

ESTTA Tracking number: **ESTTA1266042**

Filing date: **02/14/2023**

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	IFIT INC.
Granted to date of previous extension	03/04/2023
Address	1500 SOUTH 1000 WEST LOGAN, UT 84321 UNITED STATES
Attorney information	MATTHEW A. BARLOW WORKMAN NYDEGGER 60 E. SOUTH TEMPLE, SUITE 1000 SALT LAKE CITY, UT 84111 UNITED STATES Primary email: mbarlow@wnlaw.com Secondary email(s): bfrandsen@wnlaw.com, scourdy@wnlaw.com, pwarner@wnlaw.com, ldocketing@wnlaw.com 801-533-9800
Docket no.	21253.352.1

**Applicant information**

Application no.	97124456	Publication date	01/03/2023
Opposition filing date	02/14/2023	Opposition period ends	03/04/2023
International registration no.	NONE	International registration date	NONE
Applicant	Le Ying Trading (Hong Kong) Limited UNITS 2201-09, 22/F, TOWER A REGENT CENTRE, 63 WO YI HOP ROAD KWAI CHUNG, N.T. HONG KONG		

**Goods/services affected by opposition**


<p>Class 025. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Hats; Bath robes; Bodices; Bodies being underclothing; Bottoms as clothing; Bras; Brassieres; Briefs; Camisoles; Cardigans; Coats; Corsets being underclothing; Dresses; Footwear; Garters; Headbands; Headwear; Hosiery; Jackets; Jerseys; Knickers; Leg warmers; Leggings; Leotards; Lingerie; Pajamas; Panties; Pants; Pyjamas; Rash guards; Shirts; Shorts; Skirts; Skorts; Slips being underclothing; Socks; Sports bras; Sports jerseys; Sports shoes; Sports singlets; Stocking suspenders; Stockings; Sweat-absorbent socks; Sweat-absorbent stockings; Sweat-absorbent underclothing; Sweat-absorbent underwear; Sweaters; Swimwear; T-shirts; Tank tops; Teddies being underclothing; Tights; Tops as clothing; Trousers; Underclothing; Underpants; Underwear; Vests; Visors being headwear; Windbreakers; Yoga pants; Yoga</p>
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shirts; Yoga tops
<p>Class 035. First Use: None First Use In Commerce: None  All goods and services in the class are opposed, namely: Commercial administration of the licensing of the goods and services of others; Conducting, arranging and organizing trade shows and trade fairs for commercial and advertising purposes; On-line retail store services featuring Clothing, under garments, underwear, lingerie, brassieres, sports bra, leggings, socks and stockings, pajamas; On-line wholesale and retail store services featuring Clothing, under garments, underwear, lingerie, brassieres, sports bra, leggings, socks and stockings, pajamas; Organization of fashion shows for promotional purposes; Planning and conducting of trade fairs, exhibitions and presentations for economic or advertising purposes; Promoting the goods and services of others by means of a point accumulation program with points used for discounts on future purchases of those goods and services; Sales promotion for others</p>

**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.	6399166	Application date	12/13/2017
Register	Principal		
Registration date	06/29/2021	Foreign priority date	11/06/2017
Word mark	SWEAT		
Design mark			
Description of mark	The mark consists of the term "SWEAT" with an illustration of a drop of sweat to the right of the wording.		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None  Downloadable electronic publications in the nature of books in the field of physical fitness and exercise instruction; Electronic publications including those sold and distributed online namely, electronic downloadable publications in the nature of books in the field of physical fitness and exercise instruction; Video recordings featuring physical fitness and exercise instruction; Downloadable software applications for use in physical fitness and exercise management in the field of physical fitness and exercise; Sunglasses; Compact discs containing recorded video featuring physical fitness and exercise instruction; Video compact discs featuring physical fitness and exercise instruction; Prerecorded DVDs featuring physical fitness and exercise instruction; Pre-recorded discs for reproducing sound featuring physical fitness and exercise instructions; smart watches comprised primarily of a wristwatch also featuring a telephone, software and display screens for viewing, sending and receiving texts, emails, data and information</p> <p>Class 014. First use: First Use: None First Use In Commerce: None  Smart watches comprised primarily of a wristwatch also featuring a telephone, software and display screens for viewing, sending and receiving texts, emails, data and information</p> <p>Class 016. First use: First Use: None First Use In Commerce: None  Printed publications, namely, books, instruction manuals, in the field of outdoor sporting activities; Printed matter, namely, books, instruction manuals, advertise-</p>		

