBIT SURGE		Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE		Published For Opposition	<a href="#">86865107</a>	
<b>Prosecution History</b>				
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Feb 17, 2016		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016	
3	PENDING, INSTITUTED	Feb 17, 2016		
4	NOTICE OF DEFAULT	Apr 12, 2016		
5	BD DECISION: SUSTAINED	May 23, 2016		
6	TERMINATED	May 23, 2016		
<b>Type of Proceeding: Opposition</b>				
Proceeding Number: <a href="#">91226360</a>		Filing Date: Feb 17, 2016		
Status: Terminated		Status Date: May 23, 2016		
Interlocutory Attorney: ELIZABETH WINTER				
<b>Defendant</b>				
Name: KardioFit, Inc.				
Correspondent Address: STEVEN STEWART STEVEN STEWART PLLC 255 CROWN VETCH LN ALPHARETTA GA UNITED STATES , 30005-8770				
Correspondent e-mail: <a href="mailto:steveniplaw@me.com">steveniplaw@me.com</a> , <a href="mailto:stvn0603@gmail.com">stvn0603@gmail.com</a>				
<b>Associated marks</b>				
Mark	Application Status	Serial Number	Registration Number	
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>		
<b>Plaintiff(s)</b>				
Name: Fitbit, Inc.				
Correspondent Address: MARK FELDMAN DLA PIPER LLP 203 NORTH LASALLE STREET, SUITE 1900 CHICAGO IL UNITED STATES , 60601				
Correspondent e-mail: <a href="mailto:michael.geller@dlapiper.com">michael.geller@dlapiper.com</a> , <a href="mailto:mark.feldman@dlapiper.com">mark.feldman@dlapiper.com</a> , <a href="mailto:keith.medansky@dlapiper.com">keith.medansky@dlapiper.com</a> , <a href="mailto:ch.tm@dlapiper.com">ch.tm@dlapiper.com</a>				
<b>Associated marks</b>				
Mark	Application Status	Serial Number	Registration Number	
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>	
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>	
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>	
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>	
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>	
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>	
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>	
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>		
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>	
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>		
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>	
<b>Prosecution History</b>				
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Feb 17, 2016		
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5	BD DECISION: SUSTAINED	May 23, 2016
6	TERMINATED	May 23, 2016

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STATUS DOCUMENTS

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**Mark:** FITBIT

# FITBIT

<b>US Serial Number:</b> 86578855	<b>Application Filing Date:</b> Mar. 27, 2015
<b>US Registration Number:</b> 4845528	<b>Registration Date:</b> Nov. 03, 2015
<b>Filed as TEAS RF:</b> Yes	<b>Currently TEAS RF:</b> Yes
<b>Register:</b> Principal	
<b>Mark Type:</b> Trademark	
<b>TM5 Common Status Descriptor:</b> 	LIVE/REGISTRATION/Issued and Active The trademark application has been registered with the Office.
<b>Status:</b> Registered. The registration date is used to determine when post-registration maintenance documents are due.	
<b>Status Date:</b> Nov. 03, 2015	
<b>Publication Date:</b> Aug. 18, 2015	

### Mark Information

**Mark Literal Elements:** FITBIT

**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:** [3732334](#), [4343563](#), [4507210](#)

### 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:** backpacks

<b>International Class(es):</b> 018 - Primary Class	<b>U.S Class(es):</b> 001, 002, 003, 022, 041
<b>Class Status:</b> ACTIVE	
<b>Basis:</b> 1(a)	
<b>First Use:</b> Dec. 03, 2014	<b>Use in Commerce:</b> Dec. 03, 2014

**For:** clothing, namely, shirts, t-shirts, tank tops and hats

<b>International Class(es):</b> 025 - Primary Class	<b>U.S Class(es):</b> 022, 039
<b>Class Status:</b> ACTIVE	
<b>Basis:</b> 1(a)	
<b>First Use:</b> Dec. 03, 2014	<b>Use in Commerce:</b> Dec. 03, 2014

**Basis Information (Case Level)**

<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<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:** FITBIT, INC.

**Owner Address:** 405 Howard Street Suite 550  
San Francisco, CALIFORNIA UNITED STATES 94105

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

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

**Attorney Name:** Mark I. Feldman **Docket Number:** 369411-1

**Attorney Primary Email:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com) **Attorney Email Authorized:** Yes

**Address:**

**Correspondent**

**Correspondent Name/Address:** MARK I. FELDMAN  
Dla Piper Llp US  
PO Box 64807  
Chicago, ILLINOIS UNITED STATES 60664-0807

**Phone:** 312 368 4000 **Fax:** 312 236 7516

**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Nov. 03, 2015	REGISTERED-PRINCIPAL REGISTER	
Aug. 18, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 18, 2015	PUBLISHED FOR OPPOSITION	
Jul. 29, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 01, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 01, 2015	ASSIGNED TO EXAMINER	90295
Apr. 07, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Apr. 06, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 31, 2015	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:** Nov. 03, 2015

**Assignment Abstract Of Title Information - None recorded**

**Proceedings**

**Summary**

Party type

Proceeding type

Number of Proceedings: 2

**Type of Proceeding: Opposition**

Proceeding Number: [91226357](#)

Filing Date: Feb 17, 2016

Status: Terminated

Status Date: May 23, 2016

Interlocutory Attorney: BENJAMIN U OKEKE

**Defendant**

Name: KardioFit, Inc

Correspondent Address: STEVEN STEWART PLLC  
STEVEN STEWART PLLC  
255 CROWN VETCH LN  
ALPHARETTA GA UNITED STATES , 30005-8770

Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

Name: Fitbit, Inc.

Correspondent Address: MARK FELDMAN  
DLA PIPER LLP  
203 NORTH LASALLE STREET, SUITE 1900  
CHICAGO IL UNITED STATES , 60601

Correspondent e-mail: [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

**Type of Proceeding: Opposition**

Proceeding Number: [91226360](#)

Filing Date: Feb 17, 2016

Status: Terminated

Status Date: May 23, 2016

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: CardioFit, Inc.

Correspondent Address: STEVEN STEWART  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770

Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>	

**Plaintiff(s)**

Name: Fitbit, Inc.

Correspondent Address: MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601

Correspondent e-mail: [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS DOCUMENTS

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**Mark:** FITBIT FLEX

# FITBIT FLEX

<b>US Serial Number:</b> 85811829	<b>Application Filing Date:</b> Dec. 28, 2012
<b>US Registration Number:</b> 4507210	<b>Registration Date:</b> Apr. 01, 2014
<b>Register:</b> Principal	
<b>Mark Type:</b> Trademark	
<b>TM5 Common Status Descriptor:</b>	LIVE/REGISTRATION/Issued and Active
	The trademark application has been registered with the Office.
<b>Status:</b> Registered. The registration date is used to determine when post-registration maintenance documents are due.	
<b>Status Date:</b> Apr. 01, 2014	
<b>Publication Date:</b> May 21, 2013	<b>Notice of Allowance Date:</b> Jul. 16, 2013

## Mark Information

**Mark Literal Elements:** FITBIT FLEX

**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:** [3732334](#)

## 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:** Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, distance, steps taken, activity level, calories burned, hours slept, quality of sleep, and silent wake alarm; pedometers

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 12, 2013

**Use in Commerce:** May 12, 2013

## 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

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: FITBIT, INC.

