

ESTTA Tracking number: **ESTTA10134**

Filing date: **06/15/2004**

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

<b>Name</b>	FitnessDynamics
<b>Granted to Date of previous extension</b>	06/20/2004
<b>Address</b>	FitnessDynamics 14435 N Scottsdale Rd Suite 400 Scottsdale, AZ 85254 UNITED STATES

<b>Correspondence information</b>	FitnessDynamics 14435 N Scottsdale Rd Suite 400 Scottsdale, AZ 85254 UNITED STATES fitnessdynamics@earthlink.net Phone:480-624-2000
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#### Applicant Information

<b>Application No</b>	76506717	<b>Publication date</b>	12/23/2003
<b>Opposition Filing Date</b>	06/15/2004	<b>Opposition Period Ends</b>	06/20/2004
<b>Applicant</b>	Betsy Steiner Dressage, LLC		

#### Goods/Services Affected by Opposition

Class 041. First Use: 20020908 First Use In Commerce: 20020908  
All goods and services in the class are opposed, namely: PHYSICAL FITNESS  
INSTRUCTION SERVICES; EDUCATIONAL SERVICES, NAMELY,  
CONDUCTING SEMINARS AND WORKSHOPS IN THE FIELD OF PHYSICAL  
FITNESS EXERCISE, BODY BUILDING AND HEALTH

Two serial #'s exist that pertain to the opposition to this mark (76491419 and 78258498).  
Brenda Rubin McDermott is the owner of Fitness Dynamics therefore these related serial  
#'s reflect the persons as one in the same even though the applications are filed under 2  
different owners.

<b>Attachments</b>	file for opposition.pdf ( 1 page )
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<b>Signature</b>	/bm4444/
<b>Name</b>	FitnessDynamics
<b>Date</b>	06/15/2004

In December 2002, I filed my original Trademark application wherein I clearly stated my intention to use the term Equilates in conjunction with my business.

In the course of pursuing my Trademark application (filing date 2-24-2003- serial # 76491419) for use of the term Equilates, it came to my attention that another application had been filed for the mark. Based on the information contained in serial # 76506717, I believe that I began using the trademark first and that my original application pre dated this application for use of the mark. According to Ms. Steiner's Trademark application, she began using the term two months later in September (reference first use in commerce date on her application)

My original application (serial # 76491419) did contain a filing error at which time I re-filed the application with all the correct and appropriate information (serial # 78258498). My intentions have always been to file the mark as Equilates and use it under goods and services IC 041. US 100 101 107.