

ESTTA Tracking number: **ESTTA1234694**

Filing date: **09/09/2022**

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

**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner information**

Name	Sports Research Corporation		
Entity	Corporation	Citizenship	California
Address	784 W. CHANNEL ST., #200 SAN PEDRO, CA 90731 UNITED STATES		

Attorney information	TABITHA RAINEY GARCIA RAINEY BLANK & BOWERBANK LLP 695 TOWN CENTER DRIVE, SUITE 540 COSTA MESA, CA 92626 UNITED STATES Primary email: trainey@garciarainey.com Secondary email(s): smurray@garciarainey.com, jblank@garciarainey.com, mjskapadia@garciarainey.com 8132007938		
Docket no.			

**Registration subject to cancellation**

Registration no.	6663851	Registration date	03/08/2022
Register	Principal		
Registrant	Vedo Trade LLC 151 CALLE DE SAN FRANCISCO SAN JUAN, 00901 PUERTO RICO		

**Goods/services subject to cancellation**

Class 005. First Use: Apr 14, 2020 First Use In Commerce: Apr 14, 2020 All goods and services in the class are subject to cancellation, namely: Sweat enhancing body creams used to lose water weight
--

**Grounds for cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Abandonment	Trademark Act Section 14(3)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Other	Mark never used in commerce - Trademark Act Section 14(6)
-------	---

### Marks cited by petitioner as basis for cancellation

U.S. registration no.	4826800	Application date	02/23/2015
Register	Principal		
Registration date	10/06/2015	Foreign priority date	NONE
Word mark	SWEET SWEAT		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 005. First use: First Use: Oct 2, 1987 First Use In Commerce: Oct 2, 1987 non-medicated topical gel for water weight loss; non-medicated topical gel for improvement of circulation; non-medicated topical gel for calorie burning; non-medicated topical gel for workout enhancement; non-medicated topical gel for acceleration and exacerbation of the sweating process; non-medicated topical gel for increased energy levels and muscular activity; non-medicated topical gel for creation of a breathable barrier allowing the body to release heat by sweating; non-medicated topical gel for the prevention and treatment of injury and muscle fatigue; non-medicated topical gel for the relief of aches and pain</p> <p>Class 028. First use: First Use: Nov 18, 2013 First Use In Commerce: Nov 18, 2013 waist trimmer exercise belts</p>		

U.S. registration no.	5335523	Application date	06/01/2017
Register	Principal		
Registration date	11/14/2017	Foreign priority date	NONE
Word mark	SWEET SWEAT		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 018. First use: First Use: Feb 1, 2015 First Use In Commerce: Feb 1, 2015 gym bags</p> <p>Class 024. First use: First Use: Jun 1, 2016 First Use In Commerce: Jun 1, 2016 cotton towels</p> <p>Class 025. First use: First Use: Mar 1, 1988 First Use In Commerce: Mar 1, 1988 clothing, namely, t-shirts, tank tops, pants, leggings, shorts, jackets; athletic apparel, namely, athletic shirts, athletic jackets, athletic pants, hoodies</p> <p>Class 028. First use: First Use: Apr 1, 2016 First Use In Commerce: Apr 1, 2016 thigh trimmer exercise belts for use as sports articles; arm trimmer exercise belts for use as sports articles</p> <p>Class 035. First use: First Use: Aug 1, 2000 First Use In Commerce: Aug 1, 2000</p>		

	online retail store services featuring health, fitness, and weight loss products; mail order catalog services featuring health, fitness, and weight loss products; retail services by direct solicitation by sales agents in the field of health and fitness; product demonstration
--	---

Attachments	2022.09.09 SUGAR SWEAT (Cl. 5) Petition for Cancellation.pdf(713683 bytes )
-------------	---

Signature	/Tabitha Rainey/
Name	Tabitha Rainey
Date	09/09/2022

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

In the Matter of Trademark Registration No. 6,663,851

Registered: March 8, 2022

International Class: 005

Mark: SUGAR SWEAT

Sports Research Corporation,

Petitioner,

v.