Owner Address: 150 Spear St  
San Francisco, CALIFORNIA UNITED STATES 94105

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWARE**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Mark I. Feldman

Docket Number: 369411-00000

Attorney Primary Email [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent Name/Address: MARK I. FELDMAN

DLA PIPER LLP (US)  
PO BOX 64807  
CHICAGO, ILLINOIS UNITED STATES 60664-0807

Phone: 312 368 4000

Fax: 312 236 7516

Correspondent e-mail: [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)Correspondent e-mail  
Authorized: Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jan. 06, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 20, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 15, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Apr. 01, 2014	REGISTERED-PRINCIPAL REGISTER	
Feb. 12, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 11, 2014	STATEMENT OF USE PROCESSING COMPLETE	69302
Jan. 15, 2014	USE AMENDMENT FILED	69302
Feb. 09, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jan. 15, 2014	TEAS STATEMENT OF USE RECEIVED	
Jul. 16, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 21, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 21, 2013	PUBLISHED FOR OPPOSITION	
May 01, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E- MAILED	
Apr. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 13, 2013	ASSIGNED TO EXAMINER	82093
Jan. 12, 2013	NOTICE OF PSEUDO MARK MAILED	
Jan. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 01, 2013	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. 25, 2014

**Assignment Abstract Of Title Information****Summary**[Conveyance Filter](#)

Total Assignments: 4

Registrant: FITBIT, INC.

**Assignment 1 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5343/0086](#)

Pages: 7

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5343-0086.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

**Assignee**Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 1585 BROADWAY  
NEW YORK, NEW YORK 10036**Correspondent**

Correspondent Name: ALISON CARRIZALES

Correspondent Address: WEIL, GOTSHAL & MANGES LLP  
767 FIFTH AVENUE  
NEW YORK, NY 10153**Domestic Representative - Not Found****Assignment 2 of 4**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5344/0574](#)

Pages: 7

Date Recorded: Aug. 15, 2014

Supporting Documents: [assignment-tm-5344-0574.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

**Assignee**Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where CALIFORNIA

Organized:

Address: 3003 TASMAN DRIVE  
SANTA CLARA, CALIFORNIA 95054**Correspondent**

Correspondent Name: JOANNA MCCALL

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

## Domestic Representative - Not Found

## Assignment 3 of 4

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: [5685/0881](#)

Pages: 6

Date Recorded: Dec. 11, 2015

Supporting Documents: [assignment-tm-5685-0881.pdf](#)

## Assignor

Name: [MORGAN STANLEY SENIOR FUNDING, INC.](#)

Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

## Assignee

Name: [FITSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

## Correspondent

Correspondent Name: DWAYNE C. HOUSTON

Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

## Domestic Representative - Not Found

## Assignment 4 of 4

Conveyance: TERMINATION AND RELEASE OF SECURITY INTERESTS IN TRADEMARK

Reel/Frame: [5689/0776](#)

Pages: 6

Date Recorded: Dec. 15, 2015

Supporting Documents: [assignment-tm-5689-0776.pdf](#)

## Assignor

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Organized:

## Assignee

Name: [FITSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

## Correspondent

**Correspondent Name:** DWAYNE C. HOUSTON

**Correspondent Address:** 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Party type

Proceeding type

Number of Proceedings: 2

**Type of Proceeding: Opposition**

**Proceeding Number:** [91226357](#)

**Filing Date:** Feb 17, 2016

**Status:** Terminated

**Status Date:** May 23, 2016

**Interlocutory Attorney:** BENJAMIN U OKEKE

**Defendant**

**Name:** KardioFit, Inc

**Correspondent Address:** STEVEN STEWART PLLC  
STEVEN STEWART PLLC  
255 CROWN VETCH LN  
ALPHARETTA GA UNITED STATES , 30005-8770

**Correspondent e-mail:** [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

**Name:** Fitbit, Inc.

**Correspondent Address:** MARK FELDMAN  
DLA PIPER LLP  
203 NORTH LASALLE STREET, SUITE 1900  
CHICAGO IL UNITED STATES , 60601

**Correspondent e-mail:** [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	

4	NOTICE OF DEFAULT	Apr 12, 2016
5	BD DECISION: SUSTAINED	May 23, 2016
6	TERMINATED	May 23, 2016

**Type of Proceeding: Opposition**

**Proceeding Number:** [91226360](#) **Filing Date:** Feb 17, 2016  
**Status:** Terminated **Status Date:** May 23, 2016  
**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** CardioFit, Inc.  
**Correspondent Address:** STEVEN STEWART  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770  
**Correspondent e-mail:** [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>	

**Plaintiff(s)**

**Name:** Fitbit, Inc.  
**Correspondent Address:** MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601  
**Correspondent e-mail:** [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

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STATUS DOCUMENTS

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**Mark:** FITBIT FORCE

# FITBIT FORCE

<b>US Serial Number:</b> 85854784	<b>Application Filing Date:</b> Feb. 20, 2013
<b>US Registration Number:</b> 4492419	<b>Registration Date:</b> Mar. 04, 2014
<b>Register:</b> Principal	
<b>Mark Type:</b> Trademark	
<b>TM5 Common Status Descriptor:</b>	LIVE/REGISTRATION/Issued and Active
	The trademark application has been registered with the Office.
<b>Status:</b> Registered. The registration date is used to determine when post-registration maintenance documents are due.	
<b>Status Date:</b> Mar. 04, 2014	
<b>Publication Date:</b> May 21, 2013	<b>Notice of Allowance Date:</b> Jul. 16, 2013

## Mark Information

**Mark Literal Elements:** FITBIT FORCE

**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:** [3732334](#)

## 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:** multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, distance, steps taken, activity level, calories burned, hours slept, quality of sleep and silent wake alarm; pedometers

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 23, 2013

**Use in Commerce:** Oct. 23, 2013

## 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

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: FITBIT, INC.