ments, magazines, in the field of physical fitness and exercise; Printed matter for advertising namely, brochures; Printed matter for instructional purposes namely, printed teaching materials in the field of physical fitness and exercise; Printed books in the field of physical fitness and exercise; Magazines featuring physical fitness and exercise; printed instructional materials in the field of physical fitness and exercise; Display banners made of cardboard; Display banners of paper; blank journals; Printed training guides for physical fitness and exercise

Class 021. First use: First Use: None First Use In Commerce: None

Coffee mugs; Plastic water bottles sold empty; insulated containers for food; Water bottles sold empty

Class 024. First use: First Use: None First Use In Commerce: None

Towels

Class 025. First use: First Use: None First Use In Commerce: None

Apparel for fitness and exercise namely, clothing items in the nature of shirts, leggings, singlets, pants, socks, shorts, shoes; clothing, namely, shirts, pants, socks, shorts; footwear; Headwear; Headwear for wear for women; Sports headwear, namely, headbands, caps; Exercise wear, namely, athletic shirts, leggings, singlets, pants, socks, shorts, shoes; Shoes for sportswear, namely, athletic footwear; Sports caps; sports clothing, namely, athletic shirts, leggings, singlets, pants, socks, shorts, footwear; Sports footwear, namely, athletic shoes; sportswear, namely, athletic shirts, leggings, singlets, pants, socks, shorts, footwear

Class 027. First use: First Use: None First Use In Commerce: None

Yoga mats; Gymnasium exercise mats

Class 028. First use: First Use: None First Use In Commerce: None


Jump ropes; Fitness apparatus, namely, foam rollers, recovery bands, resistance bands, ankle weights, sport balls, dumbbells, exercise weights, kettle bells; exercise apparatus, other than for medical rehabilitative purposes, namely, foam rollers, recovery bands, resistance bands, ankle weights, sport balls, dumbbells, exercise weights, kettle bells; Apparatus for playing sports in the nature of sports equipment, namely, skipping ropes, exercise weights; Articles for exercising the body in the nature of exercise equipment, namely, foam rollers, recovery bands, resistance bands, ankle weights, sport balls, dumbbells, exercise weights, kettle bells; Bags specially adapted for sporting equipment; Gymnastic articles, namely, training bars, gymnastic rings; Bags specially adapted for gymnastic articles, namely, gymnastic rings; Fitness exercise appliances, namely, benches, single power rack, double power rack, multi squat rack; Indoor fitness apparatus, namely, resistance bands, bench press, indoor bicycle trainers, treadmills

Class 041. First use: First Use: None First Use In Commerce: None

Fitness boot camp services; Conducting fitness classes; Fitness and exercise clinics services in the nature of personal training, group fitness; Personal trainer services; Physical fitness instructions; Physical fitness training services; Providing online videos featuring physical fitness and exercise instruction, not downloadable; On-line journal, namely, a blog featuring physical fitness and exercise; Arranging of sporting events; Organizing educational, sporting and cultural events; Providing information, including online, about education, training, sporting and cultural activities; provision of sporting events, namely, providing various facilities and equipment for an array of boot camps, sporting events, sports and athletic competitions; Publication of electronic books and journals online; Providing online non-downloadable electronic publications in the field of physical fitness and exercise, namely, articles and instructional guides

Class 044. First use: First Use: None First Use In Commerce: None

Advisory services relating to diet; medical testing services being fitness testing in the nature of fitness routines, exercise circuits, functional fitness testing and evaluation

U.S. registration no.	5464220	Application date	09/28/2017
Register	Principal		
Registration date	05/08/2018	Foreign priority date	NONE
Word mark	SWEAT		
Design mark			
Description of mark	The mark consists of the word "SWEAT" next to an illustration of a drop of sweat with another illustration of a drop of sweat in the letter "a".		
Goods/services	Class 041. First use: First Use: Mar 2017 First Use In Commerce: Mar 2017 Providing fitness instruction in the fields of yoga, barre cardio, and cycling		

