

ESTTA Tracking number: **ESTTA952459**

Filing date: **02/06/2019**

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	CrossFit, Inc.
Granted to Date of previous extension	02/23/2019
Address	3218 Lakeside Village Prescott, AZ 86301 UNITED STATES

Attorney information	Joel R. Feldman Greenberg Traurig, LLP 3333 Piedmont Rd. NE, Suite 2500 Atlanta, GA 30305 UNITED STATES atltrademark@gtlaw.com, feldmanj@gtlaw.com, holta@gtlaw.com, vayners@gtlaw.com 678-553-4778
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Applicant Information

Application No	87765186	Publication date	12/25/2018
Opposition Filing Date	02/06/2019	Opposition Period Ends	02/23/2019
Applicant	Briotix, LP Suite 104 9000 E. Nichols Avenue Centennial, CO 80112 UNITED STATES		


Goods/Services Affected by Opposition


Class 041. First Use: 2017/08/31 First Use In Commerce: 2017/08/31 All goods and services in the class are opposed, namely: Education services, namely, providing instructions, classes, and workshops in the field of workplace ergonomics in the nature of physical assessments, group fitness class, group stretch class, and ergonomic obstacle simulation courses
Class 042. First Use: 2017/08/31 First Use In Commerce: 2017/08/31 All goods and services in the class are opposed, namely: Consultation and training on workplace ergonomics, namely, providing worksite ergonomic assessment, employee ergonomic training, manager ergonomics training and physical assessments for design of workplace facilities and equipment to optimized efficiency and safety

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3007458	Application Date	05/20/2004
Registration Date	10/18/2005	Foreign Priority Date	NONE
Word Mark	CROSSFIT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1985/01/01 First Use In Commerce: 1985/01/01 Fitness training		

U.S. Registration No.	4049689	Application Date	04/22/2009
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	CROSSFIT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2003/04/25 First Use In Commerce: 2003/04/25		

	<p>Entertainment services, namely, an on-going series featuring fitness, nutrition, sports and exercise provided through television, internet; providing information in the fields of fitness, sports and exercise via a website; online publication of journals in the fields of fitness, nutrition, sports and exercise; entertainment services, namely, providing podcasts in the fields of fitness, nutrition, sports and exercise; educational services, namely, conducting lectures, seminars and workshops in the fields of fitness, nutrition, sports and exercise; entertainment in the nature of competitions in the field of fitness; entertainment in the nature of sports competitions; fitness training</p> <p>Class 044. First use: First Use: 2003/11/01 First Use In Commerce: 2003/11/01 providing information in the field of nutrition via a website</p>
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U.S. Registration No.	4053443	Application Date	04/22/2009
Registration Date	11/08/2011	Foreign Priority Date	NONE
Word Mark	CROSSFIT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2003/04/25 First Use In Commerce: 2003/04/25 scientific research relating to exercise and human performance; providing consultation in the field of exercise and human performance technology</p>		

Attachments	<p>78422177#TMSN.png(bytes) 77719845#TMSN.png(bytes) 77719855#TMSN.png(bytes) BXFIT Notice of Opposition with Exhibitspdf.pdf(474227 bytes)</p>
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Signature	/jrf/
Name	Joel R. Feldman
Date	02/06/2019

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

In the Matter of Application Serial No. 87/765,186: BXFIT
Published in the *Official Gazette* on December 25, 2018

_____)	
CROSSFIT, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
BRIOTIX, LP,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer CrossFit, Inc. (“CrossFit, Inc.”), a Delaware corporation with an address of 3218 Lakeside Village, Prescott AZ 86301, opposes Briotix, LP’s Application Serial No. 87/765,186 to register BXFIT in International Classes 41 and 42 (the “Application”) because CrossFit, Inc. will be damaged by the registration of the Application.

The grounds for opposition are:

BACKGROUND

1. Applicant seeks to register BXFIT in International Class 41 for “education services, namely, providing instructions, classes, and workshops in the field of workplace ergonomics in the nature of physical assessments, group fitness class, group stretch class, and ergonomic obstacle simulation courses” (the “Class 41 Services”) and in International Class 42 for “consultation and training on workplace ergonomics, namely, providing worksite ergonomic assessment, employee ergonomics training, manager ergonomics training and physical assessments for design of workplace facilities and equipment to optimized efficiency and safety”

(the “Class 42 Services”).