Owner Address: 150 Spear St  
San Francisco, CALIFORNIA UNITED STATES 94105

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Mark I. Feldman

Docket Number: 369411-00000

Attorney Primary Email [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)  
Address:

Attorney Email Authorized: Yes

**Correspondent**

Correspondent Name/Address: MARK I. FELDMAN  
DLA PIPER LLP (US)  
PO BOX 64807  
CHICAGO, ILLINOIS UNITED STATES 60664-0807

Phone: 312 368 4000

Fax: 312 236 7516

Correspondent e-mail: [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

Correspondent e-mail Authorized: Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jan. 06, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 20, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 04, 2014	REGISTERED-PRINCIPAL REGISTER	
Jan. 28, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 27, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	70884
Jan. 26, 2014	ASSIGNED TO LIE	70884
Jan. 03, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 02, 2014	STATEMENT OF USE PROCESSING COMPLETE	71034
Nov. 18, 2013	USE AMENDMENT FILED	71034
Dec. 31, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Nov. 18, 2013	TEAS STATEMENT OF USE RECEIVED	
Jul. 16, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 21, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 21, 2013	PUBLISHED FOR OPPOSITION	
May 01, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 13, 2013	ASSIGNED TO EXAMINER	82093
Feb. 27, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

Feb. 24, 2013

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: Jan. 27, 2014

**Assignment Abstract Of Title Information****Summary**[Conveyance Filter](#)

Total Assignments: 4

Registrant: FITBIT, INC.

**Assignment 1 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5343/0086](#)

Pages: 7

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5343-0086.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

**Assignee**Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 1585 BROADWAY  
NEW YORK, NEW YORK 10036**Correspondent**

Correspondent Name: ALISON CARRIZALES

Correspondent Address: WEIL, GOTSHAL & MANGES LLP  
767 FIFTH AVENUE  
NEW YORK, NY 10153**Domestic Representative - Not Found****Assignment 2 of 4**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5344/0574](#)

Pages: 7

Date Recorded: Aug. 15, 2014

Supporting Documents: [assignment-tm-5344-0574.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

**Assignee**Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where CALIFORNIA

Organized:

Address: 3003 TASMAN DRIVE  
SANTA CLARA, CALIFORNIA 95054**Correspondent**

Correspondent Name: JOANNA MCCALL

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130

NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 3 of 4**

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: [5685/0881](#)

Pages: 6

Date Recorded: Dec. 11, 2015

Supporting Documents: [assignment-tm-5685-0881.pdf](#)

**Assignor**

Name: [MORGAN STANLEY SENIOR FUNDING, INC.](#)

Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: [FITSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON

Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 4 of 4**

Conveyance: TERMINATION AND RELEASE OF SECURITY INTERESTS IN TRADEMARK

Reel/Frame: [5689/0776](#)

Pages: 6

Date Recorded: Dec. 15, 2015

Supporting Documents: [assignment-tm-5689-0776.pdf](#)

**Assignor**

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

**Assignee**

Name: [FITSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

**Correspondent Name:** DWAYNE C. HOUSTON

**Correspondent Address:** 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Party type

Proceeding type

Number of Proceedings: 2

**Type of Proceeding: Opposition**

**Proceeding Number:** [91226357](#)

**Filing Date:** Feb 17, 2016

**Status:** Terminated

**Status Date:** May 23, 2016

**Interlocutory Attorney:** BENJAMIN U OKEKE

**Defendant**

**Name:** CardioFit, Inc

**Correspondent Address:** STEVEN STEWART PLLC  
STEVEN STEWART PLLC  
255 CROWN VETCH LN  
ALPHARETTA GA UNITED STATES , 30005-8770

**Correspondent e-mail:** [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

**Name:** Fitbit, Inc.

**Correspondent Address:** MARK FELDMAN  
DLA PIPER LLP  
203 NORTH LASALLE STREET, SUITE 1900  
CHICAGO IL UNITED STATES , 60601

**Correspondent e-mail:** [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016

3	PENDING, INSTITUTED	Feb 17, 2016
4	NOTICE OF DEFAULT	Apr 12, 2016
5	BD DECISION: SUSTAINED	May 23, 2016
6	TERMINATED	May 23, 2016

**Type of Proceeding: Opposition**

**Proceeding Number:** [91226360](#) **Filing Date:** Feb 17, 2016  
**Status:** Terminated **Status Date:** May 23, 2016  
**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** CardioFit, Inc.  
**Correspondent Address:** STEVEN STEWART  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770  
**Correspondent e-mail:** [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>	

**Plaintiff(s)**

**Name:** Fitbit, Inc.  
**Correspondent Address:** MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601  
**Correspondent e-mail:** [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

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STATUS DOCUMENTS

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**Mark:** FITBIT ONE

# FITBIT ONE

<b>US Serial Number:</b> 85813093	<b>Application Filing Date:</b> Dec. 31, 2012
<b>US Registration Number:</b> 4380130	<b>Registration Date:</b> Aug. 06, 2013
<b>Register:</b> Principal	
<b>Mark Type:</b> Trademark	
<b>TM5 Common Status Descriptor:</b>	LIVE/REGISTRATION/Issued and Active
	The trademark application has been registered with the Office.
<b>Status:</b> Registered. The registration date is used to determine when post-registration maintenance documents are due.	
<b>Status Date:</b> Aug. 06, 2013	
<b>Publication Date:</b> May 21, 2013	

## Mark Information

**Mark Literal Elements:** FITBIT ONE

**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:** [3732334](#)

## 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:** Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, distance, steps taken, activity level, calories burned, altitude, hours slept, quality of sleep, and silent wake alarm; pedometers

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 2012

**Use in Commerce:** Sep. 2012

## Basis Information (Case Level)

<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<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

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: FITBIT, INC.

Owner Address: 150 Spear St  
San Francisco, CALIFORNIA UNITED STATES 94105

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Mark I. Feldman

Docket Number: 369411-00000

Attorney Primary Email [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

Attorney Email Authorized: No

Address:

**Correspondent**

Correspondent Name/Address: MARK I. FELDMAN

DLA PIPER LLP (US)  
PO BOX 64807  
CHICAGO, ILLINOIS UNITED STATES 60664-0807

Phone: 312 368 4000

Fax: 312 236 7516

Correspondent e-mail: [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

Correspondent e-mail Authorized: Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jan. 06, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 20, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 06, 2013	REGISTERED-PRINCIPAL REGISTER	
May 21, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 21, 2013	PUBLISHED FOR OPPOSITION	
May 01, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 13, 2013	ASSIGNED TO EXAMINER	82093
Jan. 12, 2013	NOTICE OF PSEUDO MARK MAILED	
Jan. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 03, 2013	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: Aug. 06, 2013

**Assignment Abstract Of Title Information**

Summary

[Conveyance Filter](#)

Total Assignments: 4

Registrant: FITBIT, INC.