Attachments	87718939#TMSN.png( bytes ) 87626495#TMSN.png( bytes ) Notice of Opposition Ser No 97124456 - SWEAT FLOAT.pdf(259116 bytes ) SWEAT Exhibits.pdf(289680 bytes )
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Signature	/Matthew A. Barlow/
Name	MATTHEW A. BARLOW
Date	02/14/2023

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

In the matter of Trademark Application Serial. No. 97/124,456  
Published in the Official Gazette on January 3, 2023  
International Classes: 025, 035  
Filed: November 15, 2021  
Mark: SWEAT FLOAT

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IFIT INC.,	)	Opposition No. _____
	)	
Opposer,	)	
	)	<b>NOTICE OF OPPOSITION</b>
v.	)	
	)	
LE YING TRADING (HONG KONG) LTD.,	)	
	)	
Applicant.	)	

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Opposer, iFIT INC. (“Opposer”), a Delaware corporation with its principal place of business at 1500 South 1000 West, Logan, Utah 84321, believes it will be damaged by registration of the mark shown in United States Trademark Application Serial No. 97/124,456 (“the ’456 Application”) in International Classes 025 and 035, and hereby opposes the same. The grounds for the opposition are as follows.

1. Long prior to the effective filing date of the subject application, Opposer and its predecessors have been engaged in the development, manufacture, and sale of a variety of goods and services, including various types of exercise and fitness related goods and services, all sold or offered in interstate commerce throughout the United States and the world, in association with the registered and common law trademarks of Opposer.


2. Opposer owns registered and common law rights in the mark SWEAT (“the SWEAT Mark”) for use in connection with a variety of health and fitness-related goods and services.

3. Among others, Opposer uses the mark in connection with various types of clothing, fitness apparel, and exercise wear.

4. Among those trademarks held by Opposer are the following trademark registrations for the mark SWEAT:

<u>Reg. No.</u>	<u>Mark</u>	<u>Goods/Services</u>
6,399,166 (foreign priority: Nov. 6, 2017)	<b>SWEAT</b> 	<p>IC 009: Downloadable electronic publications in the nature of books in the field of physical fitness and exercise instruction; Electronic publications including those sold and distributed online namely, electronic downloadable publications in the nature of books in the field of physical fitness and exercise instruction; Video recordings featuring physical fitness and exercise instruction; Downloadable software applications for use in physical fitness and exercise management in the field of physical fitness and exercise; Sunglasses; Compact discs containing recorded video featuring physical fitness and exercise instruction; Video compact discs featuring physical fitness and exercise instruction; Prerecorded DVDs featuring physical fitness and exercise instruction; Pre-recorded discs for reproducing sound featuring physical fitness and exercise instructions; smart watches comprised primarily of a wristwatch also featuring a telephone, software and display screens for viewing, sending and receiving texts, emails, data and information</p> <p>IC 014: Smart watches comprised primarily of a wristwatch also featuring a telephone, software and display screens for viewing, sending and receiving texts, emails, data and information</p> <p>IC 016: Printed publications, namely, books, instruction manuals, in the field of outdoor</p>