Vedo Trade LLC,

Registrant.

Cancellation No.: \_\_\_\_\_

**PETITION FOR CANCELLATION**

Petitioner Sports Research Corporation (“SPORTS RESEARCH” or “Petitioner”) is a California corporation having its principal place of business at 784 W. Channel St., #200, San Pedro, California 90731. Petitioner believes and alleges that it has been and will continue to be damaged by United States Trademark Registration No. 6,663,851 (“the ‘851 Registration”) for the mark SUGAR SWEAT (“the SUGAR SWEAT Mark”) held by registrant Vedo Trade LLC (“Registrant”) on the Principal Register. Accordingly, Petitioner hereby petitions to cancel the ‘851 Registration in International Class 005 pursuant to Section 14(1) of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1064(1).

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner SPORTS RESEARCH is a health and fitness company in existence since 1980 that markets, promotes, and sells workout enhancement products, nutritional supplements, and fitness and exercise equipment throughout the world, including throughout the United States,

both directly to consumers and indirectly through distributors, via various e-commerce platforms and via online and brick and mortar retail stores.

2. In connection with this business, Petitioner owns registered and common law rights in the mark SWEET SWEAT (“the SWEET SWEAT Mark”).

3. Petitioner owns the following U.S. trademark registrations for the SWEET SWEAT Mark:

<p>SWEET SWEAT</p> <p><b>Registration No. 4,826,800</b></p> <p><b><u>Filing Date:</u></b> February 23, 2015</p> <p><b><u>Registration Date:</u></b> October 6, 2015</p>	<p><b><u>IC 005:</u></b> non-medicated topical gel for water weight loss; non-medicated topical gel for improvement of circulation; non-medicated topical gel for calorie burning; non-medicated topical gel for workout enhancement; non-medicated topical gel for acceleration and exacerbation of the sweating process; non-medicated topical gel for increased energy levels and muscular activity; non-medicated topical gel for creation of a breathable barrier allowing the body to release heat by sweating; non-medicated topical gel for the prevention and treatment of injury and muscle fatigue; non-medicated topical gel for the relief of aches and pain.</p> <p><b><u>FIRST USE:</u></b> October 2, 1987</p> <p><b><u>FIRST USE IN COMMERCE:</u></b> October 2, 1987</p> <p><b><u>IC 028:</u></b> waist trimmer exercise belts.</p> <p><b><u>FIRST USE:</u></b> November 18, 2013</p> <p><b><u>FIRST USE IN COMMERCE:</u></b> November 18, 2013</p>
<p>SWEET SWEAT</p> <p><b>Registration No. 5,335,523</b></p> <p><b><u>Filing Date:</u></b> June 1, 2017</p> <p><b><u>Registration Date:</u></b> November 14, 2017</p>	<p><b><u>IC 018:</u></b> gym bags.</p> <p><b><u>FIRST USE:</u></b> February 1, 2015</p> <p><b><u>FIRST USE IN COMMERCE:</u></b> February 1, 2015</p> <p><b><u>IC 024:</u></b> cotton towels.</p> <p><b><u>FIRST USE:</u></b> June 1, 2016</p> <p><b><u>FIRST USE IN COMMERCE:</u></b> June 1, 2016</p> <p><b><u>IC 025:</u></b> clothing, namely, t-shirts, tank tops, pants, leggings, shorts, jackets, athletic apparel, namely, athletic shirts, athletic jackets, athletic pants, hoodies.</p>