2. The Application was filed on January 23, 2018, based on Applicant’s alleged use of the applied-for mark in commerce since August 31, 2017.

**CROSSFIT, INC.’S USE AND REGISTRATION
OF THE CROSSFIT BRAND**

3. For over 30 years, CrossFit, Inc. has provided fitness training under the CROSSFIT mark.

4. CrossFit, Inc. licenses the CROSSFIT mark to affiliated gyms that provide CROSSFIT-branded fitness services through trainers credentialed by CrossFit, Inc. There are currently over 7,000 licensed CROSSFIT affiliates located throughout the United States.

5. CrossFit, Inc. owns U.S. Service Mark Registration No. 3,007,458 for CROSSFIT in International Class 41 for fitness training (TSDR record attached at Exhibit 1).

6. CrossFit, Inc. owns U.S. Service Mark Registration No. 4,049,689 for CROSSFIT in International Class 41 for entertainment services, namely, an on-going series featuring fitness, nutrition, sports and exercise provided through television, internet; providing information in the fields of fitness, sports and exercise via a website; online publication of journals in the fields of fitness, nutrition, sports and exercise; entertainment services, namely, providing podcasts in the fields of fitness, nutrition, sports and exercise; educational services, namely, conducting lectures, seminars and workshops in the fields of fitness, nutrition, sports and exercise; entertainment in the nature of competitions in the field of fitness; entertainment in the nature of sports competitions; fitness training (TSDR record attached at Exhibit 2).

7. For over 15 years, CrossFit, Inc. has conducted research and provided consulting services in the field of exercise.

8. CrossFit, Inc. owns U.S. Service Mark Registration No. 4,053,443 for CROSSFIT

in International Class 42 for scientific research relating to exercise and human performance; providing consultation in the field of exercise and human performance technology (TSDR record attached as Exhibit 3).

PRIORITY AND LIKELIHOOD OF CONFUSION

9. CrossFit, Inc. used and registered the CROSSFIT mark for fitness training services and educational services related to fitness and exercise before Applicant used or applied to register the BXFIT mark for the Class 41 Services.

10. CrossFit, Inc. used and registered the CROSSFIT mark for research and consulting in the field of exercise before Applicant used or applied to register the BXFIT mark for the Class 42 Services.

11. As a result of CrossFit, Inc.'s efforts, long before Applicant filed the Application or used the BXFIT mark, CrossFit, Inc.'s CROSSFIT mark was substantially recognized by the public as a strong indicator of CrossFit, Inc.'s goods and services.

12. The applied-for mark is confusingly similar in meaning, and commercial impression to CrossFit, Inc.'s CROSSFIT mark, because X is a common abbreviation for the word "cross" in the fitness industry and XFIT is commonly understood to refer to CROSSFIT. The addition of the B before XFIT within the applied-for mark does not serve to distinguish the marks because it does not alter the sound or commercial impression of the XFIT element.

13. The applied-for Class 41 Services are highly similar to the services identified in CrossFit, Inc.'s U.S. Reg. Nos. 3,007,458 and 4,049,689 because all of the services concentrate on exercise instruction and training.

14. The applied-for Class 42 Services are highly similar to the services identified in CrossFit, Inc.'s U.S. Reg. No. 4,053,443 because both cover consultation services related to overall health and wellness.

15. Applicant's BXFIT-branded services will be offered to the same types of consumers that purchase CrossFit, Inc.'s CROSSFIT-branded services.

16. Based on the high degree of similarity between Applicant's and CrossFit, Inc.'s marks and the high similarity of Applicant's applied-for services and CrossFit, Inc.'s services, the public is likely to incorrectly believe that Applicant's Class 41 and Class 42 Services are connected to CrossFit, Inc. This confusion will cause irreparable harm to CrossFit, Inc.

17. Any dissatisfaction with Applicant's Class 41 or Class 42 Services would reflect negatively upon and irreparably damage CrossFit, Inc.'s reputation and the goodwill embodied in its CROSSFIT mark.

18. Applicant's use and registration of its applied-for mark is likely to cause confusion, mistake, and deception as to the source of Applicant's Class 41 and Class 42 Services within the meaning of 15 U.S.C. §§ 1114 and 1125(a).

