

ESTTA Tracking number: **ESTTA862031**

Filing date: **12/02/2017**

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	Coreology, Inc.		
Entity	Corporation	Citizenship	California
Address	704 Deep Valley Dr. Rolling Hills Estates, CA 90274 UNITED STATES		

Attorney information	Henry Pogorzelski Conley Rose, P.C. P.O. Box 3267 Houston, TX 77253-3267 UNITED STATES Email: tmhou@conleyrose.com Phone: 7132388000		
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**Applicant Information**

Application No	87507864	Publication date	11/28/2017
Opposition Filing Date	12/02/2017	Opposition Period Ends	12/28/2017
Applicant	Lagree Technologies, Inc. c/o Laski Law 15332 Antioch St., Ste 125 Pacific Palisades, CA 90272 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 2002/03/15 First Use In Commerce: 2002/03/15 All goods and services in the class are opposed, namely: Providing fitness classes, workouts, training, and exercise routine
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**Grounds for Opposition**

The mark is merely descriptive	Trademark Act Section 2(e)(1)
The mark is generic	Trademark Act Sections 1, 2 and 45
The mark is deceptively misdescriptive	Trademark Act Section 2(e)(1)
No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
Failure to function as a mark	Trademark Act Sections 1, 2 and 45
Other	Specimens do not support alleged services.

Related Proceedings	Opposition No. 91236942 (WHEELBARROW in IC 041): similar legal and factual issues, same parties. Opposition No. 91236668 (SCRAMBLED EGGS in IC 041): similar legal and factual issues, same parties.
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Attachments	Notice_of_Opposition_SPIDER_LUNGE.pdf(108692 bytes )
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Signature	/Henry Pogorzelski/
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Name	Henry Pogorzelski
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Date	12/02/2017
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

*In re* U.S. Trademark Application Serial No. 87/507,864 for the mark SPIDER LUNGE, filed on June 27, 2017, published on November 28, 2017, and having the current owner of record Lagree Technologies, Inc.

Coreology, Inc.	§	
	§	
Opposer,	§	
	§	
vs.	§	Opposition No. _____
	§	
Lagree Technologies, Inc.,	§	
	§	
Applicant.	§	

**NOTICE OF OPPOSITION**

Commissioner:

Coreology, Inc. (“Opposer”), a corporation organized under the laws of the state of California and having a place of business at 704 Deep Valley Dr., Rolling Hills Estates, California 90274, United States, believes that it will be damaged by Lagree Technologies, Inc.’s registration of the mark SPIDER LUNGE in International Class 041 as shown in U.S. Trademark Application Serial No. 87/507,864. Accordingly, Opposer hereby opposes the same under the provisions of the Trademark Act of 1946, § 1063 of Title 15 of the United States Code.

Opposer provides the following as standing to oppose the application and as grounds for the opposition:

## Background

1. The Opposed U.S. Trademark Application Serial No. 87/507,864 for the alleged mark SPIDER LUNGE (the “Opposed Application”) was filed on June 27, 2017. The Opposed Application was filed by Lagree Technologies, Inc. (“Applicant”).

2. The Opposed Application seeks registration of the alleged mark SPIDER LUNGE for the following class: IC 041. US 100 101 107. G & S: Providing fitness classes, workouts, training, and exercise routine.

3. The Opposed Application published on November 28, 2017. The opposition period expires on December 28, 2017.

4. Pursuant to the U.S. Trademark Office records, the current owner of the Opposed Application is Lagree Technologies, Inc., c/o Laski Law 15332 Antioch St., Ste. 125, Pacific Palisades, California 90272.

5. Opposer operates an exercise studio in which customers perform Pilates-like exercise routines, typically on a machine that may be called a Pilates reformer.

6. As is known to exercise participants, instructors and others in the exercise field, the term “Spider Lunge” generally refers to a particular exercise move wherein a participant begins in a plank position as if to do a push-up, the participant then moves one of his or her feet forward to a position just beside the participant’s hand, the participant next returns his or her foot back to its original position, and the participant then repeats the foregoing with his or her other foot.

7. As applied to Pilates-like exercises on a reformer, and as is known to participants, instructors and others familiar with and/or involved in Pilates-like exercises, the term “Spider Lunge” may also refer to a particular exercise move in which participants (i) place their hands on

a handle bar in the front part of the reformer; (ii) place one foot on the floor next to the reformer; (iii) place the other foot on the sliding carriage portion of the reformer; (iv) move the sliding carriage forward and backward in a slow, controlled manner.

8. The names of exercise moves are not entitled to trademark protection.

### **Grounds for Opposing**

9. The Opposed Application recites the following description of services in IC 041: “Providing fitness classes, workouts, training, and exercise routine.”

10. The term “Spider Lunge” has not been used as a trademark or service mark, and/or the term fails to function as a trademark.

11. The alleged SPIDER LUNGE mark is generic of the services for which use is alleged.

12. The alleged SPIDER LUNGE mark is merely descriptive and/or deceptively misdescriptive of the services for which use is alleged.

13. The specimens provided in the Opposed Application do not show use by the Applicant of the recited services. Rather, the specimens confirm the foregoing by demonstrating that the alleged mark is merely the name given to an exercise move.

14. On information and belief, there has been no bona fide use of the alleged SPIDER LUNGE mark in commerce prior to the filing of the Opposed Application, with respect to the services recited above.

### **Prayer and Authorization**

WHEREFORE, Opposer prays that registration of the mark shown in U.S. Trademark Application Serial No. 87/507,864 be refused, and that the Opposition of this Notice be sustained in favor of Opposer.

Authorization is hereby granted to the U.S. Patent and Trademark Office to deduct the filing fee for the present opposition in the amount of \$400.00 from Conley Rose Deposit Account No. 501515. Should any additional fees be due, please also charge them to Deposit Account No. 501515.

Respectfully submitted,

Dated: December 2, 2017

By: /Henry Pogorzelski/  
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ATTORNEY FOR OPPOSER

**CERTIFICATE OF TRANSMISSION UNDER TBMP 110**

I HEREBY CERTIFY that a true and correct copy of this document, *Notice of Opposition*, opposing registration of U.S. Trademark Application Serial No. 87/507,864 for the mark SPIDER LUNGE, is being filed electronically through <http://estta.uspto.gov> via the Trademark Trial and Appeal Board Electronic Filing System.

On the 2<sup>nd</sup> day of December, 2017.

/Melissa Kirchhoff/  
Melissa Kirchhoff

**CERTIFICATE OF SERVICE UNDER TBMP 113**

I HEREBY CERTIFY that a true and correct copy of the foregoing *Notice of Opposition*, opposing registration of U.S. Trademark Application Serial No. 87/507,864 for the mark SPIDER LUNGE, is being sent by electronic mail to counsel for Applicant, Lagree Technologies, Inc., as follows:

Benjamin Laski  
Law Offices of Benjamin Laski  
15332 Antioch St.  
Suite 125  
PACIFIC PALISADES, CALIFORNIA 90272  
United States  
[ben@laskilaw.com](mailto:ben@laskilaw.com)

On the 2<sup>nd</sup> day of December, 2017.

/Melissa Kirchhoff/  
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Melissa Kirchhoff