	<p><b><u>FIRST USE:</u></b> March 1, 1988  <b><u>FIRST USE IN COMMERCE:</u></b> March 1, 1988</p> <p><b><u>IC 028:</u></b> thigh trimmer exercise belts for use as sports articles, arm trimmer exercise belts for use as sports articles.  <b><u>FIRST USE:</u></b> April 1, 2016  <b><u>FIRST USE IN COMMERCE:</u></b> April 1, 2016</p> <p><b><u>IC 035:</u></b> online retail store services featuring health, fitness, and weight loss products; mail order catalog services featuring health, fitness, and weight loss products; retail services by direct solicitation by sales agents in the field of health and fitness; product demonstration.  <b><u>FIRST USE:</u></b> August 1, 2000  <b><u>FIRST USE IN COMMERCE:</u></b> August 1, 2000</p>
--	--

(collectively “Petitioner’s Registrations”). True and correct copies obtained from the U.S. Patent and Trademark Office’s (“PTO”) TESS Database of Petitioner’s Registrations and registration certificates are attached hereto as **Exhibits A and B** and made of record.

4. Petitioner’s Registrations are valid and subsisting, uncancelled, and unrevoked. As such, they constitute *prima facie* evidence of the validity of the SWEET SWEAT Mark, of Petitioner’s Registrations thereof, of Petitioner’s ownership of the SWEET SWEAT Mark, and of Petitioner’s exclusive right to use the SWEET SWEAT Mark as provided in Sections 7(b), 22, and 33(a) of the Lanham Act.

5. In addition to its registered rights, SPORTS RESEARCH has developed strong common law rights and substantial goodwill in the SWEET SWEAT Mark on the above-identified goods through years of continued use in the United States.

6. SPORTS RESEARCH has extensively used the SWEET SWEAT Mark and has advertised, promoted, and offered the goods under Petitioner’s Registrations in interstate

commerce through various channels of trade. As a result, SPORTS RESEARCH's customers, potential customers, and the public have come to know and recognize the SWEET SWEAT Mark as identifying SPORTS RESEARCH, its high-quality goods and services, and associate the SWEET SWEAT Mark with SPORTS RESEARCH. The SWEET SWEAT Mark is distinctive to both the consuming public and within the health and fitness industry. SPORTS RESEARCH has, thus, built up extensive and invaluable goodwill in connection with the sale of its goods offered under the SWEET SWEAT Mark. The SWEET SWEAT Mark has been well-known long before Registrant allegedly began using the SUGAR SWEAT Mark and filed the application for its registration.

7. The SWEET SWEAT Mark has become an asset of substantial value to SPORTS RESEARCH as a distinctive indicator of the origin and quality of exercise, workout enhancement, health, fitness, and weight loss related goods and services.

8. According to the PTO's TESS Database, Registrant Vedo Trade LLC, a Puerto Rico Limited Liability Company with an address at 151 Calle de San Francisco, San Juan, Puerto Rico 00901, is the listed owner of the '851 Registration for the SUGAR SWEAT Mark in connection with "*Sweat enhancing body creams used to lose water weight*" in International Class 005.

9. The '851 Registration, based on an application filed on March 25, 2021, was issued on March 8, 2022, and claims a date of first use and first use in commerce of April 14, 2020 in connection with its listed goods.

10. Petitioner searched for but did not find evidence of use of the SUGAR SWEAT Mark by Registrant on the goods specified in the '851 Registration.

11. Pursuant to 37 C.F.R. § 2.111(b), Petitioner believes it has standing to bring this proceeding against the ‘851 Registration, and hereby requests cancellation of the ‘851 Registration.

**FIRST GROUND FOR RELIEF: ABANDONMENT**

**15 U.S.C. § 1064(3)**

12. Opposer repeats and incorporates by reference the allegations contained in paragraphs 1 through 11 above as if fully set forth herein.