19. Applicant's use and registration of its applied-for mark will injure and damage CrossFit, Inc. and the goodwill and reputation symbolized by CrossFit, Inc.'s CROSSFIT mark within the meaning of 15 U.S.C. § 1063(a).

20. Applicant's applied-for mark is not registrable under 15 U.S.C. § 1052(d), because it resembles a mark previously used in the United States by CrossFit, Inc. and is likely to cause confusion, mistake, or to deceive.

CONCLUSION

21. CrossFit, Inc. requests that this opposition be sustained and registration of Applicant's applied-for BXFIT mark be refused.

Dated: February 6, 2019

Respectfully submitted,
GREENBERG TRAURIG LLP



Joel R. Feldman
Sabina A. Vayner
Alexandra A. Holt

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Atlanta, Georgia 30305
Phone: (678) 553-4778
Fax: (678) 553-4779

*Attorneys for Opposer
CrossFit, Inc.*

Exhibit 1

Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Starting Oct. 4, 2018, bulk data customers should no longer obtain direct access to TSDR data through tsdrsec.uspto.gov. [There are two alternative ways to receive bulk data from TSDR.](#)

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Generated on: This page was generated by TSDR on 2019-01-16 11:12:41 EST

Mark: CROSSFIT

CROSSFIT

US Serial Number: 78422177

Application Filing Date: May 20, 2004

US Registration Number: 3007458

Registration Date: Oct. 18, 2005

Register: Principal

Mark Type: Service Mark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Nov. 27, 2015

Publication Date: Jul. 26, 2005

Mark Information

Mark Literal Elements: CROSSFIT

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 [1131170](#), [1184215](#), [1184215B](#), [1184215A](#)
Number:

International Application(s) [A0030072/1131170](#), [A0038819/1184215](#), [A0038819/1184215B](#), [A0038819/1184215A](#)
/Registration(s) Based on
this Property:

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 training

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 1985

Use in Commerce: Jan. 01, 1985

Basis Information (Case Level)

Filed Use: Yes
Filed ITU: No
Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently Use: Yes
Currently ITU: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: CROSSFIT, INC.
Owner Address: 1500 Green Hills Road Suite 201
 Scotts Valley, CALIFORNIA UNITED STATES 95066
Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joel R. Feldman, Esq., Jacquelynne J. Regan, Esq., Jamie N. Shipp, Esq.

Docket Number: 119029.02000

Attorney Primary Email Address: atltrademark@gtlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Joel R. Feldman, Esq., Jacquelynne J. Regan, Esq., GREENBERG TRAUIG, LLP
 3333 Piedmont Rd., NE, Suite 2500
 Terminus 200
 ATLANTA, GEORGIA UNITED STATES 30305

Phone: 678-553-2100

Fax: 678-553-2212

Correspondent e-mail: atltrademark@gtlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 11, 2018	NOTICE OF SUIT	
Jun. 22, 2018	NOTICE OF SUIT	
Feb. 12, 2018	NOTICE OF SUIT	
Feb. 02, 2018	NOTICE OF SUIT	
May 22, 2017	NOTICE OF SUIT	
May 22, 2017	NOTICE OF SUIT	
Feb. 09, 2017	NOTICE OF SUIT	
Feb. 09, 2017	NOTICE OF SUIT	
Dec. 29, 2016	NOTICE OF SUIT	
Dec. 29, 2016	NOTICE OF SUIT	
Oct. 18, 2016	NOTICE OF SUIT	
Oct. 18, 2016	NOTICE OF SUIT	
Jan. 12, 2016	NOTICE OF SUIT	

