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

Proceeding	92076499
Party	Defendant Mad Dogg Athletics, Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Reg. No. 2,003,922

Peloton Interactive, Inc.,)	Cancellation No. 92076463 (Parent Case)
)	Cancellation No. 92076469
Petitioner,)	Cancellation No. 92076471
)	Cancellation No. 92076483
v.)	Cancellation No. 92076499
)	Cancellation No. 92076516
Mad Dogg Athletics, Inc.)	Cancellation No. 92076554
)	
Registrant.)	
_____)	

REGISTRANT’S ANSWER

Mad Dogg Athletics, Inc. (“Registrant,” “Respondent,” or “Mad Dogg”), hereby responds to and answers the Amended Petition for Cancellation (“Petition”) filed by Peloton Interactive, Inc. (“Petitioner”) (*see* 8 TTABVue), responding *in seriatim* to the numbered paragraphs of Petitioner’s Petition, Registrant responds as follows:

1. Answering Paragraph 1 of the Petition, Registrant admits that Registrant owns “Registration No. 2003922 (the “922 Registration”) for the term SPINNING.” Except as expressly so admitted, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

2. Answering Paragraph 2 of the Petition, Registrant admits that Registrant and its lawyers have vigorously enforced Registrant’s trademark rights by, *inter alia*, sending cease-and-desist letters, filing proceedings before the Trademark Trial and Appeal Board, and filing civil actions in federal court. Except as expressly so admitted, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

3. Answering Paragraph 3 of the Petition, Registrant admits that Registrant does not believe that SPINNING is a generic term for stationary exercise bikes, also called indoor bikes, or for in-studio classes provided on such bikes. Except as expressly so admitted, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

4. Answering Paragraph 4 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in Paragraph 4, and, on that basis, denies each and every such allegation including all hyperbole and false statements contained in said Paragraph.

5. Answering Paragraph 5 of the Petition, Registrant admits that Registrant requested that the owners of the MOCHA SPIN DOCS trademark application cease the use of Registrant's mark SPIN in connection with providing services related to indoor cycling. Except as expressly so admitted, Registrant denies each and every such allegation including all hyperbole and false statements contained in said Paragraph.

6. Answering Paragraph 6 of the Petition, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

7. Answering Paragraph 7 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

8. Answering Paragraph 8 of the Petition, Registrant admits that Mad Dogg Athletics, Inc. was a corporation formed and organized under the laws of the State of California; however, Mad Dogg Athletics, Inc. recently merged out and is now a Nevada corporation. Mad Dogg admits that Mad Dogg maintains a business address location at 2111 Narcissus Ct., Venice, California 90291.

9. Answering Paragraph 9 of the Petition, Registrant denies that Petitioner sells SPINNING bikes. Petitioner sells, and, to Registrant's knowledge, always has sold, stationary exercise bicycles, also known and offered for sale by Petitioner as the "Peloton Bike," the "Peloton Bike+," the "Bike," and the "Peloton® indoor exercise bike with online streaming classes." See, e.g., <https://www.onepeloton.com/bike>, and <https://www.onepeloton.com/shop/bike>.

10. Answering Paragraph 10 of the Petition, Registrant denies that Petitioner offers connected SPINNING classes. Petitioner offers and, to Registrant's knowledge, always has offered, "online streaming classes" in the field of indoor cycling, also known as group cycling (which is what Peloton means, namely, "the main body of riders in a bicycle race." See, e.g., <https://www.onepeloton.com/classes>, <https://www.merriam-webster.com/dictionary/peloton>, and <https://en.wikipedia.org/wiki/Peloton>.

11. Answering Paragraph 11 of the Petition, Registrant denies each and every such allegation including all hyperbole and false statements contained in said Paragraph.

12. Answering Paragraph 12 of the Petition, Registrant denies each and every such allegation including all hyperbole and false statements contained in said Paragraph.

13. Answering Paragraph 13 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

14. Answering Paragraph 14 of the Petition, Registrant admits that Registrant has requested that Petitioner cease using the term SPINNING in the past and that Petitioner promptly and agreeably complied. Except as expressly so admitted, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

15. Answering Paragraph 15 of the Petition, said Paragraph is so poorly drafted that it is too vague and ambiguous for Registrant to be able to adequately respond, and, on that basis, Registrant denies each and every such allegation contained in said Paragraph.

16. Answering Paragraph 16 of the Petition, Registrant admits that Registrant has requested that Petitioner cease using the term SPINNING in the past and that Petitioner promptly and agreeably complied. Except as expressly so admitted, said Paragraph is so poorly drafted that it is too vague and ambiguous for Registrant to be able to adequately respond, and, on that basis, Registrant denies each and every such allegation contained in said Paragraph.

