

ESTTA Tracking number: **ESTTA1314862**
Filing date: **10/09/2023**

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	10/08/2023
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, pwarner@wnlaw.com, ldocketing@wnlaw.com, jhunter@wnlaw.com 8015339800
Docket no.	21253.598

Applicant information

Application no.	97266105	Publication date	04/11/2023
Opposition filing date	10/09/2023	Opposition period ends	10/08/2023
Applicant	Eric R. Brodar 16017 DELAROSA LANE NAPLES, FL 34110 UNITED STATES		

Goods/services affected by opposition

Class 025. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: clothing, namely, pants, shorts, shirts, T-shirts, jackets, vests, sweaters, socks, footwear, headwear, swimwear

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, 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>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</p> <p>Class 024. First use: First Use: None First Use In Commerce: None Towels</p> <p>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</p> <p>Class 027. First use: First Use: None First Use In Commerce: None Yoga mats; Gymnasium exercise mats</p> <p>Class 028. First use: First Use: None First Use In Commerce: None Jump ropes; Fitness apparatus, namely, foam rollers, recovery bands, resist-</p>		

	<p>ance 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</p> <p>Class 041. First use: First Use: None First Use In Commerce: None</p> <p>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>Class 044. First use: First Use: None First Use In Commerce: None</p> <p>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>
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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, barrecardio, and cycling		

U.S. application no.	97118386	Application date	11/10/2021
Registration date	NONE	Foreign priority date	NONE
Word mark	SWEAT		
Design mark			
Description of mark	The mark consists of the stylized word "SWEAT" to the right of an image of a droplet.		
Goods/services	Class 009. First use: First Use: None First Use In Commerce: None Downloadable software for tracking information, accessing instruction, and streaming content in the field of fitness, health, and nutrition; downloadable soft-		

	<p>ware in the nature of a mobile application for tracking information, accessing instruction and streaming content in the field of fitness, health, and nutrition; downloadable software in the nature of a mobile application for tracking information, accessing instruction and streaming content in the field of health, wellbeing, fitness and nutrition; downloadable software in the nature of a mobile application for the purpose of providing instruction in the field of physical exercise; downloadable electronic publications in the nature of articles in the field of fitness, health, and nutrition; electronic downloadable publications, namely, articles in the field of fitness, health, and nutrition; downloadable video recordings featuring fitness, health, and nutrition instruction</p> <p>Class 041. First use: First Use: None First Use In Commerce: None</p> <p>Providing online non-downloadable electronic publications in the nature of articles in the field of fitness, health, nutrition tracking, physical fitness instruction, and streaming health and fitness content; physical fitness training services; provision of physical fitness training services via the Internet; fitness boot camp services, namely, physical fitness training; conducting fitness classes; personal trainer services, namely, fitness training; physical fitness instruction; providing weblog services, namely, online publication of journals or diaries in the field of fitness, health and nutrition; provision of online non-downloadable videos in the field of fitness, health, and nutrition; provision of non-downloadable online electronic publications in the nature of articles in the field of fitness, health, and nutrition; providing online non-downloadable video recordings featuring fitness, health, and nutrition instruction</p> <p>Class 042. First use: First Use: None First Use In Commerce: None</p> <p>Providing on-line non-downloadable software for tracking fitness, health, and nutrition; providing temporary use of web-based software applications for tracking information, accessing instruction, and streaming content in the field of health, wellbeing, fitness and nutrition; providing temporary use of web-based software applications for the purpose of providing instruction in the field of physical exercise</p>
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Attachments	<p>Notice of Opposition - App Ser No 97266105 SWEATS BI EBE.pdf(155803 bytes)</p> <p>SWEAT Exhibits.pdf(395881 bytes)</p>
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Signature	/Matthew A. Barlow/
Name	MATTHEW A. BARLOW
Date	10/09/2023

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

In the matter of Trademark Application Serial. No. 97/266,105
Published in the Official Gazette on April 11, 2023
International Class: 025
Filed: February 14, 2022

Mark: The logo for 'sweats bi ebe' features the word 'sweats' in a bold, lowercase, sans-serif font. Below it, 'bi ebe' is written in a smaller, lowercase, sans-serif font. To the right of the text is a stylized graphic of a sweat drop with a tail, pointing downwards and to the right.