**Assignment 1 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5343/0086](#)

Pages: 7

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5343-0086.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

**Assignee**Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 1585 BROADWAY  
NEW YORK, NEW YORK 10036**Correspondent**

Correspondent Name: ALISON CARRIZALES

Correspondent Address: WEIL, GOTSHAL & MANGES LLP  
767 FIFTH AVENUE  
NEW YORK, NY 10153**Domestic Representative - Not Found****Assignment 2 of 4**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5344/0574](#)

Pages: 7

Date Recorded: Aug. 15, 2014

Supporting Documents: [assignment-tm-5344-0574.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

**Assignee**Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Organized:

Address: 3003 TASMAN DRIVE  
SANTA CLARA, CALIFORNIA 95054**Correspondent**

Correspondent Name: JOANNA MCCALL

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005**Domestic Representative - Not Found****Assignment 3 of 4**

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: [5685/0881](#)

Pages: 6

Date Recorded: Dec. 11, 2015

Supporting Documents: [assignment-tm-5685-0881.pdf](#)**Assignor**

Name: [MORGAN STANLEY SENIOR FUNDING, INC.](#)

Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: [FITSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON

Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 4 of 4**

Conveyance: TERMINATION AND RELEASE OF SECURITY INTERESTS IN TRADEMARK

Reel/Frame: [5689/0776](#)

Pages: 6

Date Recorded: Dec. 15, 2015

Supporting Documents: [assignment-tm-5689-0776.pdf](#)

**Assignor**

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

**Assignee**

Name: [FITSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON

Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Proceedings**

Summary

Party type

Proceeding type

Number of Proceedings: 2

**Type of Proceeding: Opposition**

Proceeding Number: [91226357](#) Filing Date: Feb 17, 2016  
 Status: Terminated Status Date: May 23, 2016  
 Interlocutory Attorney: BENJAMIN U OKEKE

**Defendant**

Name: CardioFit, Inc  
 Correspondent Address: STEVEN STEWART PLLC  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770  
 Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

Name: Fitbit, Inc.  
 Correspondent Address: MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601  
 Correspondent e-mail: [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

**Type of Proceeding: Opposition**

Proceeding Number: [91226360](#) Filing Date: Feb 17, 2016  
 Status: Terminated Status Date: May 23, 2016  
 Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

**Name:** CardioFit, Inc.

**Correspondent Address:** STEVEN STEWART  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770

**Correspondent e-mail:** [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>	

**Plaintiff(s)**

**Name:** Fitbit, Inc.

**Correspondent Address:** MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601

**Correspondent e-mail:** [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

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STATUS DOCUMENTS

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Mark: FITBIT SURGE

## FITBIT SURGE

US Serial Number: 86298924

Application Filing Date: Jun. 03, 2014

US Registration Number: 5013394

Registration Date: Aug. 02, 2016

Register: Principal

Mark Type: Trademark

TM5 Common Status  
Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Aug. 02, 2016

Publication Date: Oct. 28, 2014

Notice of Allowance Date: Dec. 23, 2014

## Mark Information

Mark Literal Elements: FITBIT SURGE

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 [3732334](#), [4343563](#), [4380130](#)  
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:** Pedometers; altimeters; multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, elevation, speed, pace, steps taken, calories burned, routes, navigational information, weather information, temperature, wind speed, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; multifunctional electronic devices that link to mobile phones to control volume and notify users of incoming calls or messages; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 04, 2014

Use in Commerce: Dec. 04, 2014

## 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:** FITBIT, INC.

**Owner Address:** 405 Howard Street Suite 550  
San Francisco, CALIFORNIA UNITED STATES 94105

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

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Mark I. Feldman      **Docket Number:** 369411-3

**Attorney Primary Email:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)      **Attorney Email Authorized:** Yes

**Address:**

**Correspondent**

**Correspondent Name/Address:** MARK I. FELDMAN  
DLA PIPER LLP (US)  
PO BOX 64807  
CHICAGO, ILLINOIS UNITED STATES 60664-0807

**Phone:** 312 368 4000      **Fax:** 312 236 7516

**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)      **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Aug. 02, 2016	REGISTERED-PRINCIPAL REGISTER	
Jun. 30, 2016	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 29, 2016	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 18, 2016	STATEMENT OF USE PROCESSING COMPLETE	75298
Jun. 03, 2016	USE AMENDMENT FILED	75298
Jun. 03, 2016	TEAS STATEMENT OF USE RECEIVED	
Feb. 16, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 13, 2016	EXTENSION 2 GRANTED	75298
Dec. 22, 2015	EXTENSION 2 FILED	75298
Feb. 07, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Jan. 06, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 22, 2015	TEAS EXTENSION RECEIVED	
Jun. 25, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 23, 2015	EXTENSION 1 GRANTED	98765
Jun. 23, 2015	EXTENSION 1 FILED	98765
Jun. 23, 2015	TEAS EXTENSION RECEIVED	
Dec. 23, 2014		

	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 28, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 28, 2014	PUBLISHED FOR OPPOSITION	
Oct. 08, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 17, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2014	ASSIGNED TO EXAMINER	76583
Aug. 20, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 17, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Jun. 16, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 06, 2014	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. 29, 2016

**Assignment Abstract Of Title Information**

**Summary**

[Conveyance Filter](#)

Total Assignments: 4

Registrant: FITBIT, INC.

**Assignment 1 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5343/0086](#)

Pages: 7

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5343-0086.pdf](#)

**Assignor**

Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1585 BROADWAY  
NEW YORK, NEW YORK 10036

**Correspondent**

Correspondent Name: ALISON CARRIZALES

Correspondent Address: WEIL, GOTSHAL & MANGES LLP  
767 FIFTH AVENUE  
NEW YORK, NY 10153

**Domestic Representative - Not Found**

**Assignment 2 of 4**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5344/0574](#)

Pages: 7

Date Recorded: Aug. 15, 2014

Supporting Documents: [assignment-tm-5344-0574.pdf](#)

**Assignor**

Name: [FITBIT, INC.](#) Execution Date: Aug. 13, 2014  
 Legal Entity Type: CORPORATION State or Country Where DELAWARE  
 Organized:

**Assignee**

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)  
 Legal Entity Type: CORPORATION State or Country Where CALIFORNIA  
 Organized:

Address: 3003 TASMAN DRIVE  
 SANTA CLARA, CALIFORNIA 95054

**Correspondent**

Correspondent Name: JOANNA MCCALL  
 Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
 NATIONAL CORPORATE RESEARCH, LTD.  
 WASHINGTON, DC 20005

**Domestic Representative - Not Found****Assignment 3 of 4**

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS  
 Reel/Frame: [5685/0881](#) Pages: 6  
 Date Recorded: Dec. 11, 2015  
 Supporting Documents: [assignment-tm-5685-0881.pdf](#)

**Assignor**

Name: [MORGAN STANLEY SENIOR FUNDING, INC.](#) Execution Date: Dec. 10, 2015  
 Legal Entity Type: CORPORATION State or Country Where DELAWARE  
 Organized:

