

ESTTA Tracking number: **ESTTA769844**

Filing date: **09/09/2016**

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	Savvier, LP
Granted to Date of previous extension	09/11/2016
Address	5790 Fleet Street, Suite 130 Carlsbad, CA 92008 UNITED STATES
Attorney information	Joseph P. Costa Costa Besser & Childress LLP 17383 Sunset Blvd., Suite A350 Pacific Palisades, CA 90272 UNITED STATES jcosta@cbc-llp.com, lcinotto@cbc-llp.com

**Applicant Information**

Application No	85973545	Publication date	03/15/2016
Opposition Filing Date	09/09/2016	Opposition Period Ends	09/11/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	Universal Pictures Visual Programming Limited 1 Central St. Giles, St. Giles High St. London, WC2H8NU UNITED KINGDOM		

**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: Video recordings featuring fitness, health, wellness, nutrition, lifestyle and mindfulness; motion picture and television films for display featuring fitness, health, wellness and nutrition; pre-recorded DVDs featuring fitness, health, wellness and nutrition; pre-recorded HD DVDs featuring fitness, health, wellness and nutrition; computer software for mobile, portable and handheld devices for use in distribution and viewing of audio, video, and audiovisual elements and information relating to fitness, health, wellness and nutrition; downloadable software for mobile, portable and handheld devices featuring information, videos and multimedia content in the field of fitness, health, wellness and nutrition; downloadable ring tones for mobile devices; music, namely, downloadable music files, compact discs featuring music; graphics, namely, downloadable graphics for mobilephones, tablets and computers; games, namely, interactive games programs, interactive video games programs, downloadable electronic game software for use on mobile devices, computer game software, computer game discs, video game software, video game discs; downloadable images in the field of fitness, health, wellness and nutrition; downloadable video recordings featuring fitness, health, wellness and nutrition; downloadable television programs and motion pictures featuring fitness, health, wellness and nutrition provided via the Internet, portable handheld</p>
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devices, and a video-on-demand service; downloadable podcasts in the field of fitness, health, wellness and nutrition; downloadable electronic publications in the nature of informational sheets, informational flyers, instructional materials, training materials, leaflets, newsletters, periodicals, books and manuals in the field of fitness, health, wellness and nutrition; sports helmets

Class 016. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Paper, cardboard and goods made from these materials, namely, writing paper, notebooks, notepads, writing pads, memo pads, note cards, envelopes, calendars, diaries, journals, agendas, bookmarks, folders, coasters made of paper, decals and transfers, stickers, trading cards, paper pennants, paper banners, photograph albums, paper party decorations; printed matter, namely, informational sheets, informational flyers, instructional materials, training materials, leaflets, newsletters, periodicals, books and manuals featuring fitness, health, wellness and nutrition; photographs; printed instructional and teaching material in the field of fitness, health, wellness and nutrition; books in the field of fitness, health, wellness and nutrition; graphic novels; magazines in the field of fitness, health, wellness and nutrition; stationery and stationery items, namely, writing instruments, pens, pencils, markers, crayons, arts and crafts paint kits, pencil cases, pencil erasers, pencil sharpeners, decorative pencil top ornaments, rulers, rubber stamps and stamp pads, adhesive tape; posters

Class 018. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Leather and imitation leather; trunks and suitcases, umbrellas, beach umbrellas, parasols and canes; luggage and bags made of leather, imitation leather and cloth, namely, travel bags, backpacks, handbags, satchels, shoe bags for travel, all-purpose sports bags, beach bags, mountain climbing backpacks, hiking backpacks, briefcases, schoolbags, travel bags with wheels, hanging bags for travel, all-purpose athletic bags; luggage straps; wallets and purses; parts and fittings therefor

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Clothing, namely, pants, shorts, leggings, shirts, t-shirts, tank tops, hooded sweatshirts, sweaters, jackets, coats, warm-up suits, athletic tops, sports bras, socks, scarves, headbands, belts; footwear and headwear