IFIT INC.,)	Opposition No. _____
)	
Opposer,)	
)	NOTICE OF OPPOSITION
v.)	
)	
ERIC R. BRODAR,)	
)	
Applicant.)	

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. 97/266,105 (“the ’105 Application”) in International Class 025, 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 a downloadable app that provides streamed fitness training videos to users across the United States.

4. Opposer has also registered its mark in connection with a variety of other goods and services relating to fitness and exercise.

5. 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)	SWEAT 	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 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>IC 016: 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</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, skipping ropes, exercise weights; Articles for exercising the body in the nature of exercise equipment, namely,</p>
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		<p>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.

6. The SWEAT Registrations are valid and subsisting, uncancelled, and unrevoked.

7. Opposer's SWEAT Mark has been continuously used in interstate commerce in the United States at least as early as 2016, and claims foreign registration priority of November 16, 2016. Notice has been given to the public that Opposer's SWEAT Mark is a registered trademark by affixing notice provided in 15 U.S.C. § 1111.

8. Additionally, Opposer is the owner of U.S. Application Serial No. 97/118,386 for the mark  with goods and service listed as “Downloadable software for tracking information, accessing instruction, and streaming content in the field of fitness, health, and nutrition; downloadable software in the nature of a mobile application for tracking information, accessing instruction and streaming content in the field of fitness, health, and nutrition; downloadable software in the nature of a mobile application for tracking information, accessing instruction and streaming content in the field of health, wellbeing, fitness and nutrition; downloadable software in the nature of a mobile application for the purpose of providing instruction in the field of physical exercise; downloadable electronic publications in the nature of articles in the field of fitness, health, and nutrition; electronic downloadable publications, namely, articles in the field of fitness, health, and nutrition; downloadable video recordings featuring fitness, health, and nutrition instruction” in International Class 009; “Providing online non-downloadable electronic publications in the nature of articles in the field of fitness, health, nutrition tracking, physical fitness instruction, and streaming health and fitness content; physical fitness training services; provision of physical fitness training services via the Internet; fitness boot camp services, namely, physical fitness training; conducting fitness classes; personal trainer services, namely, fitness training; physical fitness instruction; providing weblog services, namely, online publication of journals or diaries in the field of fitness, health and nutrition; provision of online non-downloadable videos in the field of fitness, health, and nutrition; provision of non-

downloadable online electronic publications in the nature of articles in the field of fitness, health, and nutrition; providing online non-downloadable video recordings featuring fitness, health, and nutrition instruction” for International class 041; and “Providing on-line non-downloadable software for tracking fitness, health, and nutrition; providing temporary use of web-based software applications for tracking information, accessing instruction, and streaming content in the field of health, wellbeing, fitness and nutrition; providing temporary use of web-based software applications for the purpose of providing instruction in the field of physical exercise” for International class 042 (“the ’SWEAT Application”).

9. The SWEAT Application was filed under Section 1(b) of the Trademark Act on, and therefore has a construction priority date of, November 10, 2021.


10. 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.

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

12. 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.

13. Upon information and belief, Eric R. Brodar (“Applicant”) is an individual with a listed address of 16017 Delarosa Lane, Naples, Florida, 34110.



14. Applicant seeks to register the mark  (“Applicant’s Mark”) as a trademark to be used in International Class 025, as evidenced by the publication of such mark in the Official Gazette on April 11, 2023. Applicant’s goods are listed as “clothing, namely, pants, shorts, shirts, T-shirts, jackets, vests, sweaters, socks, footwear, headwear, swimwear” in International Class 025.

15. Applicant filed its application for registration of Applicant’s Mark under Section 1(b) of the Trademark Act on February 14, 2022, claiming no date of first use, and received application serial number 97/266,105.

16. There is no issue as to priority. Opposer used, filed, and/or registered Opposer’s SWEAT Mark in connection with its goods and services long prior to Applicant’s February 14, 2022 filing date.