Nov. 27, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Nov. 27, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Nov. 27, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Nov. 25, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Oct. 07, 2015	TEAS SECTION 8 & 9 RECEIVED	
Mar. 09, 2015	NOTICE OF SUIT	
Jan. 28, 2015	NOTICE OF SUIT	
Jan. 05, 2015	NOTICE OF SUIT	
Dec. 10, 2014	NOTICE OF SUIT	
Oct. 03, 2014	NOTICE OF SUIT	
Sep. 24, 2014	NOTICE OF SUIT	
Aug. 06, 2014	NOTICE OF SUIT	
Jul. 28, 2014	NOTICE OF SUIT	
Jul. 17, 2014	NOTICE OF SUIT	
Jun. 27, 2014	NOTICE OF SUIT	
May 07, 2014	NOTICE OF SUIT	
Apr. 09, 2014	NOTICE OF SUIT	
Apr. 09, 2014	NOTICE OF SUIT	
Feb. 03, 2014	NOTICE OF SUIT	
Jan. 30, 2014	NOTICE OF SUIT	
Jan. 08, 2014	NOTICE OF SUIT	
Sep. 25, 2013	NOTICE OF SUIT	
Aug. 27, 2013	NOTICE OF SUIT	
Aug. 27, 2013	NOTICE OF SUIT	
Aug. 27, 2013	NOTICE OF SUIT	
Aug. 26, 2013	NOTICE OF SUIT	
May 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 19, 2013	NOTICE OF SUIT	
Apr. 18, 2013	NOTICE OF SUIT	
Mar. 28, 2013	NOTICE OF SUIT	
Mar. 25, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Mar. 05, 2013	NOTICE OF SUIT	
Mar. 04, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	
Feb. 15, 2013	NOTICE OF SUIT	
Feb. 12, 2013	NOTICE OF SUIT	
Jan. 24, 2013	NOTICE OF SUIT	
Oct. 24, 2012	NOTICE OF SUIT	
Oct. 03, 2012	NOTICE OF SUIT	
May 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 16, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 16, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Sep. 15, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Aug. 11, 2011	TEAS SECTION 8 & 15 RECEIVED	

May 04, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 02, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 02, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 29, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 29, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 07, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 07, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 30, 2006	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 30, 2006	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 18, 2005	REGISTERED-PRINCIPAL REGISTER	
Jul. 26, 2005	PUBLISHED FOR OPPOSITION	
Jul. 06, 2005	NOTICE OF PUBLICATION	
May 23, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	70824
May 11, 2005	ASSIGNED TO LIE	70824
May 04, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 04, 2005	EXAMINERS AMENDMENT E-MAILED	6328
May 04, 2005	EXAMINERS AMENDMENT -WRITTEN	60219
May 03, 2005	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 05, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	78288
Dec. 23, 2004	ASSIGNED TO LIE	78288
Dec. 21, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 20, 2004	ASSIGNED TO EXAMINER	60219
May 26, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 18, 2015

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 27, 2015

Assignment Abstract Of Title Information

Summary

[Conveyance Filter](#)

Total Assignments: 3

Registrant: CrossFit, Inc.

Assignment 1 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4530/0429](#)

Pages: 5

Date Recorded: Apr. 28, 2011

Supporting Documents: [assignment-tm-4530-0429.pdf](#)

Assignor

Name: [CROSSFIT, INC.](#)

Execution Date: Apr. 25, 2011

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

Assignee
Name: [CROSSFIT, INC.](#)

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

Address: 1250 CONNECTICUT AVE., SUITE 200
 WASHINGTON, DISTRICT OF COLUMBIA 20036

Correspondent
Correspondent Name: JOEL R. FELDMAN, ESQ.
Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400
 GREENBERG TRAUERIG, LLP
 ATLANTA, GA 30327

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: SECURITY INTEREST
Reel/Frame: [4900/0252](#) **Pages:** 7
Date Recorded: Nov. 14, 2012
Supporting Documents: [assignment-tm-4900-0252.pdf](#)

Assignor
Name: [CROSSFIT, INC.](#) **Execution Date:** Nov. 14, 2012
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee
Name: [ABC FUNDING, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Address: 222 BERKELEY STREET, 28TH FLOOR
 C/O SUMMIT PARTNERS CREDIT ADVISORS, L.P.
 BOSTON, MASSACHUSETTS 02116

Correspondent
Correspondent Name: EZRA S. SCHNECK
Correspondent Address: 1211 AVENUE OF THE AMERICAS
 ROPES & GRAY LLP
 NEW YORK, NY 10036-8704

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: SECURITY INTEREST
Reel/Frame: [5681/0788](#) **Pages:** 11
Date Recorded: Dec. 04, 2015
Supporting Documents: [assignment-tm-5681-0788.pdf](#)

Assignor
Name: [CROSSFIT, INC.](#) **Execution Date:** Nov. 13, 2015
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee
Name: [WELLS FARGO BANK](#)
Legal Entity Type: BANK - NATIONAL ASSOCIATION **State or Country Where Organized:** ARIZONA

Address: 100 WEST WASHINGTON ST.
PHOENIX, ARIZONA 85003

Correspondent

Correspondent Name: SNELL & WILMER L.L.P.

