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**To:** s. bradley shipe([brad@shipedosiklaw.com](mailto:brad@shipedosiklaw.com))  
**Subject:** U.S. Trademark Application Serial No. 97120346 - EPIC HEALTH & FITNESS  
**Sent:** August 23, 2022 06:33:33 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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### Attachments

[5551059](#)

[97512507](#)

[97514299](#)

[97036372](#)

[97442103](#)

[97402183](#)

[97365542](#)

[97254192](#)

[97134028](#)

[90718611](#)

[6442656](#)

[5393939](#)

[5361531](#)

[5020470](#)

[5241786](#)

[4572741](#)

[4536074](#)

[3511190](#)

[screencapture-www-nerdfitness-com-blog-strength-training-101-finding-the-right-gym-16612778871971](#)

[screencapture-www-fitnessfactory-com-home-gyms-16612781573631](#)

[screencapture-www-businessinsider-com-weights-dumbbells-not-in-stock-online-many-retailers-gyms-closed-2020-6-16612782391441](#)

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### United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

**U.S. Application Serial No. 97120346**

**Mark:** EPIC HEALTH & FITNESS

**Correspondence Address:**

S. BRADLEY SHIPE  
SHIPE DOSIK LAW LLC  
2107 N DECATUR RD, UNIT 347  
DECATUR GA 30033 UNITED STATES

**Applicant:** Epic Health and Fitness LLC

**Reference/Docket No.** N/A

**Correspondence Email Address:** brad@shipedosiklaw.com

## **NONFINAL OFFICE ACTION**

**The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be abandoned.** Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Issue date:** August 23, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### **SUMMARY OF ISSUES:**

- Likelihood of confusion refusal

### **SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION**

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 5551059 and 6407755. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the “du Pont factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, “not all of the DuPont factors are relevant or of similar weight in every case.” *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all du Pont factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) (“The fundamental inquiry mandated by [Section] 2(d)

goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks.”); TMEP §1207.01.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

The applicant’s mark is EPIC HEALTH & FITNESS for fitness instruction services.

The registrants’ marks are:

1. EPICFIT 365 (Reg. No. 5551059 Owner IAF Systems) for clothing and fitness instruction services;
2. EPIC FITNESS (Reg. No. 6407755 Owner Argos Enterprise, LLC) for weight lifting equipment and online store services featuring weight lifting equipment.

The marks are similar in this case. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party’s goods and/or services is typically less significant or less dominant when comparing marks. *In re Detroit Athletic Co.*, 903 F.3d 1297, 1305, 128 USPQ2d 1047, 1050 (Fed. Cir. 2018) (citing *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997)); TMEP §1207.01(b)(viii), (c)(ii). The applicant and the registrant of EPIC FITNESS have disclaimed HEALTH & FITNESS and FITNESS. In addition, if EPICFIT was in two words, FIT would have been required to be disclaimed because FIT is the shortened version of FITNESS.

EPIC is the salient feature of the marks, and is identical in the three marks. Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (holding COMMCAH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (holding CONFIRM and CONFIRMCCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (holding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii). Consumers are likely to be confused as to the source of the goods/services when they encounter the goods/services bearing the marks because they are likely to believe that the goods/services emanate from the same source. The marks are highly similar.

The goods and/or services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be “related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The goods/services are identical and related in this case. The applicant and the owner of EPICFIT 365 both provide fitness services. Where the goods and/or services of an applicant and registrant are identical or virtually identical, the degree of similarity between the marks required to support a finding that confusion is likely declines. *See Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1373, 127 USPQ2d 1797, 1801 (Fed. Cir. 2018) (quoting *In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012)); TMEP §1207.01(b).

In addition, fitness services and weight lifting equipment emanate from the same sources. The trademark examining attorney has attached evidence from the USPTO’s X-Search database consisting of a number of third-party marks registered/applications for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the goods and/or services listed therein are of a kind that may emanate from a single source under a single mark. *See In re I-Coat Co.*, 126 USPQ2d 1730, 1737 (TTAB 2018) (citing *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); TMEP §1207.01(d)(iii).

In addition, the attached Internet evidence, consisting of excerpted representative articles from the internet, establishes that the same entity commonly manufactures, produces, or provides the relevant goods and/or services, markets the goods and/or services under the same mark, and the relevant goods and/or services are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use. Thus, applicant’s and registrant’s goods and/or services are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009). The same consumers would encounter both goods and services and are likely to be confused as to the source of the goods/services.

Please note any differences in the goods and/or services of the parties is not controlling in determining likelihood of confusion. The issue is not likelihood of confusion between particular goods and/or services, but **likelihood of confusion as to the source or sponsorship** of those goods and/or services. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1316, 65 USPQ2d 1201, 1205 (Fed. Cir. 2003); *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993); TMEP §1207.01.

The goods/services travel in the same channels of trade. Or, the conditions surrounding their marketing may be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods/services come from a common source.

The similarities among the mark and the goods/services of the parties are so great as to create a likelihood of confusion.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

**How to respond.** [\*\*Click to file a response to this nonfinal Office action.\*\*](#)

/Alex Seong Keam/  
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U.S. Patent and Trademark Office  
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alex.keam@uspto.gov

## RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to abandon.** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **Responses signed by an unauthorized party** are not accepted and can **cause the application to abandon**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, find [contact information for the supervisor](#) of the office or unit listed in the signature block.

**(4) STANDARD CHARACTER MARK**

EpicFit 365

**Mark Punctuated**

EPICFIT 365

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Clothing, namely, shirts, pants, shorts and hats. FIRST USE: 20161203. FIRST USE IN COMMERCE: 20161203
- IC 041. US 100 101 107.G & S: Physical fitness instruction. FIRST USE: 20161203. FIRST USE IN COMMERCE: 20161203

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

86451839

**Filing Date**

20141112

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20150519

**Registration Number**

5551059

**Date Registered**

20180828

**Owner**

(REGISTRANT) IAF Systems, LLC LIMITED LIABILITY COMPANY NORTH CAROLINA 12629  
Richmond Run Drive Raleigh NORTH CAROLINA 27614

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Aileen Wu Viorel

**(4) STANDARD CHARACTER MARK**

What Are You Fighting For?

**Mark Punctuated**

WHAT ARE YOU FIGHTING FOR?

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Clothing for athletic use, namely, padded shorts; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160101
- IC 028. US 022 023 038 050.G & S: Boxing gloves; Sports equipment for boxing and martial arts, namely, boxing gloves, boxing bags, punching mitts, belly protectors, groin protectors and shin guards; Sports equipment for boxing and martial arts, namely, boxing gloves, mixed martial arts gloves, punching mitts, and shin guards. FIRST USE: 20180101. FIRST USE IN COMMERCE: 20180101
- IC 041. US 100 101 107.G & S: Arranging and conducting of fitness classes; Conducting fitness classes; Physical fitness conditioning classes; Physical fitness studio services, namely, providing exercise classes, body sculpting classes, and group fitness classes; Providing classes, workshops, seminars and camps in the fields of fitness, exercise, boxing, kick boxing and mixed martial arts. FIRST USE: 20150101. FIRST USE IN COMMERCE: 20150101

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

97512507

**Filing Date**

20220720

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) ASG Brands LLC LIMITED LIABILITY COMPANY DELAWARE 9 Bleecker Street New York NEW YORK 10012

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

(4) STANDARD CHARACTER MARK

CSABQ

**Mark Punctuated**

CSABQ

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Hoodies; Shirts; Shorts; Sweat pants; Sport shirts; Sweat shirts; T-shirts
- IC 028. US 022 023 038 050.G & S: Boxing gloves; Hand wraps for sports use; Shin pads for athletic use; Shin pads for use in sports; Athletic equipment, namely, hand wraps; Karate shin pads; Sports equipment for boxing and martial arts, namely, boxing gloves, mixed martial arts gloves, punching mitts, and shin guards
- IC 041. US 100 101 107.G & S: Karate instruction; Physical fitness training of individuals and groups; Brazilian jiu-jitsu instruction; Entertainment services in the nature of live mixed martial arts (MMA) events; Martial arts instruction in the field of Striking, Muay Thai, Brazilian Jiu Jitsu, MMA, Karate and wrestling training; Physical fitness studio services, namely, providing group exercise instruction, equipment, and facilities; Presentation of mixed martial arts (MMA) events; Providing fitness and exercise facilities; Providing general fitness and mixed martial arts facilities that require memberships and are focused in the fields of general fitness, exercise, and mixed martial arts; Providing personal training and physical fitness consultation to corporate clients to help their employees make physical fitness, strength, conditioning, and exercise alterations in their daily living

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

97514299

**Filing Date**

20220721

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) Combat Sports ABQ Gym, LLC DBA CSABQ LIMITED LIABILITY COMPANY NEW MEXICO 4601 Montaño Blvd NW Albuquerque NEW MEXICO 87102