17. Applicant’s Mark contains the entirety of Opposer’s mark “SWEAT” alongside a sweat droplets design. The additional term “bi ebe” does not distinguish the marks, as consumers may believe it refers to goods or services associated with Opposer’s SWEAT-branded goods and services. Accordingly, Applicant’s Mark is confusingly similar to the SWEAT Mark, as it is substantially similar to the SWEAT Mark in appearance, sound, and connotation, and creates a similar commercial impression.

18. Applicant’s Mark and Opposer’s SWEAT Mark list similar goods. Applicant’s Mark lists various clothing goods in International Class 025 and,, likewise the ’166 Registration lists various apparel and clothing goods in International Class 025.

19. The ’105 Application is unrestricted as to consumers and trade channels. As such, it is presumed that Applicant’s services identified in the challenged application are sold to all ordinary consumers, 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.

20. 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.

21. Applicant's Mark so resembles Opposer's SWEAT Mark and the services identified are so closely related to the goods and services of Opposer as to be likely, when used in connection with Applicant's services, to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 USC § 1052(d).

22. 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 in fact no such connection exists.

23. Applicant's use or intended use of the mark identified in its 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.

24. If Applicant is permitted to register its mark for its 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 services sold by Applicant under its 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.

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

26. In view of the foregoing, Applicant is not entitled to federal registration of its claimed mark because Applicant does not have a right to the exclusive use of said mark in commerce on Applicant's services. Applicant's claimed mark does not and cannot function to identify such 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 9th day of October, 2023.

Respectfully submitted,

/Matthew A. Barlow/
Matthew A. Barlow
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WORKMAN NYDEGGER
60 East South Temple, Suite 1000
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

Attorneys for Opposer iFIT Inc.

EXHIBIT A



United States Patent and Trademark Office

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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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Word Mark SWEAT

Goods and Services IC 009. US 021 023 026 036 038. G & S: Downloadable software for tracking information, accessing instruction, and streaming content in the field of fitness, health, and nutrition; downloadable software in the nature of a mobile application for tracking information, accessing instruction and streaming content in the field of fitness, health, and nutrition; downloadable software in the nature of a mobile application for tracking information, accessing instruction and streaming content in the field of health, wellbeing, fitness and nutrition; downloadable software in the nature of a mobile application for the purpose of providing instruction in the field of physical exercise; downloadable electronic publications in the nature of articles in the field of fitness, health, and nutrition; electronic downloadable publications, namely, articles in the field of fitness, health, and nutrition; downloadable video recordings featuring fitness, health, and nutrition instruction

IC 041. US 100 101 107. G & S: Providing online non-downloadable electronic publications in the nature of articles in the field of fitness, health, nutrition tracking, physical fitness instruction, and streaming health and fitness content; physical fitness training services; provision of physical fitness training services via the Internet; fitness boot camp services, namely, physical fitness training; conducting fitness classes; personal trainer services, namely, fitness training; physical fitness instruction; providing weblog services, namely, online publication of journals or diaries in the field of fitness, health and nutrition; provision of online non-downloadable videos in the field of fitness, health, and nutrition; provision of non-downloadable online electronic publications in the nature of articles in the field of fitness, health, and nutrition; providing online non-downloadable video recordings featuring fitness, health, and nutrition instruction

IC 042. US 100 101. G & S: Providing on-line non-downloadable software for tracking fitness, health, and nutrition; providing temporary use of web-based software applications for tracking information, accessing instruction, and streaming content in the field of health, wellbeing, fitness and nutrition; providing temporary use of web-based software applications for the purpose of providing instruction in the field of physical exercise

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 97118386
Filing Date November 10, 2021
Current Basis 1B
Original Filing Basis 1B
Published for Opposition March 7, 2023
Owner (APPLICANT) iFIT Inc. CORPORATION DELAWARE 1500 South 1000 West Logan UTAH 84321
Attorney of Record Matthew A. Barlow
Description of Mark The mark consists of the stylized word "SWEAT" to the right of an image of a droplet.
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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