**Assignee**

Name: [FITSTAR, INC.](#)  
 Legal Entity Type: CORPORATION State or Country Where DELAWARE  
 Organized:

Address: 80 LANGTON STREET  
 SAN FRANCISCO, CALIFORNIA 94103

Name: [FITBIT, INC.](#)  
 Legal Entity Type: CORPORATION State or Country Where DELAWARE  
 Organized:

Address: 405 HOWARD STREET  
 SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON  
 Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
 NATIONAL CORPORATE RESEARCH, LTD.  
 WASHINGTON, DC 20005

**Domestic Representative - Not Found****Assignment 4 of 4**

Conveyance: TERMINATION AND RELEASE OF SECURITY INTERESTS IN TRADEMARK  
 Reel/Frame: [5689/0776](#) Pages: 6  
 Date Recorded: Dec. 15, 2015  
 Supporting Documents: [assignment-tm-5689-0776.pdf](#)

**Assignor**

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#) Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Organized:

**Assignee**

Name: [FITSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON

Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

Domestic Representative - Not Found

**Proceedings - None recorded**

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS DOCUMENTS

[Back to Search](#)

Print

**Generated on:** This page was generated by TSDR on 2016-08-25 20:02:41 EDT

**Mark:** FITBIT ZIP

# FITBIT ZIP

**US Serial Number:** 85813068

**Application Filing Date:** Dec. 31, 2012

**US Registration Number:** 4413639

**Registration Date:** Oct. 08, 2013

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

**Status Date:** Oct. 08, 2013

**Publication Date:** Jul. 23, 2013

## Mark Information

**Mark Literal Elements:** FITBIT ZIP

**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:** [3732334](#)

## 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:** Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, distance, steps taken, activity level, and calories burned; pedometers

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 2012

**Use in Commerce:** Sep. 2012

## 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: Fitbit, Inc.

Owner Address: 150 Spear St  
San Francisco, CALIFORNIA UNITED STATES 94105

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Mark I. Feldman

Docket Number: 369411-00000

Attorney Primary Email [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent Name/Address: MARK I. FELDMAN

DLA PIPER LLP (US)  
PO BOX 64807  
CHICAGO, ILLINOIS UNITED STATES 60664-0807

Phone: 312 368 4000

Fax: 312 236 7516

Correspondent e-mail: [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

Correspondent e-mail Authorized: Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jan. 06, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 20, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 08, 2013	REGISTERED-PRINCIPAL REGISTER	
Jul. 23, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 23, 2013	PUBLISHED FOR OPPOSITION	
Jul. 03, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 15, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Jun. 15, 2013	ASSIGNED TO LIE	69712
May 30, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 04, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 03, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 03, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 17, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 17, 2013	NON-FINAL ACTION E-MAILED	6325
Apr. 17, 2013	NON-FINAL ACTION WRITTEN	82093
Apr. 13, 2013	ASSIGNED TO EXAMINER	82093
Jan. 12, 2013	NOTICE OF PSEUDO MARK MAILED	
Jan. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 03, 2013	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: Oct. 08, 2013

**Assignment Abstract Of Title Information****Summary**[Conveyance Filter](#)

Total Assignments: 4

Registrant: Fitbit, Inc.

**Assignment 1 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5343/0086](#)

Pages: 7

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5343-0086.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

**Assignee**Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 1585 BROADWAY  
NEW YORK, NEW YORK 10036**Correspondent**

Correspondent Name: ALISON CARRIZALES

Correspondent Address: WEIL, GOTSHAL & MANGES LLP  
767 FIFTH AVENUE  
NEW YORK, NY 10153**Domestic Representative - Not Found****Assignment 2 of 4**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5344/0574](#)

Pages: 7

Date Recorded: Aug. 15, 2014

Supporting Documents: [assignment-tm-5344-0574.pdf](#)**Assignor**Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

**Assignee**Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where CALIFORNIA

Organized:

Address: 3003 TASMAN DRIVE  
SANTA CLARA, CALIFORNIA 95054**Correspondent**

Correspondent Name: JOANNA MCCALL

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005**Domestic Representative - Not Found**

**Assignment 3 of 4**

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: [5685/0881](#)

Pages: 6

Date Recorded: Dec. 11, 2015

Supporting Documents: [assignment-tm-5685-0881.pdf](#)**Assignor**Name: [MORGAN STANLEY SENIOR FUNDING, INC.](#)

Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

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

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON

Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005**Domestic Representative - Not Found****Assignment 4 of 4**

Conveyance: TERMINATION AND RELEASE OF SECURITY INTERESTS IN TRADEMARK

Reel/Frame: [5689/0776](#)

Pages: 6

Date Recorded: Dec. 15, 2015

Supporting Documents: [assignment-tm-5689-0776.pdf](#)**Assignor**Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where CALIFORNIA

Organized:

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

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON

**Correspondent Address:** 1025 VERMONT AVENUE NW, SUITE 1130  
 NATIONAL CORPORATE RESEARCH, LTD.  
 WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Party type

Proceeding type

Number of Proceedings: 2

**Type of Proceeding: Opposition**

**Proceeding Number:** [91226357](#) **Filing Date:** Feb 17, 2016  
**Status:** Terminated **Status Date:** May 23, 2016  
**Interlocutory Attorney:** BENJAMIN U OKEKE

**Defendant**

**Name:** KardioFit, Inc  
**Correspondent Address:** STEVEN STEWART PLLC  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770  
**Correspondent e-mail:** [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

**Name:** Fitbit, Inc.  
**Correspondent Address:** MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601  
**Correspondent e-mail:** [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	

5	BD DECISION: SUSTAINED	May 23, 2016
6	TERMINATED	May 23, 2016

**Type of Proceeding: Opposition**

**Proceeding Number:** [91226360](#) **Filing Date:** Feb 17, 2016  
**Status:** Terminated **Status Date:** May 23, 2016  
**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** CardioFit, Inc.

**Correspondent Address:** STEVEN STEWART  
 STEVEN STEWART PLLC  
 255 CROWN VETCH LN  
 ALPHARETTA GA UNITED STATES , 30005-8770

**Correspondent e-mail:** [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>	

**Plaintiff(s)**

**Name:** Fitbit, Inc.

**Correspondent Address:** MARK FELDMAN  
 DLA PIPER LLP  
 203 NORTH LASALLE STREET, SUITE 1900  
 CHICAGO IL UNITED STATES , 60601

**Correspondent e-mail:** [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

**Exhibit B**

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS DOCUMENTS

[Back to Search](#)

Print

**Generated on:** This page was generated by TSDR on 2016-08-25 20:09:31 EDT

**Mark:** FITBIT CHARGE

## FITBIT CHARGE

**US Serial Number:** 86298916

**Application Filing Date:** Jun. 03, 2014

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**



LIVE/APPLICATION/Under Examination

**Descriptor:**

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

**Status:** A non-final Office Action has been sent (issued) to the applicant after review of the Statement of Use. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Status Date:** Jul. 26, 2016

**Publication Date:** Oct. 28, 2014

**Notice of Allowance Date:** Dec. 23, 2014

### Mark Information

**Mark Literal Elements:** FITBIT CHARGE

**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:** [3732334](#), [4343563](#), [4380130](#) and others

### 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:** Pedometers; altimeters; multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, steps taken, calories burned, distance travelled, floors climbed, active time, elevation, altitude, speed, pace, hours slept, quality of sleep, silent wake alarm, heart rate, multifunctional electronic devices that link to mobile phones to notify users of incoming calls or messages; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(b)

**First Use:** Oct. 27, 2014

**Use in Commerce:** Oct. 27, 2014

### Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**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:** FITBIT, INC.