Correspondent Address: 400 E. VAN BUREN ST.
PHOENIX, AZ 85004-2202

Domestic Representative - Not Found

[Proceedings - Click to Load](#)

Exhibit 2

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Mark: CROSSFIT

CROSSFIT

US Serial Number: 77719845

Application Filing Date: Apr. 22, 2009

US Registration Number: 4049689

Registration Date: Nov. 01, 2011

Register: Principal

Mark Type: Service Mark

**TM5 Common Status
Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Nov. 24, 2017

Publication Date: Mar. 30, 2010

Notice of Allowance Date: Sep. 28, 2010

Mark Information

Mark Literal Elements: CROSSFIT

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: [1022145](#), [1131170](#), [1184215](#), [1184215B](#), [1184215A](#)

International Application(s) /Registration(s) Based on this Property: [A0016812/1022145](#), [A0030072/1131170](#), [A0038819/1184215](#), [A0038819/1184215B](#), [A0038819/1184215A](#)

Claimed Ownership of US Registrations: [3007458](#)

Goods and Services

Note:

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- Asterisks *.* identify additional (new) wording in the goods/services.

For: Entertainment services, namely, an on-going series featuring fitness, nutrition, sports and exercise provided through television, internet; providing information in the fields of fitness, sports and exercise via a website; online publication of journals in the fields of fitness, nutrition, sports and exercise; entertainment services, namely, providing podcasts in the fields of fitness, nutrition, sports and exercise; educational services, namely, conducting lectures, seminars and workshops in the fields of fitness, nutrition, sports and exercise; entertainment in the nature of competitions in the field of fitness; entertainment in the nature of sports competitions; fitness training

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)**First Use:** Apr. 25, 2003**Use in Commerce:** Apr. 25, 2003**For:** providing information in the field of nutrition via a website**International Class(es):** 044 - Primary Class**U.S Class(es):** 100, 101**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Nov. 01, 2003**Use in Commerce:** Nov. 01, 2003

Basis Information (Case Level)

Filed Use: No**Currently Use:** Yes**Filed ITU:** Yes**Currently ITU:** No**Filed 44D:** No**Currently 44E:** No**Filed 44E:** No**Currently 66A:** No**Filed 66A:** No**Currently No Basis:** No**Filed No Basis:** No

Current Owner(s) Information

Owner Name: CROSSFIT, INC.**Owner Address:** 1500 Green Hills Road Suite 201
CrossFit, Inc.
Scotts Valley, CALIFORNIA UNITED STATES 95066**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joel R. Feldman**Docket Number:** 119029.02000**Attorney Primary Email
Address:** atltrademark@gtlaw.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Joel R. Feldman**Name/Address:** GREENBERG TRAUIG, LLP
3333 Piedmont Rd., NE, Suite 2500
Terminus 200
ATLANTA, GEORGIA UNITED STATES 30305**Phone:** 678-553-4778**Fax:** 678-553-2212**Correspondent e-mail:** atltrademark@gtlaw.com**Correspondent e-mail
Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 22, 2018	NOTICE OF SUIT	
Nov. 24, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 24, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70132
Nov. 24, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Oct. 30, 2017	TEAS SECTION 8 & 15 RECEIVED	
May 22, 2017	NOTICE OF SUIT	