	<p>sporting activities; Printed matter, namely, books, instruction manuals, advertisements, magazines, in the field of physical fitness and exercise; Printed matter for advertising namely, brochures; Printed matter for instructional purposes namely, printed teaching materials in the field of physical fitness and exercise; Printed books in the field of physical fitness and exercise; Magazines featuring physical fitness and exercise; printed instructional materials in the field of physical fitness and exercise; Display banners made of cardboard; Display banners of paper; blank journals; Printed training guides for physical fitness and exercise</p> <p>IC 021: Coffee mugs; Plastic water bottles sold empty; insulated containers for food; Water bottles sold empty</p> <p>IC 024: Towels</p> <p>IC 025: Apparel for fitness and exercise namely, clothing items in the nature of shirts, leggings, singlets, pants, socks, shorts, shoes; clothing, namely, shirts, pants, socks, shorts; footwear; Headwear; Headwear for wear for women; Sports headwear, namely, headbands, caps; Exercise wear, namely, athletic shirts, leggings, singlets, pants, socks, shorts, shoes; Shoes for sportswear, namely, athletic footwear; Sports caps; sports clothing, namely, athletic shirts, leggings, singlets, pants, socks, shorts, footwear; Sports footwear, namely, athletic shoes; sportswear, namely, athletic shirts, leggings, singlets, pants, socks, shorts, footwear</p> <p>IC 027: Yoga mats; Gymnasium exercise mats</p> <p>IC 028: Jump ropes; Fitness apparatus, namely, foam rollers, recovery bands, resistance bands, ankle weights, sport balls, dumbbells, exercise weights, kettle bells; exercise apparatus, other than for medical rehabilitative purposes, namely, foam rollers, recovery bands, resistance bands, ankle weights, sport balls, dumbbells, exercise weights, kettle bells; Apparatus for playing sports in the nature of sports equipment, namely,</p>
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		<p>skipping ropes, exercise weights; Articles for exercising the body in the nature of exercise equipment, namely, foam rollers, recovery bands, resistance bands, ankle weights, sport balls, dumbbells, exercise weights, kettle bells; Bags specially adapted for sporting equipment; Gymnastic articles, namely, training bars, gymnastic rings; Bags specially adapted for gymnastic articles, namely, gymnastic rings; Fitness exercise appliances, namely, benches, single power rack, double power rack, multi squat rack; Indoor fitness apparatus, namely, resistance bands, bench press, indoor bicycle trainers, treadmills</p> <p>IC 041: Fitness boot camp services; Conducting fitness classes; Fitness and exercise clinics services in the nature of personal training, group fitness; Personal trainer services; Physical fitness instructions; Physical fitness training services; Providing online videos featuring physical fitness and exercise instruction, not downloadable; On-line journal, namely, a blog featuring physical fitness and exercise; Arranging of sporting events; Organizing educational, sporting and cultural events; Providing information, including online, about education, training, sporting and cultural activities; provision of sporting events, namely, providing various facilities and equipment for an array of boot camps, sporting events, sports and athletic competitions; Publication of electronic books and journals online; Providing online non-downloadable electronic publications in the field of physical fitness and exercise, namely, articles and instructional guides</p> <p>IC 044: Advisory services relating to diet; medical testing services being fitness testing in the nature of fitness routines, exercise circuits, functional fitness testing and evaluation</p>
<p>5,464,220 (reg. May 8, 2018)</p>		<p>IC 041: Providing fitness instruction in the fields of yoga, barre cardio, and cycling</p>

(collectively, the “SWEAT Registrations”). Printouts from the TESS Database of the SWEAT Registrations are attached hereto as Exhibits A–B, respectively.

5. The SWEAT Registrations are valid and subsisting, uncanceled, and unrevoked.

6. Opposer’s SWEAT Mark has been continuously used in interstate commerce in the United States since at least as early as 2016. Notice has been given to the public that Opposer’s SWEAT Mark is a registered trademark by affixing notice as provided in 15 U.S.C. § 1111.

7. Opposer has expended considerable time, effort, and expense in advertising and promoting Opposer’s SWEAT Mark and the goods and services associated with it throughout the United States, with the result that the purchasing public has come to know and recognize products and services of Opposer by Opposer’s SWEAT Mark. Opposer has exceedingly valuable goodwill established in Opposer’s SWEAT Mark.

8. Opposer’s SWEAT Mark is distinctive and serves as a unique designation of origin with respect to the goods and services offered by Opposer.

9. Notwithstanding the inherent distinctiveness of Opposer’s SWEAT Mark, this mark has also acquired secondary meaning to the public indicating Opposer as the source of goods and services bearing any of Opposer’s SWEAT Marks.

10. Upon information and belief, Le Ying Trading (Hong Kong) Ltd. (“Applicant”), is a Hong Kong limited company with a listed address of Units 2201-09, 22/F, Tower A Regent Centre, 63 Wo Yi Hop Road Kwai Chung, N.T. HONG KONG.

11. Applicant seeks to register the mark SWEAT FLOAT (“Applicant’s Mark”) as a trademark to be used in International Classes 025 and 035, as evidenced by the publication of such mark in the Official Gazette on January 3, 2023.