**Owner Address:** 405 Howard Street Suite 550  
San Francisco, CALIFORNIA UNITED STATES 94105

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

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Mark I. Feldman      **Docket Number:** 369411-3

**Attorney Primary Email:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)      **Attorney Email Authorized:** Yes

**Address:**

**Correspondent**

**Correspondent Name/Address:** MARK I. FELDMAN  
DLA PIPER LLP (US)  
PO BOX 64807  
CHICAGO, ILLINOIS UNITED STATES 60664-0807

**Phone:** 312 368 4000      **Fax:** 312 236 7516

**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)      **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jul. 26, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jul. 26, 2016	NON-FINAL ACTION E-MAILED	
Jul. 26, 2016	SU - NON-FINAL ACTION - WRITTEN	76583
Jun. 27, 2016	STATEMENT OF USE PROCESSING COMPLETE	65362
Jun. 16, 2016	USE AMENDMENT FILED	65362
Jun. 16, 2016	TEAS STATEMENT OF USE RECEIVED	
Jan. 30, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 29, 2016	EXTENSION 2 GRANTED	65362
Dec. 22, 2015	EXTENSION 2 FILED	65362
Jan. 06, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 22, 2015	TEAS EXTENSION RECEIVED	
Jul. 27, 2015	AMENDMENT AFTER NOA NOT ENTERED	65362
Aug. 24, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jul. 27, 2015	TEAS POST PUBLICATION AMENDMENT RECEIVED	
Jun. 25, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 23, 2015	EXTENSION 1 GRANTED	98765
Jun. 23, 2015	EXTENSION 1 FILED	98765
Jun. 23, 2015	TEAS EXTENSION RECEIVED	

Dec. 23, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT
Oct. 28, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED
Oct. 28, 2014	PUBLISHED FOR OPPOSITION
Oct. 08, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED
Sep. 17, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER
Sep. 15, 2014	ASSIGNED TO EXAMINER 76583
Aug. 20, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY
Jun. 17, 2014	NOTICE OF PSEUDO MARK E-MAILED
Jun. 16, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Jun. 06, 2014	NEW APPLICATION ENTERED IN TRAM

**TM Staff and Location Information**

**TM Staff Information**

TM Attorney: BRECKENFELD, WILLIAM G

Law Office Assigned: LAW OFFICE 116

**File Location**

Current Location: TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Jul. 26, 2016

**Assignment Abstract Of Title Information**

**Summary**

[Conveyance Filter](#)

Total Assignments: 4

Applicant: FITBIT, INC.

**Assignment 1 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5343/0086](#)

Pages: 7

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5343-0086.pdf](#)

**Assignor**

Name: [FITBIT, INC.](#)

Execution Date: Aug. 13, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: [MORGAN STANLEY SENIOR FUNDING, INC., AS COLLATERAL AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1585 BROADWAY  
NEW YORK, NEW YORK 10036

**Correspondent**

Correspondent Name: ALISON CARRIZALES

Correspondent Address: WEIL, GOTSHAL & MANGES LLP  
767 FIFTH AVENUE  
NEW YORK, NY 10153

**Domestic Representative - Not Found**

**Assignment 2 of 4**

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5344/0574](#)

Pages: 7

Date Recorded: Aug. 15, 2014

Supporting Documents: [assignment-tm-5344-0574.pdf](#)**Assignor**

Name: [FITBIT, INC.](#) Execution Date: Aug. 13, 2014  
 Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

**Assignee**

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)  
 Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA  
 Address: 3003 TASMAN DRIVE  
 SANTA CLARA, CALIFORNIA 95054

**Correspondent**

Correspondent Name: JOANNA MCCALL  
 Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
 NATIONAL CORPORATE RESEARCH, LTD.  
 WASHINGTON, DC 20005

**Domestic Representative - Not Found****Assignment 3 of 4**

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: [5685/0881](#)

Pages: 6

Date Recorded: Dec. 11, 2015

Supporting Documents: [assignment-tm-5685-0881.pdf](#)**Assignor**

Name: [MORGAN STANLEY SENIOR FUNDING, INC.](#) Execution Date: Dec. 10, 2015  
 Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

**Assignee**

Name: [FITSTAR, INC.](#)  
 Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE  
 Address: 80 LANGTON STREET  
 SAN FRANCISCO, CALIFORNIA 94103

Name: [FITBIT, INC.](#)  
 Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE  
 Address: 405 HOWARD STREET  
 SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON  
 Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
 NATIONAL CORPORATE RESEARCH, LTD.  
 WASHINGTON, DC 20005

**Domestic Representative - Not Found****Assignment 4 of 4**

Conveyance: TERMINATION AND RELEASE OF SECURITY INTERESTS IN TRADEMARK

Reel/Frame: [5689/0776](#)

Pages: 6

Date Recorded: Dec. 15, 2015

Supporting Documents: [assignment-tm-5689-0776.pdf](#)**Assignor**

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Execution Date: Dec. 10, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

**Assignee**

Name: [FITSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 80 LANGTON STREET  
SAN FRANCISCO, CALIFORNIA 94103

Name: [FITBIT, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

**Correspondent**

Correspondent Name: DWAYNE C. HOUSTON

Correspondent Address: 1025 VERMONT AVENUE NW, SUITE 1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Party type

Proceeding type

Number of Proceedings: 2

**Type of Proceeding: Opposition**

Proceeding Number: [91226357](#)

Filing Date: Feb 17, 2016

Status: Terminated

Status Date: May 23, 2016

Interlocutory Attorney: BENJAMIN U OKEKE

**Defendant**

Name: CardioFit, Inc

Correspondent Address: STEVEN STEWART PLLC  
STEVEN STEWART PLLC  
255 CROWN VETCH LN  
ALPHARETTA GA UNITED STATES , 30005-8770

Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

Name: Fitbit, Inc.