13. Upon information and belief, Registrant is not using, and at the time of the application which resulted in the ‘851 Registration was not using, the SUGAR SWEAT Mark in interstate commerce in connection with the goods listed in the ‘851 Registration. Accordingly, Registrant’s ‘851 Registration is therefore void *ab initio* because Registrant made no bona fide use of the SUGAR SWEAT Mark in interstate commerce for the goods listed in the ‘851 Registration on the date of its underlying application, in contravention of the Lanham Act. Moreover, the non-use of the SUGAR SWEAT Mark renders the ‘851 Registration abandoned and subject to cancellation pursuant to Section 14(c) of the Lanham Act.

14. Upon information and belief, Registrant does not have and never has had any rights to use the SUGAR SWEAT Mark as it has not been used in commerce in the United States and has not become an indication of the origin of Registrant’s alleged goods.

15. Upon information and belief, the ‘851 Registration is invalid and unenforceable because Registrant has abandoned the SUGAR SWEAT Mark in connection with the registered goods.

16. Upon information and belief, Registrant has not had a bona fide use of the SUGAR SWEAT Mark in the United States in connection with the goods identified in the ‘851 Registration



and has not evidenced an intent to resume such use, effectively abandoning any alleged trademark rights in and to the SUGAR SWEAT Mark pursuant to 15 U.S.C. § 1127.

17. Registrant therefore has no right to maintain the '851 Registration on the Principal Register, and the continued existence of the '851 Registration on the Principal Register will continue to damage Petitioner. Accordingly, the '851 Registration must be cancelled.

**SECOND GROUND FOR RELIEF: PRIORITY AND LIKELIHOOD OF CONFUSION  
UNDER SECTION 2(d) OF THE LANHAM ACT (15 U.S.C. § 1052(d) and § 1064)**

18. Opposer repeats and incorporates by reference the allegations contained in paragraphs 1 through 1 through 11 above as if fully set forth herein.

19. Petitioner's SWEET SWEAT Mark has priority of use over Registrant's SUGAR SWEAT Mark because SPORTS RESEARCH's use of the SWEET SWEAT Mark in connection with exercise, workout enhancement, health, fitness, and weight loss related goods and services predates that of Registrant. In particular, SPORTS RESEARCH has used the SWEET SWEAT Mark in connection with, among others, non-medicated topical gel for water weight loss, non-medicated topical gel for acceleration and exacerbation of the sweating process, and non-medicated topical gel for creation of a breathable barrier allowing the body to release heat by sweating, in International Class 005 since at least 1987, predating the filing of Registrant's application for the '851 Registration or any other date on which Registrant may rely for purposes of priority.

20. Registrant's SUGAR SWEAT Mark is confusingly similar to the SWEET SWEAT Mark in appearance, sound, and connotation, and creates a similar commercial impression.

21. The likelihood of confusion is heightened because the goods covered by Registrant's SUGAR SWEAT Mark and/or offered in connection therewith are also exercise, workout enhancement, health, fitness, and/or weight loss related, while commercial activities

conducted by SPORTS RESEARCH in connection with the SWEET SWEAT Mark have long included the marketing and sale of exercise, workout enhancement, health, fitness, and weight loss related goods and services.

22. The '851 Registration is unrestricted as to consumers and trade channels. As such, it is presumed that Registrant's goods identified in the challenged registration are sold to all ordinary customers, including consumers of SPORTS RESEARCH's goods and services bearing the SWEET SWEAT Mark, and travel in all ordinary trade channels, including those trade channels through which SPORTS RESEARCH sells its goods and services, including exercise, workout enhancement, health, fitness, and weight loss related goods and services in association with the SWEET SWEAT Mark.

23. The '851 Registration should be cancelled because it consists of or compromises a mark which so resembles the SWEET SWEAT Mark, which has priority of use, as to be likely, when used in connection with Registrant's goods, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d), and to cause damage to SPORTS RESEARCH thereby.

24. Registrant is not entitled to continued registration of the SUGAR SWEAT Mark pursuant to Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3), and the '851 Registration should be cancelled.