Class 028. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Sporting articles and equipment, namely, cases specially adapted for sports equipment, sports bags, sport balls, sportsnets; sports mats, namely, yoga mats and personal exercise mats; athletic equipment, namely, athletic wrist and joint supports, hand wraps, mouth guards, striking bags, sports rings; exercise equipment for arms, legs, torsos, breasts, hips, buttocks, abdomen, chin, neck and entire body, namely, stationary cycles, stair-stepping machines, rowing machines and weight-lifting machines; exercise equipment and apparatus, namely, manually-operated exercise equipment for physical fitness purposes; exercise equipment and apparatus, namely, exercise balls, medicine balls, exercise weights, exercise bars, exercise ropes, exercise resistance tubes, exercise bands, personal exercise mats, aerobic and mat steps, pushup stands, power stands in the nature of exercise platforms, foam rollers and massage balls, exercise balance pads, stability balls; toys, games and playthings, namely, balls for games, rubber action balls, toy whistles, electronic game equipment with a watch function, toy clocks and watches, skill and action games, game cards, board games, squeeze toys, stacking toys, stuffed toys; parts and fittings therefor; all of the above excluding water sporting and diving goods

Class 038. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Transmission of on-demand video and television programs and motion pictures; transmission of non-downloadable video, television programs and motion pictures


Class 041. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Education services, namely, instruction, training, classes, demonstrations, presentations, seminars and workshops in the field of fitness, health, wellness and nutrition; providing of training in the field of fitness, health, wellness and nutrition; entertainment services, namely, television programming and multimedia programming via the Internet in the field of fitness, health, wellness and nutrition; production and distribution of television programs and motion pictures; television programming services; provision of non-downloadable video, television programs and motion pictures via video-on-demand; provision of non-downloadable video, television programs and motion pictures featuring fitness, health, wellness, nutrition, lifestyle and mindfulness; entertainment services, namely, providing online electronic games, web-based games, online interactive games, online video games and non-downloadable mobile games; amusement parks


## Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
The mark is generic	Trademark Act Sections 1, 2 and 45

## Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85812276	Application Date	12/28/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TABATA BOOTCAMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2012/06/21 First Use In Commerce: 2012/06/21 Apparel, namely shirts, tank tops, jackets, and hats		

U.S. Application No.	86514686	Application Date	01/26/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TABATA EXPRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Pre-recorded audio tapes, video tapes, and DVDs featuring 30 minute and 60 minute sessions of in-home instruction in the field of fitness Class 038. First use: First Use: 0 First Use In Commerce: 0 Streaming of video material featuring 30 minute and 60 minute sessions of in-home instruction in the field of fitness on the Internet		

U.S. Registration No.	4573797	Application Date	07/07/2011
Registration Date	07/22/2014	Foreign Priority Date	NONE
Word Mark	TABATA BOOTCAMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/03/01 First Use In Commerce: 2012/03/01 Pre-recorded audio tapes, video tapes, DVDs featuring 30 minute and one hour, in-home instruction in the field of fitness		

U.S. Registration No.	4990518	Application Date	07/07/2011
Registration Date	06/28/2016	Foreign Priority Date	NONE
Word Mark	TABATA BOOTCAMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2012/01/06 First Use In Commerce: 2012/01/06 Educational services, namely, conducting live classroom and on-line seminars and workshops for introducing professional fitness instructors to training protocols in the field of fitness		

Attachments	85812276#TMSN.png( bytes ) 86514686#TMSN.png( bytes ) 85365730#TMSN.png( bytes ) 85365741#TMSN.png( bytes ) notice of opposition Design Final.pdf(315596 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	/Joseph P. Costa/
Name	Joseph P. Costa
Date	09/09/2016

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

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SAVVIER, LP.	)	
	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	Serial No. 85/973,545
	)	
UNIVERSAL PICTURES VISUAL	)	
PROGRAMMING LIMITED,	)	
	)	
Applicant.	)	

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**NOTICE OF OPPOSITION**

Savvier, LP (“Savvier”), a limited partnership duly organized and existing under the laws of the State of California, with its principal place of business in Carlsbad, California, shall be damaged by the registration of the TABATA mark, Serial No. 85/973,545 (the “TABATA” Mark”), in the name of Universal Pictures Programming Limited (“Applicant”), 100 Universal City Plaza #12806, Universal City, CA 91608, and hereby opposes said application pursuant to 15 U.S.C. § 1063.

In support of this Notice of Opposition, Savvier states as follows:

1. Savvier is a direct response company that operates, *inter alia*, various fitness related websites selling fitness products, classes as well as offering training and certification programs to fitness instructors.

2. On or around July 7, 2011, Savvier applied for a trademark registration in the mark TABATA BOOTCAMP, in classes IC 009 (pre-recorded

audio tapes, etc.) and IC 041 (fitness education). Ultimately, the USPTO found that the use of the word “TABATA” by itself is generic. However, the USPTO found that Savvier’s TABATA BOOT CAMP marks were eligible for registration (in that unlike the Applicant’s mark, it was accompanied by more than the word TABATA) and the trademarks were registered on the supplemental registry on July 22, 2014 for the IC 009 class and on June 28, 2016 for the IC 041 class. The date of first use for this mark is March 1, 2012 for the 009 class and January 6, 2012 for the IC 041 class. See, TABATA BOOTCAMP, USPTO Registration Numbers 4573797 and 4990518, which are attached hereto as **Exhibit A** and **Exhibit B** respectively.