17. Answering Paragraph 17 of the Petition, Registrant admits that Registrant has enforced Registrant's valid, subsisting, and incontestable trademark rights to the terms SPIN and SPINNING for indoor cycling bikes and for fitness instruction provided on stationary exercise bicycles against infringing uses by third parties including to oppose before the Trademark Trial and Appeal Board the third-party trademark applications cited in said Paragraph.

18. Answering Paragraph 18 of the Petition, Registrant denies each and every such allegation.

19. Answering Paragraph 19 of the Petition, said Paragraph is so poorly drafted that it is too vague and ambiguous for Registrant to be able to adequately respond, and, on that basis, Registrant denies each and every such allegation including all hyperbole and false statements contained in said Paragraph.

20. Answering Paragraph 20 of the Petition, Registrant denies each and every such allegation.

21. Answering Paragraph 21 of the Petition, there appear to be no allegations contained in said Paragraph; however, to the extent the statement, "As grounds for cancellation,

Peloton alleges as follows:” is deemed to be an allegation, Registrant respectfully denies any such allegation and any implications or inferences to be drawn therefrom.

22. Answering Paragraph 22 of the Petition, Registrant admits that SPINNING is Registrant’s brand of stationary exercise bicycles, which are also generically known as “indoor bikes,” “stationary bikes,” “exercise bikes,” and “group cycles,” among other names. Except as expressly so admitted, Registrant denies each and every allegation contained in said Paragraph as self-serving and meaningless folderol.

23. Answering Paragraph 23 of the Petition, Registrant admits that SPINNING is Registrant’s brand of stationary exercise bicycles, which are also generically known as “indoor bikes,” “stationary bikes,” “exercise bikes,” and “group cycles,” among other names. Except as expressly so admitted, Registrant denies each and every allegation contained in said Paragraph as self-serving and meaningless folderol.

24. Answering Paragraph 24 of the Petition, Registrant admits that SPINNING is Registrant’s brand of stationary exercise bicycles, which are also generically known as “indoor bikes,” “stationary bikes,” “exercise bikes,” and “group cycles,” among other names. Except as expressly so admitted, Registrant denies each and every allegation contained in said Paragraph as self-serving and meaningless folderol.

25. Answering Paragraph 25 of the Petition, Registrant admits that its SPINNING brand of indoor bikes and instruction is, and has been for decades, immensely popular. Except as expressly so admitted, Registrant denies each and every allegation contained in said Paragraph as self-serving and meaningless folderol, and objects to the inclusion by Petitioner of irrelevant and unverified images as well as the statement: “Peloton spinning class,” which is used in Petitioner’s pleading, but which Peloton does not use in fact to refer to its indoor cycling classes.

See, e.g., <https://www.onepeloton.com/classes> (where Peloton refers to its indoor cycling classes as “online streaming classes.”)

26. Answering Paragraph 26 of the Petition, Registrant is without sufficient knowledge or information to determine the indoor cycling brand or classes to which Petitioner refers, which renders the allegations in said Paragraph fatally vague and ambiguous; and, on that basis, Registrant denies each and every such allegation contained in said Paragraph.

27. Answering Paragraph 27 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

28. Answering Paragraph 28 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

29. Answering Paragraph 29 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

30. Answering Paragraph 30 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

31. Answering Paragraph 31 of the Petition, Registrant admits that Registrant offers a range of high-quality in-home and commercial indoor exercise bicycles under its federally registered SPINNING® trademark. Registrant also admits that Registrant owns and operates a website located at www.spinning.com from which it sells said indoor bikes. Except as expressly so admitted, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

32. Answering Paragraph 32 of the Petition, Registrant admits that it owns several trademark registrations for the mark SPINNING, which were issued on the Principal Register of the United States Patent and Trademark Office for goods and services related to indoor cycling goods and services including, specifically, stationary exercise bicycles and fitness instruction provided on indoor bikes. Except as expressly so admitted, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

33. Answering Paragraph 33 of the Petition, Registrant admits that Registrant has judiciously enforced its strong (and perhaps famous) trademark rights to the SPINNING mark for indoor cycling goods and services throughout the United States and in many territories around the world via written and electronic correspondence, opposition proceedings before the Trademark Trial and Appeal Board, and in civil litigation in federal court. Except as expressly so admitted, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

34. Answering Paragraph 34 of the Petition, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

35. Answering Paragraph 35 of the Petition, Registrant denies each and every allegation including all hyperbole and false statements contained in said Paragraph.