Correspondent Address: MARK FELDMAN  
DLA PIPER LLP  
203 NORTH LASALLE STREET, SUITE 1900  
CHICAGO IL UNITED STATES , 60601

Correspondent e-mail: [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>

FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

#### Type of Proceeding: Opposition

Proceeding Number: [91226360](#)

Filing Date: Feb 17, 2016

Status: Terminated

Status Date: May 23, 2016

Interlocutory Attorney: ELIZABETH WINTER

#### Defendant

Name: CardioFit, Inc.

Correspondent Address: STEVEN STEWART  
STEVEN STEWART PLLC  
255 CROWN VETCH LN  
ALPHARETTA GA UNITED STATES , 30005-8770

Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>	

#### Plaintiff(s)

Name: Fitbit, Inc.

Correspondent Address: MARK FELDMAN  
DLA PIPER LLP  
203 NORTH LASALLE STREET, SUITE 1900  
CHICAGO IL UNITED STATES , 60601

Correspondent e-mail: [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>
FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE		<a href="#">86298916</a>	

		SU - Non-Final Action - Mailed	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
<b>Prosecution History</b>			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS

DOCUMENTS

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**Generated on:** This page was generated by TSDR on 2016-08-25 20:10:21 EDT

**Mark:** FITBIT CHARGE 2

## FITBIT CHARGE 2

**US Serial Number:** 87007686

**Application Filing Date:** Apr. 20, 2016

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status  
Descriptor:**



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by minimum filing requirements) and that this applic examiner.

**Status:** Review prior to publication completed.

**Status Date:** Aug. 06, 2016

**Publication Date:** Sep. 13, 2016

### Mark Information

**Mark Literal Elements:** FITBIT CHARGE 2

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

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

### Related Properties Information

**Claimed Ownership of US Registrations:** [3732334](#), [4343563](#), [4380130](#)

### 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:** Pedometers; altimeters; scales and personal weighing scales; multifunctional electronic devices uploading to the Internet information including time, date, heart rate, global positioning, direction pace, steps taken, calories burned, routes, navigational information, weather information, temperature, activity level, hours slept, quality of sleep, and silent wake alarm; multifunctional electronic control volume and notify users of incoming calls or messages; computer software for wireless communication processing, transmitting and displaying information relating to fitness, body fat, body mass index; information regarding tracking, compliance and motivation with a health and fitness program

**International Class(es):** 009 - Primary Class **U.S Class(es):** 021, 023, 024

**Class Status:** ACTIVE

**Basis:** 1(b)

### Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**Filed 44D:** No

**Currently 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

### Current Owner(s) Information

**Owner Name:** Fitbit, Inc.

**Owner Address:** 405 Howard Street Suite 550  
San Francisco, CALIFORNIA UNITED STATES 94105

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Mark I. Feldman

**Docket Number:** 369411-3

**Attorney Primary Email Address:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Attorney Email Authorized:** Yes

#### Correspondent

**Correspondent Name/Address:** MARK I. FELDMAN

DLA PIPER LLP (US)  
P.O. BOX 64807  
CHICAGO, ILLINOIS UNITED STATES 60664-0807

**Phone:** 312-368-4000

**Fax:** 312-236-7

**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)  
[debbie.leget@dlapiper.com](mailto:debbie.leget@dlapiper.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found****Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Aug. 24, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 05, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 04, 2016	ASSIGNED TO EXAMINER	73370
Apr. 26, 2016	NOTICE OF PSEUDO MARK E-MAILED	
Apr. 25, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 23, 2016	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information**

**TM Attorney:** BENMAMAN, ALICE MEDINA

**Law Office Assigned:** LAW OFF

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Aug. 06, 2

**Assignment Abstract Of Title Information - None recorded****Proceedings - None recorded**

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS

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**Mark:** FITBIT FLEX 2

## FITBIT FLEX 2

**US Serial Number:** 87007121

**Application Filing Date:** Apr. 20, 2016

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status  
Descriptor:**



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by minimum filing requirements) and that this applic examiner.

**Status:** Review prior to publication completed.

**Status Date:** Aug. 06, 2016

**Publication Date:** Sep. 13, 2016

### Mark Information

**Mark Literal Elements:** FITBIT FLEX 2

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

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

### Related Properties Information

**Claimed Ownership of US Registrations:** [4343563](#), [4380130](#), [4507210](#)

### 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:** Pedometers; altimeters; scales and personal weighing scales; multifunctional electronic devices uploading to the Internet information including time, date, heart rate, global positioning, direction pace, steps taken, calories burned, routes, navigational information, weather information, temperature, activity level, hours slept, quality of sleep, and silent wake alarm; multifunctional electronic control volume and notify users of incoming calls or messages; computer software for wireless communication processing, transmitting and displaying information relating to fitness, body fat, body mass index; information regarding tracking, compliance and motivation with a health and fitness program

**International Class(es):** 009 - Primary Class **U.S Class(es):** 021, 023, 024

**Class Status:** ACTIVE

**Basis:** 1(b)

### Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**Filed 44D:** No

**Currently 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

### Current Owner(s) Information

**Owner Name:** Fitbit, Inc.

**Owner Address:** 405 Howard Street Suite 550  
San Francisco, CALIFORNIA UNITED STATES 94105

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Mark I. Feldman

**Docket Number:** 369411-3

**Attorney Primary Email Address:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Attorney Email Authorized:** Yes

#### Correspondent

**Correspondent Name/Address:** MARK I. FELDMAN

DLA PIPER LLP (US)  
P.O. BOX 64807  
CHICAGO, ILLINOIS UNITED STATES 60664-0807

**Phone:** 312-368-4000

**Fax:** 312-236-7

**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)  
[debbie.leget@dlapiper.com](mailto:debbie.leget@dlapiper.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Aug. 24, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 05, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 04, 2016	ASSIGNED TO EXAMINER	73370
Apr. 26, 2016	NOTICE OF PSEUDO MARK E-MAILED	
Apr. 25, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 23, 2016	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information**

**TM Attorney:** BENMAMAN, ALICE MEDINA

**Law Office Assigned:** LAW OFF

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Aug. 06, 2

**Assignment Abstract Of Title Information - None recorded**

**Proceedings - None recorded**

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS DOCUMENTS

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Print

**Generated on:** This page was generated by TSDR on 2016-08-25 20:11:48 EDT

**Mark:** FITBIT BLAZE

# FITBIT BLAZE

**US Serial Number:** 86865107

**Application Filing Date:** Jan. 04, 2016

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

**Status:** Application has been published for opposition. The opposition period begins on the date of publication.

**Status Date:** Aug. 23, 2016

**Publication Date:** Aug. 23, 2016

## Mark Information

**Mark Literal Elements:** FITBIT BLAZE

**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

## Foreign Information

**Priority Claimed:** Yes

**Foreign Application Number:** 1316818

**Foreign Application Filing Date:** Sep. 11, 2015

**Foreign Application/Registration Country:** BENELUX

## 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:** Personal electronic devices used to track fitness goals and statistics; wearable portable fitness activity trackers; portable, handheld, and personal digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, and digital files; wearable electronic devices, namely, watches, bracelets, and wrist bands that are comprised of software that communicates data to personal digital assistants, smart phones, and personal computers through Internet websites and other computer and electronic communication networks; wearable digital electronic devices comprised primarily of software for alerts, messages, emails, and reminders, and for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, and digital files and display screens; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(b)

**Basis Information (Case Level)**

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> Yes	<b>Amended ITU:</b> Yes
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> Yes
<b>Filed 44E:</b> Yes	<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:** Fitbit, Inc.