3. On or around December 28, 2012, Savvier applied to register the mark TABATA BOOTCAMP in IC 025 (apparel), with a date of first use in commerce of June 21, 2012 (USPTO Serial No. 85812276). This application was suspended as a result of Applicant’s application.

4. On or around January 26, 2015, Savvier applied to register the mark TABATA EXPRESS in the categories IC 009 (Pre-recorded audio tapes, etc.) and IC 038 (Streaming video material...in the field of fitness...)(USPTO Serial No. 86514686). This application was also suspended as a result of Applicant’s application. Attached hereto as **Exhibit C** are copies of these notices from the examining attorney with the United States Patent and Trademark Office.

5. On or about June 28, 2013, Universal filed an intent to use application with the United States Patent and Trademark Office to register the design mark Tabata in International Classes 009, 016, 018, 025, 028, 038, and 041. See, United

States Application Serial No. 85973545. Universal maintains that the priority of use date of this mark was January 7, 2013.

6. On or about June 14, 2013, Universal filed an application with the United States Patent and Trademark Office to register the word mark Tabata in International Classes 009, 016, 018, 025, 028, 038, and 041. United States Application Serial No. 85960760. Universal maintains that the priority of use date of this mark was December 18, 2012.

7. Applicant's two TABATA marks were published for opposition in the *Official Gazette* on or around March 15, 2016. Savvier subsequently timely requested an extension of time to file an opposition for the applications, which were granted through and including September 11, 2016.

8. Savvier's dates of first use for its various TABATA BOOTCAMP marks are January 6, 2012, March 1, 2012, and June 21, 2012. These dates are all well before Applicant's dates of first use of December 18, 2012 and January 7, 2013.

9. Savvier has invested considerable money, time and effort into the development of the TABATA BOOTCAMP/TABATA EXPRESS marks. These marks have become valuable for Savvier as immediately recognizable and well-known indicators of source of the company's fitness certification program, classes and DVDs, especially within the fitness industry.

10. By reason of its extensive advertising, promotion and sale of Savvier's services and products under the TABATA BOOTCAMP/TABATA EXPRESS marks, Savvier has developed enormous goodwill in connection with the TABATA



BOOTCAMP/TABATA EXPRESS Marks.

11. By the mere suspension of Savvier's pending TABATA EXPRESS and TABATA BOOTCAMP marks, there is evidence the marks are similar and there is a likelihood of confusion.

12. Applicant seeks to register its TABATA marks in several of the same classes which Savvier already has a registration.

13. For the foregoing reasons, along with other deficiencies in Applicant's marks to be further identified in connection with a hearing on this matter, the registrations sought by Applicant are contrary to the provisions of Section 2 of the Lanham Act, and Opposer believes that it would be damaged thereby.

WHEREFORE, Opposer respectfully requests that registration of the mark shown in Application Serial No. 85/973,545 be refused and that this Opposition be sustained in favor of Opposer.

Respectfully

submitted, SAVVIER,

LP

Dated: September 9, 2016

By: /Joseph P. Costa/  
Joseph P. Costa  
Lindsay Cinotto  
COSTA BESSER & CHILDRESS LLP  
17383 Sunset Blvd. Suite A350  
Pacific Palisades, CA 90272  
Telephone: (310) 394-6611  
Attorneys for Opposer

# **Exhibit A**

# United States of America

United States Patent and Trademark Office

## TABATA BOOTCAMP

**Reg. No. 4,573,797**

**Registered July 22, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**SUPPLEMENTAL REGISTER**

SAVVIER, LP (CALIFORNIA LIMITED PARTNERSHIP)  
SUITE 130  
5790 FLEET STREET  
CARLSBAD, CA 92008

FOR: PRE-RECORDED AUDIO TAPES, VIDEO TAPES, DVDS FEATURING 30 MINUTE AND ONE HOUR, IN-HOME INSTRUCTION IN THE FIELD OF FITNESS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-1-2012; IN COMMERCE 3-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOOTCAMP", APART FROM THE MARK AS SHOWN.

SER. NO. 85-365,730, FILED P.R. 7-7-2011; AM. S.R. 6-11-2014.