12. In Class 025, Applicant's goods and services are listed as "Hats; Bath robes; Bodices; Bodies being underclothing; Bottoms as clothing; Bras; Brassieres; Briefs; Camisoles; Cardigans; Coats; Corsets being underclothing; Dresses; Footwear; Garters; Headbands; Headwear; Hosiery; Jackets; Jerseys; Knickers; Leg warmers; Leggings; Leotards; Lingerie; Pajamas; Panties; Pants; Pyjamas; Rash guards; Shirts; Shorts; Skirts; Skorts; Slips being underclothing; Socks; Sports bras; Sports jerseys; Sports shoes; Sports singlets; Stocking suspenders; Stockings; Sweat-absorbent socks; Sweat-absorbent stockings; Sweat-absorbent underclothing; Sweat-absorbent underwear; Sweaters; Swimwear; T-shirts; Tank tops; Teddies being underclothing; Tights; Tops as clothing; Trousers; Underclothing; Underpants; Underwear; Vests; Visors being headwear; Windbreakers; Yoga pants; Yoga shirts; Yoga tops."

13. In Class 035, Applicant's goods and services are listed as "Commercial administration of the licensing of the goods and services of others; Conducting, arranging and organizing trade shows and trade fairs for commercial and advertising purposes; On-line retail store services featuring Clothing, under garments, underwear, lingerie, brassieres, sports bra, leggings, socks and stockings, pajamas; On-line wholesale and retail store services featuring Clothing, under garments, underwear, lingerie, brassieres, sports bra, leggings, socks and stockings, pajamas; Organization of fashion shows for promotional purposes; Planning and conducting of trade fairs, exhibitions and presentations for economic or advertising purposes; Promoting the goods and services of others by means of a point accumulation program with points used for discounts on future purchases of those goods and services; Sales promotion for others."

14. On November 11, 2021, Applicant filed an application for registration of Applicant's Mark in Hong Kong. On November 15, 2021, Applicant filed an application for registration of Applicant's Mark in the United States under Section 44(d) of the Trademark Act.

15. There is no issue as to priority. Opposer used, filed, and/or registered Opposer's SWEAT Mark in connection with its goods and services prior to both of Applicant's filing dates, November 11, 2021 in Hong Kong and November, 15, 2021 in the United States.

16. Applicant's Mark and the SWEAT Mark both prominently feature the entirety of the term "SWEAT." The phrase "FLOAT" in Applicant's Mark SWEAT FLOAT does little to distinguish it from the SWEAT Mark because it is likely to indicate to consumers a new product and/or service created in connection with the SWEAT Mark, as opposed to indicating a different brand or source. For example, Opposer sells a variety of exercise apparel and clothing online in connection with its SWEAT Mark. Consumers could believe that "SWEAT FLOAT" is another product line or service affiliated with Opposer's goods and services.

17. The likelihood of confusion is heightened because the goods and services covered by the '456 Application are similar to and overlap with Opposer's goods and services. Specifically, Opposer uses its SWEAT Mark in connection with a variety of goods and services related to exercise apparel and clothing. Similarly, the '456 Application lists goods and services related to exercise and clothing generally, including leggings, headbands, singlets, shorts, socks and sports shoes, as well as the promotion, presentation, and selling of these goods and services through different platforms. Opposer has long used and registered its SWEAT Mark in connection with these goods and services. *See, e.g.*, Opposer's Reg. No. 6,399,166.

18. The '456 Application is unrestricted as to consumers and trade channels. As such, it is presumed that Applicant's goods and services identified in the challenged application are to be sold to all ordinary consumers of fitness goods and services, including consumers of Opposer's goods and services, and travel in all ordinary trade channels, including those trade channels through which Opposer sells its goods and services.

19. The aforementioned similarities between Applicant's Mark and Opposer's Mark, in combination with their association with identical and/or similar goods and services, creates a confusingly similar commercial impression to consumers.

20. Applicant's Mark so resembles Opposer's SWEAT Mark and the goods and services identified are so closely related to the goods and services of Opposer, that Applicant's Mark is likely to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 USC § 1052(d).

21. Because the purchasing public has come to recognize and associate the products of Opposer's SWEAT Mark with Opposer, Applicant's Mark would be recognized as uniquely and unmistakably identifying or suggesting a connection to Opposer, where no such connection exists.