**Owner Address:** 405 Howard Street, Suite 550  
San Francisco, CALIFORNIA UNITED STATES 94105

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

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Jennifer Lee Taylor      **Docket Number:** 734496002000

**Attorney Primary Email Address:** [TMDocket@mofo.com](mailto:TMDocket@mofo.com)      **Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** JENNIFER LEE TAYLOR  
MORRISON & FOERSTER LLP  
425 MARKET STREET  
SAN FRANCISCO, CALIFORNIA UNITED STATES 94105

**Phone:** 415-268-6538      **Fax:** 415-268-7522

**Correspondent e-mail:** [TMDocket@mofo.com](mailto:TMDocket@mofo.com) [JTaylor@mofo.com](mailto:JTaylor@mofo.com)      **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Aug. 23, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 23, 2016	PUBLISHED FOR OPPOSITION	
Aug. 03, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 18, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jul. 12, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 11, 2016	EXAMINER'S AMENDMENT ENTERED	68171
Jul. 11, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 11, 2016	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 11, 2016	EXAMINERS AMENDMENT -WRITTEN	92834
Jul. 06, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 06, 2016	NON-FINAL ACTION E-MAILED	6325
Jul. 06, 2016	NON-FINAL ACTION WRITTEN	92834
Jun. 20, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Jun. 20, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Jun. 15, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 17, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Mar. 17, 2016	NON-FINAL ACTION E-MAILED	6325
Mar. 17, 2016	NON-FINAL ACTION WRITTEN	92834
Mar. 10, 2016	ASSIGNED TO EXAMINER	92834
Jan. 27, 2016	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	68171
Jan. 27, 2016	ASSIGNED TO LIE	68171
Jan. 14, 2016	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jan. 14, 2016	NOTICE OF PSEUDO MARK E-MAILED	
Jan. 13, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 07, 2016	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information**

TM Attorney: ROSEN, AMANDA ROBYN

Law Office Assigned: LAW OFFICE 121

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 18, 2016

**Assignment Abstract Of Title Information - None recorded**

**Proceedings**

**Summary**

Party type

Proceeding type

Number of Proceedings: 2

**Type of Proceeding: Opposition**

Proceeding Number: [91226357](#)

Filing Date: Feb 17, 2016

Status: Terminated

Status Date: May 23, 2016

Interlocutory Attorney: BENJAMIN U OKEKE

**Defendant**

Name: CardioFit, Inc

Correspondent Address: STEVEN STEWART PLLC  
STEVEN STEWART PLLC  
255 CROWN VETCH LN  
ALPHARETTA GA UNITED STATES , 30005-8770

Correspondent e-mail: [steveniplaw@me.com](mailto:steveniplaw@me.com) , [stvn0603@gmail.com](mailto:stvn0603@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBET	Abandoned - After Inter-Partes Decision	<a href="#">86641560</a>	

**Plaintiff(s)**

Name: Fitbit, Inc.

Correspondent Address: MARK FELDMAN  
DLA PIPER LLP  
203 NORTH LASALLE STREET, SUITE 1900  
CHICAGO IL UNITED STATES , 60601

Correspondent e-mail: [michael.geller@dlapiper.com](mailto:michael.geller@dlapiper.com) , [mark.feldman@dlapiper.com](mailto:mark.feldman@dlapiper.com) , [keith.medansky@dlapiper.com](mailto:keith.medansky@dlapiper.com) , [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBIT	Registered	<a href="#">86133604</a>	<a href="#">4851801</a>
FITBIT	Registered	<a href="#">86578855</a>	<a href="#">4845528</a>
FITBIT FORCE	Registered	<a href="#">85854784</a>	<a href="#">4492419</a>

FITBIT ONE	Registered	<a href="#">85813093</a>	<a href="#">4380130</a>
FITBIT ZIP	Registered	<a href="#">85813068</a>	<a href="#">4413639</a>
FITBIT FLEX	Registered	<a href="#">85811829</a>	<a href="#">4507210</a>
FITBIT	Registered	<a href="#">85549196</a>	<a href="#">4343563</a>
FITBIT	Registered	<a href="#">77549355</a>	<a href="#">3732334</a>
FITBIT CHARGE	SU - Non-Final Action - Mailed	<a href="#">86298916</a>	
FITBIT SURGE	Registered	<a href="#">86298924</a>	<a href="#">5013394</a>
FITBIT BLAZE	Published For Opposition	<a href="#">86865107</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	NOTICE OF DEFAULT	Apr 12, 2016	
5	BD DECISION: SUSTAINED	May 23, 2016	
6	TERMINATED	May 23, 2016	

**Type of Proceeding: Opposition**

<b>Proceeding Number:</b> <a href="#">91226360</a>	<b>Filing Date:</b> Feb 17, 2016
<b>Status:</b> Terminated	<b>Status Date:</b> May 23, 2016
<b>Interlocutory Attorney:</b> ELIZABETH WINTER	

**Defendant**

<b>Name:</b> CardioFit, Inc.
<b>Correspondent Address:</b> STEVEN STEWART STEVEN STEWART PLLC 255 CROWN VETCH LN ALPHARETTA GA UNITED STATES , 30005-8770
<b>Correspondent e-mail:</b> <a href="mailto:steveniplaw@me.com">steveniplaw@me.com</a> , <a href="mailto:stvn0603@gmail.com">stvn0603@gmail.com</a>

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FITBETTER	Abandoned - After Inter-Partes Decision	<a href="#">86647390</a>	

**Plaintiff(s)**

<b>Name:</b> Fitbit, Inc.
<b>Correspondent Address:</b> MARK FELDMAN DLA PIPER LLP 203 NORTH LASALLE STREET, SUITE 1900 CHICAGO IL UNITED STATES , 60601
<b>Correspondent e-mail:</b> <a href="mailto:michael.geller@dlapiper.com">michael.geller@dlapiper.com</a> , <a href="mailto:mark.feldman@dlapiper.com">mark.feldman@dlapiper.com</a> , <a href="mailto:keith.medansky@dlapiper.com">keith.medansky@dlapiper.com</a> , <a href="mailto:ch.tm@dlapiper.com">ch.tm@dlapiper.com</a>

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