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Laurence S. Donahue

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



**Mark Punctuated**

NOT DONE YET

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic shorts; Hoodies. FIRST USE: 20210801. FIRST USE IN COMMERCE: 20210817
- IC 028. US 022 023 038 050.G & S: Exercise bars; Exercise benches; Exercise equipment, namely, chest pulls; Exercise equipment, namely, plyometric boxes; Exercise equipment, namely, neck and shoulder supported weights for twisting and lifting exercises; Exercising equipment, namely, pulleys; Exercising equipment, namely, weight lifting machines; Fitness equipment, namely, a weighted bar to improve posture and overall fitness; Sports equipment, namely, lower body alignment apparatus; Squat racks; Exercise doorway gym bars; Manually-operated exercise equipment; Manually-operated exercise equipment for physical fitness purposes; Storage racks for physical fitness equipment, namely, sports balls, dumbbells, exercise weights, kettle bells. FIRST USE: 20210101. FIRST USE IN COMMERCE: 20210323
- IC 041. US 100 101 107.G & S: Physical fitness assessment services for sports training purposes; Physical fitness training services. FIRST USE: 20210111. FIRST USE IN COMMERCE: 20210920

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

140302 270305

**Serial Number**

97036372

**Filing Date**

20210920

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

**Registration Number**

**Date Registered****Owner**

(APPLICANT) Not Done Yet LLC LIMITED LIABILITY COMPANY ARIZONA 1714 E Pinchot Ave Phoenix ARIZONA 85016

**Priority Date****Disclaimer Statement****Description of Mark**

The mark consists of Not Done Yet, the "O" in "Done" is represented by two crossing construction nails.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Joseph Dolisi

**(4) STANDARD CHARACTER MARK****Brandneu USA****Mark Punctuated**  
BRANDNEU USA**Translation****Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Wearable tech apparel, namely, wearable items that incorporate software or electronic features that monitor physical performance vital signs and which connect to smart phones or other electronic connected devices or electronic communication networks; sunglasses; sports shades
- IC 010. US 026 039 044.G & S: apparel for therapeutic use
- IC 025. US 022 039.G & S: Sportswear, namely, suits, shorts, pants, tights, shirts, tshirts, jerseys, tank tops, socks, gloves, jackets, sweatshirts, sweatpants, coats, swim wear, sweaters, tops, caps, pullovers, warmup suits, jump suits, pants, trousers, vests, wristbands, sports bras, and bandanas; athletic apparel, namely, athletic tights, compression sleeves, padded shirts, padded pants, padded shorts, and uniforms; scarves; belts; skirts; underwear; turtlenecks; camisoles; wraps; neckerchiefs; neckties; suits; rainwear; blouses; sleepwear; robes; headwear, namely, hats, caps, visors, ear muffs, headbands, and hoods; footwear; sports shoes, namely, track and field shoes, bowling shoes, baseball cleats, basketball shoes, boxing shoes, football cleats, track spikes, running, tennis, skating, golf cleats, lacrosse cleats, and soccer cleats; boots; slippers; apparel for therapeutic use; and wearable tech apparel, namely, wearable items that incorporate software or electronic features that monitor physical performance vital signs and which connect to smart phones or other electronic connected devices or electronic communication networks
- IC 028. US 022 023 038 050.G & S: Balls for games, namely, basketballs, soccer balls, footballs, volleyballs, handballs, tennis balls, golf balls and table tennis balls; shin guards for athletic use, knee guards for athletic use, elbow guards for athletic use, and ankle guards for athletic use; masks; helmets; caps; gloves made specifically for use in playing sports, namely, goalkeeper gloves, boxing gloves, fencing gloves, soccer gloves, golf gloves, baseball gloves, batting gloves, racquetball gloves, bicycling gloves, ski gloves, and swimming gloves; tennis rackets, baseball bats, cricket bats, golf clubs, hockey sticks, table tennis rackets, badminton rackets and squash rackets and parts thereof, in particular grips, strings, grip and lead tape; bags for **sports equipment**, specially designed for the objects to be carried therein; specially adapted bags and shaped covers for tennis rackets, table tennis rackets, badminton rackets, squash rackets, cricket bats, golf clubs and hockey sticks; scuba gear; fishing equipment; table tennis tables and nets; exercise weights; exercise machines, namely, treadmills, stationary cycles; exercise mats; nets for sports; tapes for sports events, namely, athletic tape; start and finish banners for use at athletic and running events; straps and ribbons for use as athletic field markers and dividers; banners and nets for use as athletic field dividers
- IC 032. US 045 046 048.G & S: Bottled water
- IC 035. US 100 101 102.G & S: Retail store and on-line retail store services featuring footwear, clothing and accessories
- IC 041. US 100 101 107.G & S: Gymnasium services; providing exercise and **fitness** facilities; organizing and conducting sports and athletic competitions, tournaments, exhibitions, clinics, camps, events, athletic

programs and activities

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

97442103

**Filing Date**

20220603

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) Brandneu Ultimate Sports Apparel, Inc. CORPORATION FLORIDA 9663 Santa Monica Blvd., Suite 441 Beverly Hills CALIFORNIA 90210

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Daniel Parker

**(4) STANDARD CHARACTER MARK****BODIO****Mark Punctuated**

BODIO

**Translation****Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Computer software platforms, downloadable, for computer and mobile applications to allow users to download software for use on virtual reality capable devices providing a simulated experience for **fitness** training, cardio boxing workouts. Application will provide training education, progress records, workout planning and scheduling, motivational training guidance. Gym check-in, scheduling, activity and **fitness** monitoring. Award and progression program for user competitions. Users will have the capability of viewing and/or interacting with instructional videos and profiles in the fields of physical **fitness**, downloadable (various) applications for training and **fitness** advice, planning and scheduling activities.; Computer hardware and recorded computer software programs sold as a unit for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; Downloadable computer software for computer system and application development, deployment and management; Downloadable computer software for controlling and managing access server applications; Downloadable computer software for manipulating digital audio information for use in audio media applications; Downloadable computer software that assists computers in deploying parallel applications and performing parallel computations; Downloadable computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images, and moving pictures; Downloadable computer software, namely, software development tools for the creation of mobile internet applications and client interfaces
- IC 025. US 022 039.G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic footwear; Athletic jackets; Athletic pants; Athletic shirts; Athletic shoes; Athletic tights; Bandeau tops; Baseball caps; Beanies; Body shirts; Boxer briefs; Boxing shoes; Boxing shorts; Button down shirts; Crop tops; Footwear; Gloves; Graphic T-shirts; Gym boots; Gym pants; Halter tops; Hats; Hats for infants, babies, toddlers and children; Hooded pullovers; Hooded sweatshirts; Hoods; Jogging pants; Jogging suits; Leggins; Long sleeve pullovers; Moisture-wicking sports shirts; Outer jackets; Over shirts; Polo shirts; Running suits; Shirts; Shirts for infants, babies, toddlers and children; Short sets; Shorts; Skullies being headwear; Sport coats; Sport shirts; Sports bras; Sports caps and hats; Sports jerseys; Sports vests; Stretch pants; Sweat jackets; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; T-shirts; Tank tops; Tee shirts; Tights; Track pants; Track suits; Tracksuits; Training shoes; Training suits; Warm up outfits; Warm up suits; Wearable computers in the nature of activity trackers sold as integral components of running shoes; Wind pants; Windbreakers; Women's athletic tops with built-in bras; Yoga pants; Yoga shirts. FIRST USE: 20020514. FIRST USE IN COMMERCE: 20040712
- IC 028. US 022 023 038 050.G & S: Boxing bag swivel mechanisms; Boxing bags; Boxing gloves; Boxing rings; Boxing swivels; Punching bags for boxing; Punching balls; Punching balls for boxing; **Sports equipment** for boxing and martial arts, namely, boxing gloves, boxing bags, punching mitts, belly protectors, groin protectors and shin guards; **Sports equipment** for boxing and martial arts, namely,

- boxing gloves, mixed martial arts gloves, punching mitts, and shin guards; Sports training apparatus in the nature of an attachable tethered ball for use in cardio and/or boxing **fitness** training
- IC 035. US 100 101 102.G & S: Brand concept and brand development services for corporate clients; Brand positioning services; Concept and brand development in the trademark BODIO; Promoting, advertising and marketing of the brands, products, services and online websites of individuals, businesses and nonprofit organizations
  - IC 041. US 100 101 107.G & S: Boxing instruction; **Fitness** boot camps; Conducting **fitness** classes; Counseling services in the field of physical **fitness**; Entertainment in the nature of boxing contests; Organization of boxing matches; Organization, arranging and conducting of boxing matches; Personal **fitness** training services; Personal **fitness** training services and consultancy; Physical **fitness** assessment services for sports training purposes; Physical **fitness** conditioning classes; Physical **fitness** instruction; Physical **fitness** training of individuals and groups; Physical **fitness** training services; Providing classes, workshops, seminars and camps in the fields of **fitness**, exercise, boxing, kick boxing and mixed martial arts; Providing exercise classes in the field of cardio and/or boxing **fitness** training.; Providing information about boxing match results; Providing information about **fitness** via a website; Providing information about exercise and **fitness** via a website; Virtual physical **fitness** training services

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

97402183

**Filing Date**

20220509

**Current Filing Basis**

1A;1B

**Original Filing Basis**

1A;1B

**Publication for Opposition Date**

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) BODIO LIMITED LIABILITY COMPANY DELAWARE 174 S. NEW YORK AVE  
OCEANVILLE NEW JERSEY 08231