### **THIRD GROUND FOR RELIEF: FRAUD**

#### **15 U.S.C. § 1064(3)**

25. Opposer repeats and incorporates by reference the allegations contained in paragraphs 1 through 24 above as if fully set forth herein.

26. In connection with the application for the '851 Registration filed on March 25, 2021 ("Application"), Registrant claimed that it was using the SUGAR SWEAT Mark in interstate commerce on or as of April 14, 2020.

27. In connection with the Application, Registrant submitted a specimen that Registrant claimed to show use of the SUGAR SWEAT Mark in connection with “sweat enhancing body creams used to lose water weight” identified in the Application.

28. In connection with the Application, Registrant declared under penalty of perjury that:

- a. “The mark is in use in commerce and was in use as of the filing date of the application on or in connection with the goods/services in the application;
- b. “The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- c. “To the best of the signatory’s knowledge and belief, the facts recited in the application are accurate.”

29. Upon information and belief, Registrant’s sworn statements in the Application were false. A Google search returns no results showing any goods, let alone “sweat enhancing body creams used to lose water weight,” bearing the SUGAR SWEAT Mark for sale in the United States. Further, a reverse image search of the specimen submitted with the Application produced no results showing any goods, let alone “sweat enhancing body creams used to lose water weight,” bearing the SUGAR SWEAT Mark for sale in the United States.

30. Upon information and belief, Registrant was fully aware that it was not using the SUGAR SWEAT Mark with the goods listed in in commerce when it swore under penalty of perjury that it was doing so in the Application.

31. Upon information and belief, when Registrant submitted the specimen in support of the Application, Registrant knew that the specimen did not show actual use of the SUGAR SWEAT Mark in United States commerce at that time.

32. Upon information and belief, Registrant knew that if it did not represent to the PTO that it had used the SUGAR SWEAT Mark in commerce for the goods specified in the Application, or did not submit a specimen showing use, then the PTO would not have approved the SUGAR SWEAT Mark for registration.

33. Registrant intended the PTO to rely on its claim of use of the SUGAR SWEAT Mark in commerce for the goods specified in the Application, as well as the accuracy of its specimen, and in reliance on this statement and specimen, to allow registration of the SUGAR SWEAT Mark.

34. The PTO, in allowing the '851 Registration of the SUGAR SWEAT Mark, did in fact rely upon Registrant's false statements regarding its use and specimen.

35. Therefore, upon information and belief, Registrant knowingly, or with reckless disregard for the truth, made false, material misrepresentations of fact in connection with the Application, with the intent to defraud the PTO.

36. Based on the aforementioned acts, Registrant committed fraud in connection with the Application.

WHEREFORE, SPORTS RESEARCH respectfully prays that this cancellation be sustained in favor of Petitioner and that U.S. Registration No. 6,663,851 be cancelled with respect to International Class 005.

Respectfully submitted,

GARCIA RAINEY BLANK & BOWERBANK LLP

Dated: September 9, 2022

By: /s/ Tabitha Rainey

Tabitha Rainey

Jeffrey M. Blank

Maya J. S. Kapadia

695 Town Center Dr., Suite 540

Costa Mesa, CA 92626

714-382-7003

[trainey@garciarainey.com](mailto:trainey@garciarainey.com)

[jblank@garciarainey.com](mailto:jblank@garciarainey.com)

[mjskapadia@garciarainey.com](mailto:mjskapadia@garciarainey.com)

[smurray@garciarainey.com](mailto:smurray@garciarainey.com)

Attorneys for Petitioner,

SPORTS RESEARCH CORPORATION

# EXHIBIT A



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Tue Jul 26 04:07:23 EDT 2022

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#) | [PREV LIST](#) | [CURR LIST](#) | [NEXT LIST](#) | [FIRST DOC](#) | [PREV DOC](#)  
[NEXT DOC](#) | [LAST DOC](#)

Logout Please logout when you are done to release system resources allocated for you.