22. Applicant's future use of the mark identified in their application and in the manner described therein creates a likelihood of confusion with Opposer's SWEAT Mark. A likelihood of confusion in the marketplace exists or will exist between Opposer's SWEAT Mark and Applicant's Mark when applied to the goods and services of the respective parties.

23. If Applicant is permitted to register their mark for their goods and services as specified in the application herein opposed, such registration would result in confusion in the trade by reason of the similarity between Applicant's Mark and Opposer's SWEAT Mark, thereby damaging and injuring Opposer. Any such confusion may result in the loss of business to Opposer. Furthermore, any defect, objection, or fault in the goods and services to be sold by Applicant under their mark may reflect upon and injure the reputation which Opposer has established for its own various goods and services offered or sold under or in association with Opposer's SWEAT Mark.

24. If Applicant is granted the registration herein opposed, they would thereby obtain at least a *prima facie* right to the use of their mark. Such registration would be a further source of damage to Opposer.

25. In view of the foregoing, Applicant is not entitled to federal registration of their claimed mark because Applicant does not have a right to the exclusive use of said mark in commerce on Applicant's goods and services. Applicant's claimed mark does not and cannot function to identify such goods and services and to distinguish them from goods and services offered by Opposer.

WHEREFORE Opposer requests that the registration sought by Applicant be refused and that this Opposition be sustained.

The fee required under 37 C.F.R. § 2.6(17) is submitted herewith.

DATED this 14th day of February, 2023.

Respectfully submitted,

/Matthew A. Barlow/  
Matthew A. Barlow  
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Attorneys for Opposer  
iFIT INC.

(43528242.1)

# **EXHIBIT A**



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# SWEAT

**Word Mark** SWEAT**Goods and Services**

IC 009. US 021 023 026 036 038. G & S: Downloadable electronic publications in the nature of books in the field of physical fitness and exercise instruction; Electronic publications including those sold and distributed online namely, electronic downloadable publications in the nature of books in the field of physical fitness and exercise instruction; Video recordings featuring physical fitness and exercise instruction; Downloadable software applications for use in physical fitness and exercise management in the field of physical fitness and exercise; Sunglasses; Compact discs containing recorded video featuring physical fitness and exercise instruction; Video compact discs featuring physical fitness and exercise instruction; Prerecorded DVDs featuring physical fitness and exercise instruction; Pre-recorded discs for reproducing sound featuring physical fitness and exercise instructions; smart watches comprised primarily of a wristwatch also featuring a telephone, software and display screens for viewing, sending and receiving texts, emails, data and information

IC 014. US 002 027 028 050. G & S: Smart watches comprised primarily of a wristwatch also featuring a telephone, software and display screens for viewing, sending and receiving texts, emails, data and information

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed publications, namely, books, instruction manuals, in the field of outdoor sporting activities; Printed matter, namely, books, instruction manuals, advertisements, magazines, in the field of physical fitness and exercise; Printed matter for advertising namely, brochures; Printed matter for instructional purposes namely, printed teaching materials in the field of physical fitness and exercise; Printed books in the field of physical fitness and exercise; Magazines featuring physical fitness and exercise; printed instructional materials in the field of physical fitness and exercise; Display banners made of cardboard; Display banners of paper; blank journals; Printed training guides for physical fitness and exercise

IC 021. US 002 013 023 029 030 033 040 050. G & S: Coffee mugs; Plastic water bottles sold empty; insulated containers for food; Water bottles sold empty

IC 024. US 042 050. G & S: Towels

IC 025. US 022 039. G & S: Apparel for fitness and exercise namely, clothing items in the nature of shirts, leggings, singlets, pants, socks, shorts, shoes; clothing, namely, shirts, pants, socks, shorts; footwear; Headwear; Headwear for wear for women; Sports headwear, namely, headbands, caps; Exercise wear, namely, athletic shirts, leggings, singlets, pants, socks, shorts, shoes; Shoes for sportswear, namely, athletic footwear; Sports caps; sports clothing, namely, athletic shirts, leggings, singlets, pants, socks, shorts, footwear; Sports footwear, namely, athletic shoes; sportswear, namely, athletic shirts, leggings, singlets, pants, socks, shorts, footwear