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

**(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM****MASCULEN****Mark Punctuated**

MASCULEN

**Translation****Goods/Services**

- IC 003. US 001 004 006 050 051 052.G & S: Skin soaps; perfumery; essential oils; deodorants for personal use; antiperspirants for personal use; hair care preparations; beard and mustache care preparations; hair colorants, hair dyes, hair lotions, hair waving preparations, shampoos, conditioners, hair sprays, hair dressings for men, hair lacquers, hair mousses, hair glazes, hair gels, hair moisturizers, hair preservation treatments, namely, non-medicated hair treatment preparations for cosmetic purposes, hair oils, hair tonic, hair creams, non-medicated preparations for the bath and shower; non-medicated skin care preparations; cosmetics; After-shave; After-shave balms; After-shave creams; After-shave emulsions; After-shave lotions; Aftershave preparations; Anti-aging moisturizer; Cosmetic preparations; Exfoliant creams; Facial moisturizer with SPF; Moisturizing body lotions; Non-medicated skin care preparations; Pre-shaving preparations; Shaving balm; Shaving cream; Shaving lotions; Shaving soap; Shaving preparations; Skin toners; non-medicated grooming preparations; non-medicated items for personal hygiene
- IC 005. US 005 006 018 044 046 051 052.G & S: Medicated skin care preparations
- IC 008. US 023 028 044.G & S: Non-electric razors; non-electric shavers; razor blades; razors and razor blades; safety razors; straight razors; electric hair clippers, electric hair trimmers and electric shavers; Manicure and pedicure implements, namely, nail files, nail clippers, cuticle pushers, tweezers, nail and cuticle scissors; electric hair clippers; scissors; nail clippers; nail files; electric razors; electric shavers
- IC 009. US 021 023 026 036 038.G & S: downloadable computer application software for smart phones and mobile devices, namely, software for social networking, receipt and transmission of data, **fitness**, and **fitness** assessments; downloadable computer software for **fitness** and **fitness** assessments; sensors and electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport, **fitness** training, and activity data to the internet, mobile devices, and communication with mobile devices and computers, electronic devices
- IC 021. US 002 013 023 029 030 033 040 050.G & S: Shaving brushes; shave product stands for holding brushes and shaving dishes; shaving dishes, namely, shave bowls and shave mugs; hair brushes; beard brushes; nail brushes combs; bath brushes; bath sponges; men's grooming products, namely, shaving brushes; shave product stands for holding brushes and shaving dishes; shaving dishes, namely, shave bowls and shave mugs; hair brushes; beard brushes; nail brushes; combs; bath brushes; shave scuttles, namely, shaving pots
- IC 025. US 022 039.G & S: Clothing, namely, sweaters, sports pants, polo shirts, leotards, ski suits and wet suits, snapback hats, shirts, pants, jackets, sports caps, t-shirts, tank tops, knit shirts, fleece tops, fleece bottoms, wristbands as clothing, hooded pullovers, long sleeve shirts, sports jerseys, sleeveless jerseys, moisture wicking apparel in the nature of moisture wicking t-shirts, moisture wicking sports pants, moisture wicking long sleeve shirts; headbands, sweatbands, men's socks, wind resistant jackets, wind pants, swimwear, padded pants, padded shorts, padded elbow compression sleeves sold as an integral component of athletic clothing, namely, uniforms, running suits, track jackets; track pants,

athletic shoes for men, knitted caps, t-shirts, pants, sports vests, coats, muscle shirts, do rags for use as headwear, rugby shirts, boxer shorts, gloves, yoga pants, gis, sports shoes, sandals, flip flops, and athletic slip on shoes, footwear, sneakers, training shoes, canvas shoes, running shoes, boxing shoes, athletic tights, mock turtleneck sweater, mock turtleneck long sleeve shirts, sweaters, lounge wear in the nature of leisure suits, jogging suits, gym pants, gym shorts, headwear, cap visors, bandannas, and beanies; men's and women's clothing and wearing apparel

- IC 028. US 022 023 038 050.G & S: Athletic equipment, namely, guards for boxing and marital arts; Athletic equipment, namely, hand wraps; Athletic equipment, namely, mouth guards; Athletic equipment, namely, striking bags; Athletic equipment, namely, striking shields; Body protectors for groin, head, mouth, shin and instep; Boxing bags; Boxing gloves; Boxing rings; **Sports equipment** for boxing and martial arts, namely, boxing gloves, boxing bags, punching mitts, belly protectors, groin protectors and shin guards; **Sports equipment** for boxing and martial arts, namely, boxing gloves, mixed martial arts gloves, punching mitts, and shin guards; exercise weights; weight lifting gloves; **Physical fitness** equipment, namely, free weights
- IC 041. US 100 101 107.G & S: health and **fitness** club services; gymnasium services; providing exercise and **fitness** facilities; providing instruction in exercise and **fitness**; Sports instruction services; Sports training services; **Physical fitness** assessment services for sports training purposes; Providing sports facilities; Providing sports information; Consulting services in the fields of **fitness**, exercise, wellness, personal development and nutrition; Education services, namely, providing mentoring, tutoring, classes, seminars and workshops in the field of **fitness**, exercise, wellness, personal development and nutrition; Education services, namely, providing tutoring in the field of **fitness**, exercise, wellness, personal development and nutrition; Education services, namely, providing tutorial sessions in the field of **fitness**, exercise, wellness, personal development and nutrition; Education services, namely, providing articles, programs, online courses, videos, tutorials, books, ebooks in the field of **fitness**, exercise, wellness, personal development and nutrition; Educational services, namely, providing online instruction in the field of **fitness**, exercise, wellness, personal development and nutrition; Educational services, namely, providing online instruction in the field of **fitness**, exercise, wellness, personal development and nutrition via an online website; Providing education in the field of **fitness**, exercise, wellness, personal development and nutrition rendered through video conference; Education and entertainment services, namely, organizing and conducting conventions in the field **fitness**, exercise, wellness, personal development and nutrition; Arranging of seminars; Arranging of conferences; Education services, namely, conferences, seminars and workshops in the field of **fitness**, exercise, wellness, personal development and nutrition
- IC 042. US 100 101.G & S: Online non-downloadable computer software for tracking social networking, receipt and transmission of data, **fitness**, and **fitness** assessments; online non-downloadable software for creating personalized **fitness** training programs; online non-downloadable software for providing personal training services, workouts and **fitness** assessments; providing online non-downloadable software in the field of health and wellness for enabling social networking among users

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Design Code****Serial Number**

97365542

**Filing Date**

20220415

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) Masculen LLC LIMITED LIABILITY COMPANY FLORIDA 263 NE 61st Street Miami  
FLORIDA 33137

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

Color is not claimed as a feature of the mark. The mark consists of MASCULEN with a stylized "A".

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Rebecca Liebowitz

(4) STANDARD CHARACTER MARK

Spark Blyss

**Mark Punctuated**

SPARK BLYSS

**Translation**

**Goods/Services**

- IC 016. US 002 005 022 023 029 037 038 050.G & S: Blank writing journals; Pens; Printed children's books; Printed pamphlets in the field of yoga, fitness, and self growth; Stickers
- IC 018. US 001 002 003 022 041.G & S: All-purpose reusable carrying bags; Backpacks; Dog leashes; Sunshade parasols; Travel bags
- IC 021. US 002 013 023 029 030 033 040 050.G & S: Drinking glasses, namely, tumblers; Reusable glass and stainless steel water bottles sold empty; Sun catchers; Travel mugs
- IC 022. US 001 002 007 019 022 042 050.G & S: Protective liners of flexible vinyl for industrial tanks; Tents; Unfitted tarps for protecting the bottoms and tops of inflatable mats
- IC 025. US 022 039.G & S: Baseball caps and hats; Hats; Headwear, namely, winter hats; Hoodies; Leg warmers; Stocking hats; Tee shirts; Yoga pants; Yoga tops
- IC 027. US 019 020 037 042 050.G & S: Personal exercise mats; Yoga mats; Yoga towels specially adapted for yoga mats
- IC 028. US 022 023 038 050.G & S: Bubble making wand and solution sets; Children's educational games for developing fine motor, cognitive, and counting skills; Dumbbells; Electronic educational game machines for children; Exercise balls; Exercise equipment in the nature of straps that are affixed to stationary objects for performance of weight resistance exercises; Exercise equipment, namely, inflatable balls; Fitness equipment, namely, straps used for yoga and other fitness activities and for carrying a yoga mat; Foam exercise rollers; Inflatable float mattresses or pads for recreational use; Jigsaw puzzles; Meditation cushions; Pumps for inflating sports equipment, namely, exercise mats, meditation mats, exercise balls, and rollers; Puzzles; Resistance bands for fitness purposes; Restraint straps for body boards; Stress relief balls for back, hips, and legs exercise; Yoga blocks; Yoga bolsters; Yoga straps
- IC 041. US 100 101 107.G & S: Conducting fitness classes; Education services, namely, providing on-line classes, seminars, and workshops in the field of yoga, exercise, self-growth, pilates, and weight training; Providing exercise classes in the field of yoga, weight training, cardio, bodyweight training, and pilates