Start List At:  OR Jump to record:  **Record 6 out of 12**

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# SWEET SWEAT

**Word Mark** SWEET SWEAT

**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: non-medicated topical gel for water weight loss; non-medicated topical gel for improvement of circulation; non-medicated topical gel for calorie burning; non-medicated topical gel for workout enhancement; non-medicated topical gel for acceleration and exacerbation of the sweating process; non-medicated topical gel for increased energy levels and muscular activity; non-medicated topical gel for creation of a breathable barrier allowing the body to release heat by sweating; non-medicated topical gel for the prevention and treatment of injury and muscle fatigue; non-medicated topical gel for the relief of aches and pain. FIRST USE: 19871002. FIRST USE IN COMMERCE: 19871002

IC 028. US 022 023 038 050. G & S: waist trimmer exercise belts. FIRST USE: 20131118. FIRST USE IN COMMERCE: 20131118

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 86543614

**Filing Date** February 23, 2015

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for** July 21, 2015

**Opposition**

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** 4826800

**International Registration Number** 1425347

**Registration Date** October 6, 2015

**Owner** (REGISTRANT) Sports Research Corporation CORPORATION CALIFORNIA 784 W. Channel St., #200 San Pedro CALIFORNIA 90731

**Attorney of Record** Tabitha Rainey

**Type of** TRADEMARK

**Mark**

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

- 
- [TESS HOME](#)
  - [NEW USER](#)
  - [STRUCTURED](#)
  - [FREE FORM](#)
  - [BROWSE DICT](#)
  - [SEARCH OG](#)
  - [TOP](#)
  - [HELP](#)
  - [PREV LIST](#)
  - [CURR LIST](#)
  - [NEXT LIST](#)
  - [FIRST DOC](#)
  - [PREV DOC](#)
  - [NEXT DOC](#)
  - [LAST DOC](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



# United States of America

United States Patent and Trademark Office

## SWEET SWEAT

**Reg. No. 4,826,800**

**Registered Oct. 6, 2015**

**Corrected Feb. 23, 2016**

**Int. Cls.: 5 and 28**

**TRADEMARK**

**PRINCIPAL REGISTER**

SPORTS RESEARCH CORPORATION (CALIFORNIA CORPORATION)  
784 W. CHANNEL ST., #200  
SAN PEDRO, CA 90731

FOR: NON-MEDICATED TOPICAL GEL FOR WATER WEIGHT LOSS; NON-MEDICATED TOPICAL GEL FOR IMPROVEMENT OF CIRCULATION; NON-MEDICATED TOPICAL GEL FOR CALORIE BURNING; NON-MEDICATED TOPICAL GEL FOR WORKOUT ENHANCEMENT; NON-MEDICATED TOPICAL GEL FOR ACCELERATION AND EXACERBATION OF THE SWEATING PROCESS; NON-MEDICATED TOPICAL GEL FOR INCREASED ENERGY LEVELS AND MUSCULAR ACTIVITY; NON-MEDICATED TOPICAL GEL FOR CREATION OF A BREATHABLE BARRIER ALLOWING THE BODY TO RELEASE HEAT BY SWEATING; NON-MEDICATED TOPICAL GEL FOR THE PREVENTION AND TREATMENT OF INJURY AND MUSCLE FATIGUE; NON-MEDICATED TOPICAL GEL FOR THE RELIEF OF ACHES AND PAIN, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 10-2-1987; IN COMMERCE 10-2-1987.

FOR: WAIST TRIMMER EXERCISE BELTS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-18-2013; IN COMMERCE 11-18-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-543,614, FILED 2-23-2015.



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# EXHIBIT B



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#)
**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Tue Jul 26 04:07:23 EDT 2022

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#) | [PREV LIST](#) | [CURR LIST](#) | [NEXT LIST](#) | [FIRST DOC](#) | [PREV DOC](#) | [NEXT DOC](#) | [LAST DOC](#)
 Please logout when you are done to release system resources allocated for you.