IC 027. US 019 020 037 042 050. G & S: Yoga mats; Gymnasium exercise mats

IC 028. US 022 023 038 050. G & S: Jump ropes; Fitness apparatus, namely, foam rollers, recovery bands, resistance bands, ankle weights, sport balls, dumbbells, exercise weights, kettle bells; exercise apparatus, other than for medical rehabilitative purposes, namely, foam rollers, recovery bands, resistance bands, ankle weights, sport balls, dumbbells, exercise weights, kettle bells; Apparatus for playing sports in the nature of sports equipment, namely, skipping ropes, exercise weights; Articles for exercising the body in the nature of exercise equipment, namely, foam rollers, recovery bands, resistance bands, ankle weights, sport balls, dumbbells, exercise weights, kettle bells; Bags specially adapted for sporting equipment; Gymnastic articles, namely, training bars, gymnastic rings; Bags specially adapted for gymnastic articles, namely, gymnastic rings; Fitness exercise appliances, namely, benches, single power rack, double power rack, multi squat rack; Indoor fitness apparatus, namely, resistance bands, bench press, indoor bicycle trainers, treadmills

IC 041. US 100 101 107. G & S: Fitness boot camp services; Conducting fitness classes; Fitness and exercise clinics services in the nature of personal training, group fitness; Personal trainer services; Physical fitness instructions; Physical fitness training services; Providing online videos featuring physical fitness and exercise instruction, not downloadable; On-line journal, namely, a blog featuring physical fitness and exercise; Arranging of sporting events; Organizing educational, sporting and cultural events; Providing information, including online, about education, training, sporting and cultural activities; provision of sporting events, namely, providing various facilities and equipment for an array of boot camps, sporting events, sports and athletic competitions; Publication of electronic books and journals online; Providing online non-downloadable electronic publications in the field of physical fitness and exercise, namely, articles and instructional guides

IC 044. US 100 101. G & S: Advisory services relating to diet; medical testing services being fitness testing in the nature of fitness routines, exercise circuits, functional fitness testing and evaluation

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code** 01.15.08 - Raindrop (a single drop) ; Single drop (rain, tear, etc.) ; Teardrop (a single drop)**Serial Number** 87718939**Filing Date** December 13, 2017**Current Basis** 44E**Original Filing Basis** 1B;44D

**Published for Opposition** April 13, 2021  
**Registration Number** 6399166  
**Registration Date** June 29, 2021  
**Owner** (REGISTRANT) The Bikini Body Training Company Pty Ltd proprietary limited company (p/l or pty. ltd.) AUSTRALIA 4/66 Glen Osmond Rd Parkside SA AUSTRALIA 5063  
 (LAST LISTED OWNER) IFIT INC. CORPORATION DELAWARE 1500 SOUTH 1000 WEST LOGAN UTAH 84321  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** S. Brandon Owen  
**Priority Date** November 6, 2017  
**Prior Registrations** 5464220  
**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the term "SWEAT" with an illustration of a drop of sweat to the right of the wording.  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Word Mark** SWEAT

**Goods and Services** IC 041. US 100 101 107. G & S: Providing fitness instruction in the fields of yoga, barrecardio, and cycling. FIRST USE: 20170300. FIRST USE IN COMMERCE: 20170300

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 01.15.18 - More than one drop including teardrops or raindrops ; multiple drops (rain, tear, etc.) ; Raindrops (more than a single drop) ; Teardrops (more than a single drop)

**Serial Number** 87626495

**Filing Date** September 28, 2017

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** February 20, 2018

**Registration Number** 5464220

**Registration Date** May 8, 2018

**Owner** (REGISTRANT) Sweat Studio, LLC LIMITED LIABILITY COMPANY KENTUCKY 536 Clinton Road Lexington KENTUCKY 40502  
(LAST LISTED OWNER) IFIT INC. CORPORATION DELAWARE 1500 SOUTH 1000 WEST LOGAN UTAH 84321

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** S. Brandon Owen

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the word "SWEAT" next to an illustration of a drop of sweat with another illustration of a drop of sweat in the letter "a".

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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