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

97254192

**Filing Date**

20220204

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) Spark Blyss LLC LIMITED LIABILITY COMPANY MONTANA 4300 Lochsa Lane  
Missoula MONTANA 59802

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Jennifer L. Ewan

**(4) STANDARD CHARACTER MARK****CONNEXA****Mark Punctuated**

CONNEXA

**Translation****Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Computer hardware and downloadable software for monitoring and analyzing various parameters associated with sports performance and sports play, for exercise and fitness training; downloadable mobile application software for monitoring and analyzing various parameters associated with sports performance and sports play, for exercise and fitness training; digital media, namely, downloadable audio and audiovisual recordings, all in the field of exercise, fitness, wellness, sports analysis and personal development; downloadable software in the nature of a mobile application for use by individuals participating in physical fitness, exercise, sports, physical training, and exercise instruction for detecting, storing, analyzing and reporting various parameters of human energy expenditure and physical activity level, for developing and monitoring personal activity and sports performance, training goals and giving feedback on the achieved results; Portable electronic devices for monitoring and analyzing ball movement in sports; Portable electronic devices for monitoring and analyzing sports play, player movement and positioning, and player performance; Tracking device to be worn on the wrist of an athlete during sports events, namely, wearable activity trackers; Electronic devices for locating and tracking athletes using radio frequency, global positioning systems, and cellular communication networks; GPS tracking devices; Cameras; Computer software, for providing amateur and professional athletes with an ability to review, analyze, and share game, match, and training session performance based on automatic recording and analyzing of athletes' activity and motion during a training session, match or game of sport; Computer hardware, for providing amateur and professional athletes with an ability to review, analyze, and share game, match, and training session performance based on automatic recording and analyzing of athletes' activity and motion during a training session, match or game of sport; Interactive computer kiosk comprising computers, computer hardware, computer peripherals, and computer operating software, for use in providing amateur and professional athletes with an ability to review, analyze, and share game, match, and training session performance based on automatic recording and analyzing of athletes' activity and motion during a training session, match or game of sport; Prerecorded computer software for use by both amateur and professional athletes which enable athletes to review, analyze, and share game, match, and training session performance based on automatic recording and analyzing of athletes' activity and motion during the game, match, and training session of ball game in the nature of soccer, tennis, cricket, basketball or hockey
- IC 010. US 026 039 044.G & S: Heart rate monitors; Exercise monitors, namely, heart monitors to be worn during exercise
- IC 018. US 001 002 003 022 041.G & S: Bags, namely, duffel bags, tote bags, travel bags, toiletry bags sold empty, and backpacks for carrying tennis equipment; all-purpose sports bags for carrying tennis equipment; umbrellas
- IC 028. US 022 023 038 050.G & S: Cases for tennis balls; Racket cases; Tennis ball throwing apparatus; Sports training apparatus, namely, ball throwing machine; Sports training apparatus, namely, ball

collection machine; Ball throwing apparatus for use with racquet sports; Cases specially adapted for **sports equipment**; Sport balls; Racket balls; Sport rackets; Rackets for tennis, badminton, racquetball, squash, racquet sports, padel, soft tennis, ping pong; sports cases, namely, cases specifically adapted for **sports equipment**; Racket cases; Racket cases for racquet sport rackets, namely, rackets for tennis, badminton, racquetball, squash, racquet sports, padel, soft tennis, ping pong; Protective covers for rackets; Sports grip tape, namely, grip tape for tennis racquets; Grip tape for racquet sport rackets; Strings for racquet sport rackets

- IC 038. US 100 101 104.G & S: Streaming of audio and video materials on the Internet featuring **physical fitness**, sports training, body analysis and instruction
- IC 041. US 100 101 107.G & S: Providing classes, workshops and seminars in the fields of **fitness**, exercise and sports training; providing **fitness** and exercise facilities; physical **fitness** and sports training instruction and consultation; physical **fitness** conditioning classes; physical **fitness** training and sports training services; physical **fitness** instruction and physical **fitness** performance analysis training services; providing a website featuring information on exercise, physical **fitness** and sports training accessible through a global computer network and mobile devices; providing non-downloadable playback of audiovisual content featuring **physical fitness**, sports training, training and instruction via a global communications network; Providing sport equipment; Providing athletic club services, namely, providing equipment in the field of amateur and professional sports; Providing web-based tactical and technical analysis tools for use in athletic coaching, athletic training, and playing sports; Education services, namely, providing workshops, classes, seminars, or training sessions in the fields of sport; Organizing, arranging, conducting or supporting competitions, tournaments, and sporting events; Providing coaching services in the fields of sport; Providing training services in the field of sport; Providing online coaching and training in the fields of sport; Coaching and training services provided on-line through a computer network or on an on-site computer; Providing sport equipment; Providing athletic club services, namely, providing instruction and equipment in the field of amateur and professional sports; Providing sport facilities; Providing web-based tactical and technical analysis tools for use in athletic coaching, athletic training, and playing sports
- IC 042. US 100 101.G & S: Software as a service (SAAS) services featuring software for monitoring and analyzing various parameters associated with sports performance, sport analysis and sports play, for detecting, storing, analyzing and reporting various parameters of human energy expenditure and physical activity level, for developing and monitoring personal activity and sports performance, training goals and giving feedback on the achieved results, and for exercise and **fitness** training; Software as a service (SAAS) services featuring software using artificial intelligence for monitoring and analyzing various parameters associated with sports performance, sport analysis and sports play, for detecting, storing, analyzing and reporting various parameters of human energy expenditure and physical activity level, for developing and monitoring personal activity and sports performance, training goals and giving feedback on the achieved results, and for exercise and **fitness** training; Providing a web site featuring temporary use of non-downloadable software allowing web site users to upload on-line videos for sharing with others; Providing temporary use of a web-based computer software application, for providing amateur and professional athletes with an ability to review, analyze, and share game, match, and training session performance based on automatic video recording of athletes' activity and motion during a training session, match or game of sport and analysis thereof; Leasing of, rental of, design and development of computer hardware, for providing amateur and professional athletes with an ability to review, analyze, and share game, match, and training session performance based on automatic video recording of athletes' activity and motion during a training session, match or game of sport and analysis thereof; Application service provider (asp), namely, providing a social website featuring software applications for use by both amateur and professional athletes which enable athletes to review, analyze, and share game, match, and training session performance based on automatic recording and analyzing of athletes' activity and motion during the game, match, and training session of ball game in the nature of soccer, tennis, cricket, basketball or

hockey; Video analysis; Automated video production; Live streaming; Artificial intelligence; Match analytics; Individual analytics; Facility management; Court booking; Over the top channel production; Web and application management; Media content management; Big data

- IC 045. US 100 101.G & S: Online social networking services

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

97134028

**Filing Date**

20211119

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) Slinger Bag Canada Inc. CORPORATION CANADA 2709 North Rolling Road, Suite 138  
Windsor Mill MARYLAND 21244

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Harris A. Wolin

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



**Mark Punctuated**

METALIFE

**Translation**

**Goods/Services**

- IC 028. US 022 023 038 050.G & S: Trampolines; Athletic supporters; Balls for games; Exercise weights; Fishing tackle; Grip tape for sports equipment; Gymnastic apparatus; Manually-operated exercise equipment; Stationary exercise bicycles; Stress relief exercise balls; Waist trimmer exercise belts
- IC 035. US 100 101 102.G & S: Business administration services; Mediation of trade business for third parties; On-line retail store services featuring a wide variety of consumer goods of others; Organization of fairs and exhibitions for commercial and advertising purposes; Retail store services featuring a wide variety of consumer goods of others; Sales promotion
- IC 041. US 100 101 107.G & S: Physical fitness training services; Rental of sports equipment, except vehicles

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

011506

**Serial Number**

90718611

**Filing Date**

20210518

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) METALIFE INDÚSTRIA E COMÉRCIO DE MÓVEIS LTDA sociedade por quotas de responsabilidade limitada (Itda) BRAZIL Galpão 1 - Vista Alegre Rodovia BR 280, 2147 Rio Negrinho,SC BRAZIL 89295-000

**Priority Date**

**Disclaimer Statement****Description of Mark**

The mark consists of a stylized design comprised of a cloud design next to the word, MetaLife, in a stylistic font.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Curt Handley, Esq.