 List At:  OR  to record:  **Record 5 out of 12**
[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) *( Use the "Back" button of the Internet Browser to return to TESS)*

# SWEET SWEAT

**Word Mark SWEET SWEAT**
**Goods and Services** IC 018. US 001 002 003 022 041. G & S: gym bags. FIRST USE: 20150201. FIRST USE IN COMMERCE: 20150201

IC 024. US 042 050. G &amp; S: cotton towels. FIRST USE: 20160601. FIRST USE IN COMMERCE: 20160601

IC 025. US 022 039. G &amp; S: clothing, namely, t-shirts, tank tops, pants, leggings, shorts, jackets; athletic apparel, namely, athletic shirts, athletic jackets, athletic pants, hoodies. FIRST USE: 19880301. FIRST USE IN COMMERCE: 19880301

IC 028. US 022 023 038 050. G &amp; S: thigh trimmer exercise belts for use as sports articles; arm trimmer exercise belts for use as sports articles. FIRST USE: 20160401. FIRST USE IN COMMERCE: 20160401

IC 035. US 100 101 102. G &amp; S: online retail store services featuring health, fitness, and weight loss products; mail order catalog services featuring health, fitness, and weight loss products; retail services by direct solicitation by sales agents in the field of health and fitness; product demonstration. FIRST USE: 20000801. FIRST USE IN COMMERCE: 20000801

**Standard Characters Claimed**
**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 87471776

**Filing Date** June 1, 2017

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** August 29, 2017

**Registration Number** 5335523

**International Registration Number** 1425347

**Registration Date** November 14, 2017

**Owner** (REGISTRANT) Sports Research Corporation CORPORATION CALIFORNIA 784 W. Channel St., #200 San Pedro CALIFORNIA 90731

**Attorney of Record** Tabitha Rainey

**Prior Registrations** 4826800

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

- 
- [TESS HOME](#)
  - [NEW USER](#)
  - [STRUCTURED](#)
  - [FREE FORM](#)
  - [BROWSE DICT](#)
  - [SEARCH OG](#)
  - [TOP](#)
  - [HELP](#)
  - [PREV LIST](#)
  - [CURR LIST](#)
  - [NEXT LIST](#)
  - [FIRST DOC](#)
  - [PREV DOC](#)
  - [NEXT DOC](#)
  - [LAST DOC](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# United States of America

United States Patent and Trademark Office

## SWEET SWEAT

**Reg. No. 5,335,523**

Sports Research Corporation (CALIFORNIA CORPORATION)  
784 W. Channel St., #200  
San Pedro, CALIFORNIA 90731

**Registered Nov. 14, 2017**

**Int. Cl.: 18, 24, 25, 28, 35**

CLASS 18: gym bags

**Service Mark**

FIRST USE 2-1-2015; IN COMMERCE 2-1-2015

**Trademark**

CLASS 24: cotton towels

**Principal Register**

FIRST USE 6-1-2016; IN COMMERCE 6-1-2016

CLASS 25: clothing, namely, t-shirts, tank tops, pants, leggings, shorts, jackets; athletic apparel, namely, athletic shirts, athletic jackets, athletic pants, hoodies

FIRST USE 3-1-1988; IN COMMERCE 3-1-1988

CLASS 28: thigh trimmer exercise belts for use as sports articles; arm trimmer exercise belts for use as sports articles

FIRST USE 4-1-2016; IN COMMERCE 4-1-2016

CLASS 35: online retail store services featuring health, fitness, and weight loss products; mail order catalog services featuring health, fitness, and weight loss products; retail services by direct solicitation by sales agents in the field of health and fitness; product demonstration

FIRST USE 8-1-2000; IN COMMERCE 8-1-2000

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4826800

SER. NO. 87-471,776, FILED 06-01-2017



*Joseph Matal*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**