36. Answering Paragraph 36 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis denies each and every allegation in said Paragraph.

37. Answering Paragraph 37 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis denies each and every allegation in said Paragraph.

38. Answering Paragraph 38 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis denies each and every allegation in said Paragraph.

39. Answering Paragraph 39 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

40. Answering Paragraph 40 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis denies each and every allegation in said Paragraph.

41. Answering Paragraph 41 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis denies each and every allegation in said Paragraph.

42. Answering Paragraph 42 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation, and objects to the inclusion by Petitioner of the immaterial and unverified images contained therein.

43. Answering Paragraph 43 of the Petition, Registrant admits that Registrant sent correspondence to Racked at some time in 2013, that Racked complied with Registrant's request to use Registrant's SPINNING trademark properly, and that the author of the article cited in said paragraph was publicly posted, which helped confirm the public awareness that Mad Dogg owns the trademark SPINNING for indoor cycling goods and services. Mad Dogg further admits that Mad Dogg has enforced its trademark rights to SPINNING by providing notice of its rights to hundreds if not thousands of persons and businesses over the past 20 years.

44. Answering Paragraph 44 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

45. Answering Paragraph 45 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every allegation including all hyperbole, unverified, and redundant statements contained in said Paragraph (which statements also appear in Paragraph 4 of Petitioner's Amended Petition to Cancel).

46. Answering Paragraph 46 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every allegation including all hyperbole, unverified, and false statements contained in said Paragraph.

47. Answering Paragraph 47 of the Petition, Registrant admits that there would be greater misuse of its valuable rights to the mark SPINNING if Mad Dogg had not prudently and systematically informed third parties of its trademark rights and enforced such rights against the willful infringement of its SPINNING brand for over 20 years. Except as expressly so admitted, Registrant denies each and every allegation contained in said Paragraph including, specifically, the preposterous statement that Mad Dogg (a company valued in the tens of millions of dollars) could possibly be characterized as having "bullied" Peloton (a company valued in the tens of billions of dollars).

48. Answering Paragraph 48 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

49. Answering Paragraph 49 of the Petition, Registrant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained in said Paragraph, and, on that basis, denies each and every such allegation.

50. Answering Paragraph 50 of the Petition, Registrant admits the allegations contained in said Paragraph.

51. Answering Paragraph 51 of the Petition, Registrant denies each and every such allegation.

52. Answering Paragraph 52 of the Petition, Registrant denies each and every such allegation.

53. Answering Paragraph 53 of the Petition, Registrant denies each and every such allegation.

54. Answering Paragraph 54 of the Petition, Registrant denies each and every such allegation.

55. Answering Paragraph 55 of the Petition, Registrant denies each and every such allegation.

56. Answering Paragraph 56 of the Petition, Registrant denies each and every such allegation.

57. Answering Paragraph 57 of the Petition, Registrant denies that Petitioner is entitled to the relief requested in the instant Petition and requests that said Petition be dismissed in its entirety.

AFFIRMATIVE DEFENSES

Without alleging that Registrant has the burden of proof on the following, Registrant states the following facts as separate and distinct affirmative defenses to the instant Petition.

FIRST AFFIRMATIVE DEFENSE

(Lack of Standing)

1. Each of the purported claims for relief that Petitioner alleges in its Petition is barred or limited, in whole or in part, because Petitioner lacks standing to bring such claims.

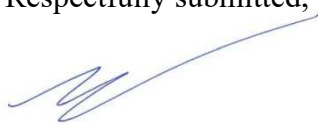
RESERVATION

Registrant has not knowingly or intentionally waived any applicable denials or affirmative defenses and reserves the right to assert and rely on such other applicable denials or affirmative defenses as may become available or apparent during discovery proceedings or prior to trial. That said, to avoid any potential confusion regarding all of the intertitles used in Petitioner's Amended Petition to Cancel, to the extent such intertitles could be construed as constituting allegations, Registrant denies every statement contained in such intertitles.

PRAYER

WHEREFORE, Registrant prays for the Board to enter judgment in Registrant's favor on all claims in Petitioner's Amended Petition to Cancel, dismissal with prejudice of the Petition in its entirety, and such other and further relief as may be proper and just under the circumstances.

Respectfully submitted,



Dated: August 5, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2021, I served the following document(s):

Registrant's Answer

upon counsel for Petitioner named below:

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by electronic mail on the same date.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 5, 2021, at Los Angeles, California.

/s/
Konrad Gatien