**(4) STANDARD CHARACTER MARK**

NAMASTE IN MY LANE

**Mark Punctuated**

NAMASTE IN MY LANE

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Hoodies; Leggings; Sweatshirts; Yoga pants; T-shirts; Yoga shirts. FIRST USE: 20210525. FIRST USE IN COMMERCE: 20210525
- IC 028. US 022 023 038 050.G & S: Bags specially adapted for sports equipment; Yoga blocks; Yoga straps; Yoga wheels; Fitness equipment, namely, straps used for yoga and other fitness activities and for carrying a yoga mat. FIRST USE: 20210525. FIRST USE IN COMMERCE: 20210525
- IC 041. US 100 101 107.G & S: Personal fitness training services; Physical fitness training services; Providing fitness training services in the field of yoga. FIRST USE: 20180801. FIRST USE IN COMMERCE: 20190901

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90000942

**Filing Date**

20200614

**Current Filing Basis**

1A

**Original Filing Basis**

1A;1B

**Publication for Opposition Date**

20201020

**Registration Number**

6442656

**Date Registered**

20210803

**Owner**

(REGISTRANT) KHADIJA WILLIAMS-FRAZIER INDIVIDUAL UNITED STATES 10260 SW 16TH COURT PEMBROKE PINES FLORIDA 33025

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

SHERRIA WILLIAMS

**(4) STANDARD CHARACTER MARK**

**XFITRA**

**Mark Punctuated**

XFITRA

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, visors, shoes, sandals, jackets, underwear, socks, and belt. FIRST USE: 20051130. FIRST USE IN COMMERCE: 20051130
- IC 028. US 022 023 038 050.G & S: Martial arts gloves; karate gloves; wrestling gloves; boxing gloves; athletic equipment, namely, hand wraps; sports equipment for martial arts, namely, wrist and leg guards; manually-operated fitness equipment for physical fitness purposes, namely, stretch cords for exercise, steppers, balance boards, exercise balls for body toning, dumbbells, wrist and ankle weights for exercise, exercise resistance bands, fitness balls, medicine balls, exercise and workout benches, stationary exercise cycles, personal exercise mats, handgrips for gripping exercise equipment, jump ropes, hanging and free standing punching and kicking bags and mitts; sports equipment for martial arts, namely, personal exercise and competition mats. FIRST USE: 20051130. FIRST USE IN COMMERCE: 20051130
- IC 041. US 100 101 107.G & S: Educational services, namely, conducting classes, workshops, courses, and programs in the field of a proprietary method of exercise and distribution of course and educational materials in connection therewith ; Health club services, namely, providing instruction and equipment in the field of physical exercise; Physical fitness instruction; Physical fitness studio services, namely, providing group exercise instruction, equipment, and facilities; personal coaching services, namely, providing physical exercise training and development of exercise workout program. FIRST USE: 20051130. FIRST USE IN COMMERCE: 20051130

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

87040346

**Filing Date**

20160517

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20171121

**Registration Number**

5393939

**Date Registered**

20180206

**Owner**

(**REGISTRANT**) Brighton River, LLC LIMITED LIABILITY COMPANY WYOMING 8547 E. Arapahoe J  
125 Greenwood Village COLORADO 80112

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Pollie Gautsch,

**(4) STANDARD CHARACTER MARK**

Raktan

**Mark Punctuated**

RAKTAN

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Martial arts uniforms. FIRST USE: 20170319. FIRST USE IN COMMERCE: 20170319
- IC 028. US 022 023 038 050.G & S: Sports equipment for boxing and martial arts, namely, boxing gloves, mixed martial arts gloves, punching mitts, and shin guards. FIRST USE: 20170320. FIRST USE IN COMMERCE: 20170320
- IC 041. US 100 101 107.G & S: Martial arts instruction; Operating of martial arts' studios; Operating of martial arts schools; Providing classes, workshops, seminars and camps in the fields of fitness, exercise, boxing, kick boxing and mixed martial arts. FIRST USE: 20170319. FIRST USE IN COMMERCE: 20170319

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

87423879

**Filing Date**

20170425

**Current Filing Basis**

1A

**Original Filing Basis**

1A;1B

**Publication for Opposition Date**

20170829

**Registration Number**

5361531

**Date Registered**

20171219

**Owner**

(REGISTRANT) Raktan Muay Thai, LLC DBA Raktan Muay Thai LIMITED LIABILITY COMPANY NEW YORK 2 6762 BURNS STREET FOREST HILLS NEW YORK 11375

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

**(4) STANDARD CHARACTER MARK**

Tommy Gunnz Boxing &  
Fitness

**Mark Punctuated**

TOMMY GUNNZ BOXING & FITNESS

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms. FIRST USE: 20110101. FIRST USE IN COMMERCE: 20110101
- IC 028. US 022 023 038 050.G & S: Sports equipment for boxing and martial arts, namely, boxing gloves, boxing bags, punching mitts, belly protectors, groin protectors and shin guards. FIRST USE: 20110101. FIRST USE IN COMMERCE: 20110101
- IC 041. US 100 101 107.G & S: Amateur youth sports services, namely, organizing and providing youth sports activities; Athletic training services; Conducting of sports competitions; Instruction in the nature of Boxing and Fitness lessons; Officiating at sports contests; Operation of sports camps; Organization of sports competitions; Organizing sporting events, namely, Boxing and Fitness; Organizing, arranging, and conducting Boxing and Fitness events; Organizing, conducting and operating Boxing and Fitness tournaments; Physical fitness training of individuals and groups; Providing a web site featuring sporting information; Providing a website featuring information relating to the sport of Boxing and Fitness; Providing facilities for Boxing and Fitness tournaments; Providing facilities for Boxing and Fitness training; Providing fitness training services in the field of Boxing and Fitness; Providing personal fitness training for Boxing and Fitness; Providing personal training and physical fitness consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvement in their daily living; Sports training services in the field of Boxing and Fitness. FIRST USE: 20150101. FIRST USE IN COMMERCE: 20150101

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

86700141

**Filing Date**

20150721

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20160531

**Registration Number**

5020470

**Date Registered**

20160816

**Owner**

(**REGISTRANT**) Ewaska, Thomas J. INDIVIDUAL UNITED STATES 41 Thistledown Street Tinton Falls  
NEW JERSEY 07753

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOXING & FITNESS" APART FROM THE  
MARK AS SHOWN

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

John A Bermingham

**(4) STANDARD CHARACTER MARK****FITTIME****Mark Punctuated**

FITTIME

**Translation****Goods/Services**

- IC 025. US 022 039.G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic pants; Athletic shirts; Balloon pants; Baseball caps and hats; Belts; Belts for clothing; Belts made out of cloth; Body shirts; Bomber jackets; Boot accessories, namely, fitted decorative covers for boots; Bottoms; Business wear, namely, suits, jackets, trousers, blazers, blouses, shirts, skirts, dresses and footwear; Button down shirts; Camouflage jackets; Camouflage pants; Camouflage shirts; Camp shirts; Cargo pants; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, khakis; Coats for men and women; Crop pants; Denim jackets; Denims; Dress pants; Dress shirts; Fishermen's jackets; Fishing shirts; Flood pants; Football boots and studs therefor; Footwear for men and women; Footwear for track and field athletics; Gloves as clothing; Golf pants, shirts and skirts; Golf shirts; Graphic T-shirts; Gym pants; Head wraps; Headbands for clothing; Headgear, namely, caps, hats, headbands; Heavy jackets; Hooded sweat shirts; Hoods; Horse-riding pants; Hunting jackets; Hunting pants; Hunting shirts; Jacket liners; Jackets; Jackets and socks; Jeggings, namely, pants that are partially jeans and partially leggings; Jerseys; Jogging pants; Knit shirts; Leather belts; Leather jackets; Leather pants; Leather shirts; Long jackets; Long-sleeved shirts; Martial arts uniforms, namely, gis; Men's and women's jackets, coats, trousers, vests; Motorcycle jackets; Mufflers; Night shirts; Open-necked shirts; Outer jackets; Over shirts; Padded jackets; Padding jackets; Pants; Polo shirts; Rain jackets; Rainproof jackets; Rugby shirts; Sandals and beach shoes; Shirts; Shirts and short-sleeved shirts; Shirts for infants, babies, toddlers and children; Shirts for suits; Shoe accessories, namely, fitted decorative covers for shoes; Short-sleeved shirts; Shoulder wraps for clothing; Ski and snowboard shoes and parts thereof; Ski jackets; Ski pants; Skirts and dresses; Snow pants; Snowboard jackets; Snowboard pants; Socks and stockings; Sport shirts; Sports caps and hats; Sports jackets; Sports jerseys and breeches for sports; Sports pants; Sports shirts; Sports shirts with short sleeves; Stretch pants; Sweat jackets; Sweat pants; Sweat shirts; Swim wear for gentlemen and ladies; T-shirts; T-shirts for sports and casual use; Tap pants; Tee shirts; Tops; Track and field shoes; Track jackets; Track pants; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Turtle neck shirts; Wearable garments and clothing, namely, shirts; Wet suits for water-skiing and sub-aqua; Wind pants; Wind resistant jackets; Wind shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods; Women's shoes, namely, foldable flats; Women's tops, namely, camis; Work shoes and boots; Wrist bands; Wristbands; Yoga pants; Yoga shirts.  
FIRST USE: 20150701. FIRST USE IN COMMERCE: 20150701
- IC 028. US 022 023 038 050.G & S: Athletic equipment, namely, hand wraps; Athletic equipment,