EDWARD FENNESSY, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

# **Exhibit B**

# United States of America

United States Patent and Trademark Office

## TABATA BOOTCAMP

**Reg. No. 4,990,518**

**Registered June 28, 2016**

**Int. Cl.: 41**

**SERVICE MARK**

**SUPPLEMENTAL REGISTER**

SAVVIER, LP (CALIFORNIA LIMITED PARTNERSHIP)  
SUITE 130  
5790 FLEET STREET  
CARLSBAD, CA 92008

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING LIVE CLASSROOM AND ON-LINE SEMINARS AND WORKSHOPS FOR INTRODUCING PROFESSIONAL FITNESS INSTRUCTORS TO TRAINING PROTOCOLS IN THE FIELD OF FITNESS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-6-2012; IN COMMERCE 1-6-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TABATA", APART FROM THE MARK AS SHOWN.

SER. NO. 85-365,741, FILED P.R. 7-7-2011; AM. S.R. 2-7-2012.

EDWARD FENNESSY, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# **Exhibit C**



**To:** Savvier, LP ([jcosta@cacllp.com](mailto:jcosta@cacllp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86514686 - TABATA EXPRESS - N/A  
**Sent:** 11/12/2015 11:29:15 AM  
**Sent As:** ECOM111@USPTO.GOV  
**Attachments:**

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

U.S. APPLICATION SERIAL NO. 86514686

MARK: TABATA EXPRESS

**\*86514686\***

**CORRESPONDENT ADDRESS:**  
JOSEPH P. COSTA  
COSTA ABRAMS & COATE LLP  
1221 2ND ST FL 3  
SANTA MONICA, CA 90401-1181

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Savvier, LP

**CORRESPONDENT'S REFERENCE/DOCKET NO :**  
N/A

**CORRESPONDENT E-MAIL ADDRESS:**  
[jcosta@cacllp.com](mailto:jcosta@cacllp.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE: 11/12/2015**

This Office action is in response to applicant's communication filed on October 29, 2015. The applicant's disclaimer of the term TABATA has been entered into the application record.

The trademark examining attorney is suspending action on the application for the reason stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application identified below precedes the filing date of applicant's application. When there are conflicting marks in pending applications, action on the application with the later effective filing date will be suspended. TMEP §716.02(c). Since the applicant's filing date is later than the cited application, the present application must be suspended. For the trademark application process, the effective filing date determines the order in which applications will be examined. It should be noted, however, that order of examination is not necessarily the final determination of registrability.

If the mark in the referenced application registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application was sent previously.

- Application Serial No(s). 85973545

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Geoffrey Fosdick/  
Trademark Attorney  
Law Office 111  
U.S. Patent & Trademark Office  
571 272 9161  
geoffrey.fosdick@uspto.gov

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** Savvier, LP ([jcosta@cacllp.com](mailto:jcosta@cacllp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86514686 - TABATA EXPRESS - N/A  
**Sent:** 11/12/2015 11:29:15 AM  
**Sent As:** ECOM111@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **11/12/2015** FOR U.S. APPLICATION SERIAL NO.86514686

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

**To:** SAVVIER, LP ([IPDocketing@pattonboggs.com](mailto:IPDocketing@pattonboggs.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85812276 - TABATA BOOTCAMP - 021542.0373T  
**Sent:** 4/18/2014 2:13:47 PM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

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

U.S. APPLICATION SERIAL NO. 85812276

MARK: TABATA BOOTCAMP

**\*85812276\***

**CORRESPONDENT ADDRESS:**

Carl A. Forest  
PATTON BOGGS LLP  
1801 CALIFORNIA ST STE 4900  
DENVER CO 80202-2613

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

APPLICANT: SAVVIER, LP

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

021542.0373T

**CORRESPONDENT E-MAIL ADDRESS:**

[IPDocketing@pattonboggs.com](mailto:IPDocketing@pattonboggs.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE: 4/18/2014**

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). **85960760**

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**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** SAVVIER, LP ([IPDocketing@pattonboggs.com](mailto:IPDocketing@pattonboggs.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85812276 - TABATA BOOTCAMP - 021542.0373T  
**Sent:** 4/18/2014 2:13:47 PM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **4/18/2014** FOR U.S. APPLICATION SERIAL NO.85812276

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2016, I served a true and correct copy of the foregoing NOTICE OF OPPOSITION on Applicant by U.S. mail addressed as follows:

/Lindsay Cinotto/  
One of the Attorneys for Opposer  
Savvier, Inc.