May 22, 2017	NOTICE OF SUIT	
Nov. 01, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Mar. 09, 2015	NOTICE OF SUIT	
Jan. 28, 2015	NOTICE OF SUIT	
Jan. 05, 2015	NOTICE OF SUIT	
Dec. 10, 2014	NOTICE OF SUIT	
Oct. 03, 2014	NOTICE OF SUIT	
Sep. 24, 2014	NOTICE OF SUIT	
Aug. 06, 2014	NOTICE OF SUIT	
May 07, 2014	NOTICE OF SUIT	
Apr. 09, 2014	NOTICE OF SUIT	
May 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 21, 2013	NOTICE OF SUIT	
Oct. 24, 2012	NOTICE OF SUIT	
May 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 01, 2011	REGISTERED-PRINCIPAL REGISTER	
Sep. 27, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 24, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70633
Sep. 19, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 16, 2011	STATEMENT OF USE PROCESSING COMPLETE	76985
Sep. 14, 2011	USE AMENDMENT FILED	76985
Sep. 15, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Sep. 14, 2011	TEAS STATEMENT OF USE RECEIVED	
May 04, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 17, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 15, 2011	EXTENSION 1 GRANTED	98765
Mar. 15, 2011	EXTENSION 1 FILED	98765
Mar. 15, 2011	TEAS EXTENSION RECEIVED	
Sep. 28, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 13, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
May 07, 2010	EXTENSION OF TIME TO OPPOSE RECEIVED	
Mar. 30, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 30, 2010	PUBLISHED FOR OPPOSITION	
Feb. 22, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Feb. 22, 2010	ASSIGNED TO LIE	70633
Jan. 26, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 12, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 12, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 12, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 16, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION WRITTEN	72152
Jul. 10, 2009	ASSIGNED TO EXAMINER	72152
Apr. 28, 2009	NOTICE OF PSEUDO MARK MAILED	
Apr. 27, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 25, 2009	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 114

Date in Location: Nov. 24, 2017

Assignment Abstract Of Title Information

Summary

[Conveyance Filter](#)

Total Assignments: 3

Registrant: CROSSFIT, INC.

Assignment 1 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4530/0429](#)

Pages: 5

Date Recorded: Apr. 28, 2011

Supporting Documents: [assignment-tm-4530-0429.pdf](#)

Assignor

Name: [CROSSFIT, INC.](#)

Execution Date: Apr. 25, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [CROSSFIT, INC.](#)

State or Country Where Organized: DELAWARE

Legal Entity Type: CORPORATION

Address: 1250 CONNECTICUT AVE., SUITE 200
WASHINGTON, DISTRICT OF COLUMBIA 20036

Correspondent

Correspondent Name: JOEL R. FELDMAN, ESQ.

Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400
GREENBERG TRAUERIG, LLP
ATLANTA, GA 30327

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: SECURITY INTEREST

Reel/Frame: [4900/0252](#)

Pages: 7

Date Recorded: Nov. 14, 2012

Supporting Documents: [assignment-tm-4900-0252.pdf](#)

Assignor

Name: [CROSSFIT, INC.](#)

Execution Date: Nov. 14, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [ABC FUNDING, LLC](#)

State or Country Where Organized: DELAWARE

Legal Entity Type: LIMITED LIABILITY COMPANY

Address: 222 BERKELEY STREET, 28TH FLOOR
C/O SUMMIT PARTNERS CREDIT ADVISORS, L.P.
BOSTON, MASSACHUSETTS 02116

Correspondent

Correspondent Name: EZRA S. SCHNECK

Correspondent Address: 1211 AVENUE OF THE AMERICAS
ROPES & GRAY LLP
NEW YORK, NY 10036-8704

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

Conveyance: SECURITY INTEREST

Reel/Frame: [5681/0788](#)

Pages: 11

Date Recorded: Dec. 04, 2015

Supporting Documents: [assignment-tm-5681-0788.pdf](#)

Assignor

Name: [CROSSFIT, INC.](#)

Execution Date: Nov. 13, 2015

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: [WELLS FARGO BANK](#)

Legal Entity Type: BANK - NATIONAL ASSOCIATION

State or Country Where ARIZONA

Organized:

Address: 100 WEST WASHINGTON ST.
PHOENIX, ARIZONA 85003

Correspondent

Correspondent Name: SNELL & WILMER L.L.P.

Correspondent Address: 400 E. VAN BUREN ST.
PHOENIX, AZ 85004-2202

Domestic Representative - Not Found**[Proceedings - Click to Load](#)**

Exhibit 3

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Mark: CROSSFIT

CROSSFIT

US Serial Number: 77719855

Application Filing Date: Apr. 22, 2009

US Registration Number: 4053443

Registration Date: Nov. 08, 2011

Register: Principal

Mark Type: Service Mark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:

The trademark application has been registered with the Office.



Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Dec. 05, 2017

Publication Date: Mar. 23, 2010

Notice of Allowance Date: Sep. 21, 2010

Mark Information

Mark Literal Elements: CROSSFIT

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 [3007458](#)

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: scientific research relating to exercise and human performance; providing consultation in the field of exercise and human performance technology

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 25, 2003

Use in Commerce: Apr. 25, 2003

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: CROSSFIT, INC.

Owner Address: 1500 Green Hills Road Suite 201
 CrossFit, Inc.
 Scotts Valley, CALIFORNIA UNITED STATES 95066

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: Joel R. Feldman

Docket Number: 119029.02000

Attorney Primary Email atltrademark@qtlaw.com
 Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent Joel R. Feldman

Name/Address: GREENBERG TRAUERIG, LLP
 3333 Piedmont Rd., NE, Suite 2500
 Terminus 200
 ATLANTA, GEORGIA UNITED STATES 30305

Phone: 678-553-4778

Fax: 678-553-2212

Correspondent e-mail: atltrademark@qtlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jun. 22, 2018	NOTICE OF SUIT	
Dec. 05, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Dec. 05, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Dec. 05, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Nov. 07, 2017	TEAS SECTION 8 & 15 RECEIVED	
May 22, 2017	NOTICE OF SUIT	
May 22, 2017	NOTICE OF SUIT	
Nov. 08, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Mar. 09, 2015	NOTICE OF SUIT	
Jan. 28, 2015	NOTICE OF SUIT	
Jan. 05, 2015	NOTICE OF SUIT	
Oct. 03, 2014	NOTICE OF SUIT	
Apr. 09, 2014	NOTICE OF SUIT	
May 17, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 17, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 21, 2013	NOTICE OF SUIT	
May 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 08, 2011	REGISTERED-PRINCIPAL REGISTER	

Oct. 04, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 01, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	73797
Sep. 29, 2011	ASSIGNED TO LIE	73797
Sep. 19, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 16, 2011	STATEMENT OF USE PROCESSING COMPLETE	76985
Sep. 14, 2011	USE AMENDMENT FILED	76985
Sep. 15, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Sep. 14, 2011	TEAS STATEMENT OF USE RECEIVED	
May 04, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 17, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 15, 2011	EXTENSION 1 GRANTED	98765
Mar. 15, 2011	EXTENSION 1 FILED	98765
Mar. 15, 2011	TEAS EXTENSION RECEIVED	
Sep. 21, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 06, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Apr. 28, 2010	EXTENSION OF TIME TO OPPOSE RECEIVED	
Apr. 28, 2010	WITHDRAWN FROM ISSUE-TTAB REQUEST	69656
Mar. 23, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 23, 2010	PUBLISHED FOR OPPOSITION	
Feb. 17, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Feb. 10, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 02, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	78289
Feb. 02, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	78289
Feb. 02, 2010	ASSIGNED TO LIE	78289
Jan. 19, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 19, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 19, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 19, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 19, 2010	EXAMINERS AMENDMENT -WRITTEN	72152
Jul. 16, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION E-MAILED	6325
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Apr. 25, 2009	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 114

Date in Location: Dec. 05, 2017

Assignment Abstract Of Title Information

Conveyance Filter

Summary

Total Assignments: 2

Registrant: CROSSFIT, INC.

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4530/0429](#)

Pages: 5

Date Recorded: Apr. 28, 2011

Supporting Documents: [assignment-tm-4530-0429.pdf](#)

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Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400
GREENBERG TRAURIG, LLP
ATLANTA, GA 30327

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: SECURITY INTEREST

Reel/Frame: [4900/0252](#)

Pages: 7

Date Recorded: Nov. 14, 2012

Supporting Documents: [assignment-tm-4900-0252.pdf](#)

Assignor

Name: [CROSSFIT, INC.](#)

Execution Date: Nov. 14, 2012

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Assignee

Name: [ABC FUNDING, LLC](#)

State or Country Where Organized: DELAWARE

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C/O SUMMIT PARTNERS CREDIT ADVISORS, L.P.
BOSTON, MASSACHUSETTS 02116

Correspondent

Correspondent Name: EZRA S. SCHNECK

Correspondent Address: 1211 AVENUE OF THE AMERICAS
ROPES & GRAY LLP
NEW YORK, NY 10036-8704

Domestic Representative - Not Found

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