namely, mouth guards; Athletic equipment, namely, striking bags; Exercise and gymnastic banners; Exercise equipment namely, rowing machines; Exercise equipment, namely, abdominal boards; Exercise equipment, namely, chest expanders; Exercise equipment, namely, chest pulls; Exercise equipment, namely, inflatable balls; Exercise equipment, namely, manually operated jogging machines; Exercise equipment, namely, neck and shoulder supported weights for twisting and lifting exercises; Exercise equipment, namely, plyometric boxes; Exercise equipment, namely, rotary abdominal boards; Exercise equipment, namely, shoulder stretcher using a cable; Exercise equipment, namely, shoulder stretcher using resistance cables; Exercise equipment, namely, stair-stepping machines; Exercise equipment, namely, stationary cycles; Exercise machines incorporating electronic and video game controllers; Exercise weights; Exercise wrist weights; Exercising equipment, namely, manually operated jogging machines; Exercising equipment, namely, powered treadmills for running; Exercising equipment, namely, pulleys; Exercising equipment, namely, rowing machines; Exercising equipment, namely, weight lifting machines; **Fitness** equipment, namely, a weighted bar to improve posture and overall **fitness**; **Fitness** equipment, namely, straps used for yoga and other **fitness** activities and for carrying a yoga mat; **Fitness** machines and equipment, namely, weights, treadmills, rowing machines, stair stepping machines, resistance machines, stationary cycles; Physical **fitness** equipment, namely, cardio equipment, bikes, treadmills, elliptical equipment, yoga balls, and gym equipment; Play balls and play balloons; Sport balls; Sporting goods and equipment for speed training, namely, rings, cones, speed ladders, coaching sticks, training arches, ankle bands, resistance chutes, hurdles; Sporting goods, namely, carriers specially adapted for sport balls; Sports apparatus, namely, ball pitching screens; **Sports equipment** for boxing and martial arts, namely, boxing gloves, boxing bags, punching mitts, belly protectors, groin protectors and shin guards; **Sports equipment** for boxing and martial arts, namely, boxing gloves, mixed martial arts gloves, punching mitts, and shin guards; **Sports equipment** for boxing, martial arts, and the like, namely, an apparatus to support a moving heavy bag; **Sports equipment** for boxing, martial arts, and the like, namely, protective bras; **Sports equipment**, namely, inline roller skating wheels at the end of a crutch-like frame; **Sports equipment**, namely, lower body alignment apparatus; **Sports equipment**, namely, Nordic walking poles; **Sports equipment**, namely, rotating interfaces specially adapted for attaching snowboards to bindings; **Sports equipment**, namely, telescoping caddy for bucket for carrying, storing and transporting baseballs and other **sports equipment**; **Sports equipment**, namely, telescoping caddy for bucket for carrying, storing and transporting tennis balls and other **sports equipment**; **Sports equipment**, namely, vibration dampeners for rackets; Sports field equipment, namely, corner flags; Sports **fitness** restraint straps for running in tandem or pairs; Sports training apparatus, namely, ball return machines; Sports training apparatus, namely, pitching machines; Sports training apparatus, namely, soft toss pitching machines; Trolley bags specially adapted for football equipment; Weight lifting belts; Weight lifting benches; Weight lifting equipment, namely, cardio equipment, bikes, treadmills, elliptical equipment, yoga balls, and home gym equipment; Weight lifting gloves; Weighted inserts for footwear for athletic training purposes; Weights for attachment to golf clubs for use as a golf swing aid; Wrist and ankle weights for exercise. FIRST USE: 20150801. FIRST USE IN COMMERCE: 20150801

- IC 041. US 100 101 107.G & S: Coaching and instruction services in the field of the biomechanics of golf; Coaching in the field of sports; Conducting **fitness** classes; Consulting services in the fields of **fitness** and exercise; Counseling services in the field of physical **fitness**; Education services, namely, providing panel discussions in the field of physical **fitness**; Educational services, namely, developing and conducting workouts, workshops, presentations, retreats, and personal training in right-brain **fitness**; Educational services, namely, professional coaching of teachers in the field of physical **fitness** provided on a real-time basis during classroom instruction; Educational services, namely, providing cognitive **fitness** programs for seniors; Golf **fitness** instruction; Peer to peer coaching services in the field of physical **fitness**; Personal coaching services in the field of physical **fitness**; Personal **fitness** training services and consultancy; Personal **fitness** training services featuring aerobic and anaerobic activities combined with resistance and flexibility training; Personal **fitness** training services, namely, providing

cross-training instruction to tennis players, based on pilates methods and tennis techniques, in a studio or on a tennis court; Physical **fitness** conditioning classes; Physical **fitness** consultation; Physical **fitness** instruction; Physical **fitness** studio services, namely, providing group exercise instruction, equipment, and facilities; Physical **fitness** training of individuals and groups; Physical **fitness** training services; Physical **fitness** training services using pilates apparatuses, pilates training techniques and tennis techniques to improve core strength, endurance and match play for tennis players in order to prevent tennis-related injuries and assist in the rehabilitation process of injured tennis players; Professional coaching services in the field of physical **fitness**; Providing a web site featuring information on exercise and **fitness**; Providing a website featuring information on exercise and **fitness**; Providing an interactive website featuring information and links relating to **fitness**; Providing an on-line computer database featuring information regarding exercise and **fitness**; Providing an on-line computer database featuring information regarding exercise and **fitness** before and after pregnancy; Providing assistance, personal training and physical **fitness** consultation to corporate clients to help their employees make physical **fitness**, strength, conditioning, and exercise alterations in their daily living; Providing assistance, personal training and physical **fitness** consultation to individuals to help them make physical **fitness**, strength, conditioning, and exercise improvement in their daily living; Providing **fitness** and exercise facilities; Providing **fitness** and exercise studio services, namely, pilates instruction and training; Providing **fitness** and exercise studio services, namely, providing pilates apparatuses and tennis training equipment; Providing general **fitness** and mixed martial arts facilities that require memberships and are focused in the fields of general **fitness**, exercise, and mixed martial arts; Providing group coaching and in-person learning forums in the field of leadership development; Providing group coaching in the field of physical **fitness**; Providing physical **fitness** and exercise service, namely, indoor cycling and yoga instruction. FIRST USE: 20140324. FIRST USE IN COMMERCE: 20140324

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

86200335

**Filing Date**

20140221

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20150203

**Registration Number**

5241786

**Date Registered**

20170711

**Owner**

(**REGISTRANT**) Fittime, LLC LIMITED LIABILITY COMPANY INDIANA 3337 South Rolling Oak Drive Bloomington INDIANA 47401

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Thomas L. Peterson

**(4) STANDARD CHARACTER MARK**

**NEXERSYS**

**Mark Punctuated**

NEXERSYS

**Translation**

**Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Amusement apparatus and games adapted for use with television receivers or with video or computer monitors; computer programs for video and computer games; computer software, namely, game engine software for video game development and operation; downloadable image file containing artwork, text, audio, video, games and Internet Web links relating to sporting and cultural activities; downloadable multimedia file containing artwork, text, audio, video, games, and Internet Web links relating to **fitness** and exercise; electronic game software, namely, software and video for **fitness** and exercise; interactive video game programs; interactive video games of virtual reality comprised of computer hardware for use with an external monitor and software; video and computer game programs; video game interactive control floor pads or mats; video game interactive remote control units; video game machines for use with external display screen or monitor; video game software. FIRST USE: 20100100. FIRST USE IN COMMERCE: 20100600
- IC 028. US 022 023 038 050.G & S: **Fitness** machines and equipment for boxing training, martial arts training, and general exercise training, namely, interactive **fitness** striking machines; manually-operated exercise equipment; manually-operated exercise equipment for physical **fitness** purposes; **sports equipment** for boxing and martial arts sold together as a unit, namely, hand and wrist wraps, gloves, wireless headsets, and heart rate monitors; training apparatus for boxing, martial arts, and similar sports; physical **fitness** equipment, namely, boxing and martial arts training and exercise machines. FIRST USE: 20100100. FIRST USE IN COMMERCE: 20100600
- IC 041. US 100 101 107.G & S: Conducting **fitness** classes; consulting services in the fields of **fitness** and exercise; counseling services in the field of physical **fitness**; personal **fitness** training services and consultancy; physical **fitness** consultation; physical **fitness** conditioning classes; physical **fitness** instruction; physical **fitness** training services; physical **fitness** training of individuals and groups; providing a website featuring information on exercise and **fitness**; providing an interactive website featuring information and links relating to **fitness**; providing an on-line computer database featuring information regarding exercise and **fitness**; providing assistance, personal training and physical **fitness** consultation to individuals to help them make physical **fitness**, strength, conditioning, and exercise improvement in their daily living; providing classes, workshops, seminars and camps in the fields of **fitness**, exercise, boxing, kick boxing and mixed martial arts; entertainment services, namely, providing an on-line computer game and online video games, and online electronic game. FIRST USE: 20120801. FIRST USE IN COMMERCE: 20120801

**Mark Drawing Code**

**(4) STANDARD CHARACTER MARK**

**Design Code**

**Serial Number**

85439118

**Filing Date**

20111004

**Current Filing Basis**

1A

**Original Filing Basis**

1A;1B

**Publication for Opposition Date**

20130326

**Registration Number**

4572741

**Date Registered**

20140722

**Owner**

(REGISTRANT) Nexersys Corporation CORPORATION DELAWARE 1021 East 7th Street, Suite 100 Austin TEXAS 78702 (LAST LISTED OWNER) XFIT, INC. CORPORATION TEXAS 7500 RIALTO BLVD., STE. 122 AUSTIN TEXAS 78735

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

Color is not claimed as a feature of the mark.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

H. Dale Langley, Jr.

**(4) STANDARD CHARACTER MARK**

Legends Boxing

**Mark Punctuated**

LEGENDS BOXING

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Boxing shoes; Boxing shorts; T-shirts. FIRST USE: 20130513. FIRST USE IN COMMERCE: 20130513
- IC 028. US 022 023 038 050.G & S: Boxing bags; Boxing gloves; Boxing rings; Punching bags; Punching balls; Sports equipment for boxing and martial arts, namely, boxing gloves, boxing bags, punching mitts, belly protectors, groin protectors and shin guards. FIRST USE: 20130513. FIRST USE IN COMMERCE: 20130513
- IC 041. US 100 101 107.G & S: Health club services, namely, providing instruction and equipment in the field of physical exercise; Physical fitness training of individuals and groups; Providing classes, workshops, seminars and camps in the fields of fitness, exercise, boxing, kick boxing and mixed martial arts. FIRST USE: 20130513. FIRST USE IN COMMERCE: 20130513

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

85934458

**Filing Date**

20130516

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20140311

**Registration Number**

4536074

**Date Registered**

20140527

**Owner**

(REGISTRANT) Scott, Kellie INDIVIDUAL UNITED STATES 4425 N. Thanksgiving Way Lehi UTAH 84005 (LAST LISTED OWNER) LB IP, LLC LIMITED LIABILITY COMPANY UTAH 3355 S. STATE STREET SALT LAKE CITY UTAH 84115

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOXING" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Sada Sheldon

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



**Mark Punctuated**  
**BULLE ROCK**

**Translation**

**Goods/Services**

- IC 025. US 022 039.G & S: Clothing, men's, women's, children's and infant's sportswear and apparel and any other clothing items generally sold in clothing and sportswear retail shops and stores, namely, athletic footwear, athletic shoes, caps, golf shirts, golf shoes, golf gloves, hats, and t-shirts. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
- IC 028. US 022 023 038 050.G & S: Sporting goods, namely, golf clubs, golf balls, golf bags, golf bag covers, golf bag pegs, and golf tees. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
- IC 035. US 100 101 102.G & S: Real estate marketing and advertising, real estate sales management; real estate management, namely, operation of residential property; Retail store services featuring sporting goods and equipment, namely, golf merchandise and equipment, tennis and racquet sports equipment, apparel and footwear. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
- IC 036. US 100 101 102.G & S: Real estate services, namely, management of residential property, real estate brokerage services relating to residential properties and commercial properties in planned communities. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
- IC 037. US 100 103 106.G & S: Real estate development; Construction services, namely, planning, laying out and custom construction of residential communities, recreational facilities, meeting and convention centers, social and community facilities, and building construction. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
- IC 041. US 100 101 107.G & S: Entertainment in the nature of golf tournaments; Providing tennis court and swimming facilities, fitness exercise facilities and recreational facilities; Golf instruction, golf training, and golf club fittings. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
- IC 043. US 100 101.G & S: Restaurant services, namely, bar and snack bar services; Serving food and drinks at a private residential community center; Providing community centers for social gatherings and meetings. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101

**Mark Drawing Code**

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

**Design Code**

030501 030524 240901 261314 261321 261701 261705 261706

**Serial Number**

77326024

**Filing Date**

20071109

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20080722

**Registration Number**

3511190

**Date Registered**

20081007

**Owner**

(REGISTRANT) MTBR, LLC LIMITED LIABILITY COMPANY MARYLAND 650 Exeter Street Suite 200  
Baltimore MARYLAND 21202

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

Color is not claimed as a feature of the mark. The mark consists of a running horse, a flag on a pole beneath a series of squares in the shape of a semi-circle.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Joseph S. Presta



Free Articles ▾

Fun Home Workouts

About

Camp NF

Member Login

Private Coaching

## STRENGTH TRAINING 101: FINDING THE RIGHT GYM

Written By Staci Ardison

Last Updated: March 18, 2013



This is an article by Nerd Fitness Team Member Staci, as the third article in her series on strength training. You can read the first installments [here](#) and [here](#).

### Picking a gym is a big decision.

You'll be spending a lot of time there (hopefully), commuting there, and regularly interacting with staff and other gym members.

Your gym can be an important part of your life, and if you don't find one that fits your needs, you could end up paying for something that you never use and feel like you've made a **huge mistake**.



This is an article by Nerd Fitness Team Member Staci, as the third article in her

### JOIN THE REBELLION!

YOU'RE YOUR ONLY HOPE

GET HEALTHY WITHOUT A GYM.  
MORE CHANCES THAT STICK.  
UNLEASH FITNESS LIES.  
SAVING THE WORLD.



GOT THE DOOR FREE  
WHEN YOU JOIN.

Enter Your Email

I'M IN!

### CLASSIC POSTS



HOW TO BUILD  
YOUR OWN WORKOUT



BEGINNER BODY  
WEIGHT WORKOUT



THE PALEO DIET:  
A BEGINNER'S GUIDE



MEET STACI:  
YOUR NEW  
POWERLIFTING HERO



HOW TO BUILD  
YOUR OWN WORKOUT

series on strength training. You can read the first installments [here](#) and [here](#).

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#### Picking a gym is a big decision.

You'll be spending a lot of time there (hopefully), commuting there, and regularly interacting with staff and other gym members.

Your gym can be an important part of your life, and if you don't find one that fits your needs, you could end up paying for something that you never use and feel like you've made a **huge mistake**.

Now remember, you don't necessarily NEED a gym to strength train or to get in shape. There are many different options, like focusing on [bodyweight only work](#) (Steve's favorite), [sandbags](#), or making your own garage/basement gym.

However, for those of us who want to focus on barbell training and don't have the space (or resources) to build our own gym, a gym membership ends up being the best option.

Today we're going to talk about the ins and outs of finding the right gym for you, as well as how to pay as little as possible for it.

### FIGURE OUT EXACTLY WHAT YOU

The image shows a website layout with a sidebar on the left and a main content area on the right. The sidebar features several links:

- BEGINNER BODY WEIGHT WORKOUT
- THE PALEO DIET: A BEGINNER'S GUIDE
- MEET STACI: YOUR NEW POWER LIFTING HERO
- GET HEALTHY WITHOUT A GYM. MAKE CHANGES THAT STICK. INCREASE FITNESS LIES. SAY NO TO JUNK.
- 15 MISTAKES NEWBIES MAKE
- HOW TO BUILD YOUR OWN WORKOUT
- BEGINNER BODY WEIGHT WORKOUT
- THE PALEO DIET: A BEGINNER'S GUIDE
- MEET STACI: YOUR NEW POWER LIFTING HERO
- GET HEALTHY WITHOUT A GYM. MAKE CHANGES THAT STICK.

Below the sidebar, there is a form with fields for "Enter Your Email" and a "I'M IN!" button. The main content area is partially visible at the bottom.

## WANT



Picking a gym isn't as easy as running to the closest gym and signing up. There are a lot of things you need to take into consideration.

The first thing you should do is make a list of what you're looking for. I would be sure to make the distinction on your list between: "must haves" and a "would be nice to haves."

### Let's cover some of the basic things to look for:

**Equipment** - We've already gone over equipment extensively here, so if you're worried about being able to do all the exercises you want, check it out. For basic barbell strength training, you're going to want to look for the following:

- Olympic Barbell
- Power Rack (or at least a squat rack)
- Dumbbells up to 100-150lbs (Heavier end if you want to focus on dumbbell training over barbell)
- Pullup Bar/Dip Station
- Flat Bench (preferably with racks for the bench press)

**Classes** - Some gyms offer classes that are free to their members, which can be anything from yoga, some sort of dance fitness, to kickboxing. I've

UNLEASHED FITNESS LIFE.  
SIGN UP NOW!

15 MISTAKES  
NEWBIES MAKE

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WHEN YOU JOIN.

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CLASSIC POSTS



HOW TO BUILD  
YOUR OWN WORKOUT



BEGINNER BODY  
WEIGHT WORKOUT



THE PALEO DIET:  
A BEGINNER'S GUIDE



MEET STACI:  
YOUR NEW  
POWERLIFTING HERO

GET HEALTHY WITHOUT A GYM.  
MAKE EXERCISE THAT STICK.  
UNLEASH FITNESS LIFE.  
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15 MISTAKES  
NEWBIES MAKE

GET THE BOOK FREE  
WHEN YOU JOIN.

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I'M IN!

found that classes are extremely helpful, especially for people who are just starting out, since you have to get there at a certain time and stay for the duration of the class. If classes are something you'll be interested in, check out which classes are available for free, and be sure to factor this into your price considerations later.

**Amenities** – Some gyms offer awesome amenities which you can't get by working out at home. Have kids? Some offer childcare so you can get a distraction free workout. Female and nervous about working out around guys? Some offer women's only areas. Short on time? Some gyms even let you drop off your dry cleaning.

**Distance and feel** – For me, a huge part of going to the gym is getting away; whenever I try to work out at home, my cat always wants to join in (and I know I'm not alone here). While having a 20lb weight on top of me is entertaining, I find it much easier to focus when I'm at the gym.

headphones in, free from interruptions of my daily life. I'm sure if you have kids, it's even harder. I know personally, I go crazy if I don't go to the gym because it's my "me time" away from everything else that's going on. Is this gym's distance from your work/home about right? Is this a place you can feel comfortable working out?

**Training/Coaching** – A lot of gyms have training packages or coaches available to help you out with form and help you develop a workout plan. If you're looking for personalized attention when getting started, be sure to check out what coaches are available.

**Rules** – It may be a "must have" to be able to bring your kids with you to the gym. For someone like me, who only has cats, you may prefer that kids are not allowed entirely. I've also been to gyms that do not allow you to wear vibrams and do not allow you to deadlift – two things which I like to do very much. So even if the facility has everything I want and it's in the right price – I would not be very happy there.

Also remember when making this list that a gym is a long term commitment – so look ahead.

- If you're focusing on dumbbell training, make sure the dumbbells go high enough – when I started out, 5lbs was freaking heavy, and now I'm regularly using dumbbells over 100lbs.



- If you think there's a gym nearby you actually use nearby try out the olympic lifts, look for bumper plates and a gym that lets you drop the weight.
- If you think you've always wanted to try kickboxing or yoga and plan to shell out separately for a class later, consider that now!

Of course, you can't always plan ahead – I thought I'd never get on an elliptical again until I got injured – and was extremely happy I had one available to help with my rehab.

To help out, I've created an example list that you can copy and print out here.

## BUDGET



I've seen gym memberships range anywhere from \$9 a month to \$365 a month. In the United States, a typical gym membership costs between \$30 and \$50, but it really depends on where you live and the amenities offered.

When looking at cost, remember that you get what you pay for. However, that doesn't mean you need to go for the highest cost gym.

**Don't forget about the little things** that could be the things that you end up using every day. For example, if you're going to the gym on your lunch hour, a gym with towel service can be invaluable – since there is really no good place to hang a towel after a workout.

 **MEET STACK**  
YOUR NEW POWERLIFTING HERO

**GET HEALTHY WITHOUT A GYM.**  
MAKE CHANGES THAT STICK.  
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GIVE THE WORD.

**15 MISTAKES**  
NEWBIES MAKE  
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**CLASSIC POSTS**

 **HOW TO BUILD YOUR OWN WORKOUT**

 **BEGINNER BODY WEIGHT WORKOUT**

 **THE PALEO DIET:  
A BEGINNER'S GUIDE**

 **MEET STACK**  
YOUR NEW POWERLIFTING HERO

**GET HEALTHY WITHOUT A GYM.**  
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UNLEASH FITNESS LIED.  
GIVE THE WORD.

**15 MISTAKES**  
NEWBIES MAKE  
GET THE BOOK FREE WHEN YOU JOIN

What exactly will you have to pay for, in addition to your daily gym routine?

- Some gyms offer free classes, including yoga, which is a great addition to any strength routine.
- Some offer events or trips at a discount. For example, they will organize a hiking trip where each member pays \$20 for the day to go—which is not only a great deal but a great way to meet other people who are interested in fitness.
- If you need to pay for an extra hour or two of child care every time you go to the gym, it may be worth an extra \$20-30 a month to get an all-inclusive gym.

Now remember, it costs you money to drive/metro/bus to the gym. If you have a car that gets 25 miles per gallon, you go to the gym 4 times a week, and the gym is 5 miles out of the way, you'll end up spending an over \$20 a month in gas just getting to the gym. So while a gym further away may seem cheaper, it may not actually be in the long run.

## LOCATION AND HOURS



Consider options close to both home and work/school. While a gym membership close to work could be convenient, if you work an hour away from home, you definitely won't be working out on the weekends.

If you're planning on working out near the end of business, check to see if they have a "last person admitted" time. Some gyms, while they close at noon, won't let you start working out after 5:00 PM. If you're a night

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open, work out at your local 24-hour gym, or even consider getting a personal trainer. If you're a night owl, or work really odd hours, look into gyms that are open 24/7.

Think about all this in context to your own personal willpower meter.

- If you go before work, do you wake up super tired and then get more excited to work out as you become less groggy? Or do you need to get to the gym immediately to prevent yourself from "delaying" and never going.
- If you plan to go after work, are you one of those people who is exhausted when you leave work and then will skip the gym? Will you convince yourself that you can take the night off the longer you're in the car?

Remember – it's better to pay a little extra to pick a gym that you'll actually use instead of paying a smaller price to an unused gym membership.

At one point, I was paying \$90 a month for a gym that I only swam at because it was only  $\frac{1}{4}$  mile from my work, so I was able to swim every day at lunch. I could have paid \$40 to go to a gym with a pool closer to home, but then I wouldn't have been able to go at lunch – and wouldn't have gone at all.

My favorite location for a gym is on your way to and home from work. That way, not only are you forced to drive by it twice a day, but you're not spending any extra money on gas to get there.

## TYPES OF GYMS



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Be sure to consider the many types of gyms, picking one that actually suits your needs.

**Globo Gyms** – Often big name franchises, these are typically where you're going to find your \$10 a month deals. For many, the only "perk" is tanning (which we don't really consider a "perk"). While often super inexpensive and usually have offer good guest pass policies, globo gyms often offer less amenities, certain training is often banned, and they can suffer from a limited free weight section and inexperienced staff.

**Health Clubs/Sports Clubs/YMCAs** – These are often similar to globo gyms, but are franchises offering a higher level of service. You'll find there are more amenities offered, such as towel service, child care, and TVs on some of the cardio machines. However, these gyms can be upwards of \$100 a month, occasionally disallow types of training, and may have a limited free weights section. However, if you're looking for a pool or tennis courts, these may be your only option.

*Note:* Franchises (both small globo gyms and bigger health clubs) can be great if you travel a lot, as you can usually get a global membership that gives you access to all of their locations.

**Locally Owned Gyms** – One my favorite options that run in the \$25-50 a month range. They often offer much better equipment and a better free weight selection. However, very often their amenities are not as nice as a health club and don't have classes. But since the staff is usually the owner or someone close to the owner, they are usually much more helpful and knowledgeable than the staff at a globo gym.

**Weightlifting Club/Barbell Club/CrossFits** – These are typically one room gyms with a pullup bar, barbells, dumbbells, and bumper plates. The membership usually includes coaching and classes, however, they're usually more expensive (due to a coach being included) and only open a few very specific hours during the day. In these gyms, you're also usually expected to follow the club's programming and not your own.

**College/University Gyms** – Another favorite of mine, these gyms typically get you access to their full facility – pools, racquetball courts, classes, etc

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included. If you live near the college or university that you attended, you can often get a discount "alumni" membership. Don't live near where you went to school? Many gyms will offer memberships to family members of alumni or staff, local "senior" memberships, or even just local resident memberships. These are also usually very inexpensive, but have to be paid upfront in full.

## TEST DRIVE THE GYM



So now you've figured out what type of gym you want to join, made your list of everything you need, and found gyms in the right location.

Before you sign up for a gym, ask for a guest pass. Some gyms give out free passes for a week or two, some you have to pay for (e.g. \$20 for 20 days). Even if you have to pay for it, it's totally worth it.

**Make sure you go at the time of day that you're planning on going regularly.** There's nothing worse than finding a perfect gym, signing a big contract, and then discovering that the gym is so swamped with people after your work day that you can't even get to the equipment you'd like to use.

**During your guest visits there are lots of things to look for:**

Is the equipment in good working order? Is there enough equipment for

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everyone or are you fighting for a bench?

What's the general vibe of the gym? Does it seem clean?

If you're going before work, are there enough showers available? Did you

Is the equipment in good working order? Is there enough equipment for everyone or are you fighting for a bench?

What's the general vibe of the gym? Does it seem clean?

If you're going before work, are there enough showers available? Did you have to wait to use one?

It's also never a bad idea to talk to the other members and ask them what they like and dislike about the gym. You can also read reviews online on sites like Yelp or Google, but remember that people are more likely to complain than compliment, so take all online reviews with a grain of salt.

## CONTRACTS



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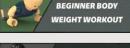
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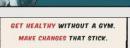
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WHEN YOU SIGN UP.

One of the big reasons many people don't want to sign up for a gym is because they don't want to sign up for a contract! However, if you read everything and know exactly what you're signing, a contract isn't all that bad.

Specific Items to look for in a contract:

- An out clause, in case you move, lose your job, etc. Often you can get out of a contract if you move a certain number of miles from the club without a fee, but usually any other item requires an "early termination fee" to get out of your contract.
- Can you freeze your contract if you go out of town or are on vacation?
- What happens if the club goes out of business?
- Does the membership renew automatically?

**Always get everything the sales person promises you in writing** (and remember that most of the time they are working on commission). I'd also suggest that you get a copy of the contract and take it home with you to read before you sign it. If they won't let you do that, that's a bad sign.

Remember, if the sales person is overly pushy, or you don't feel comfortable for any reason, walk out.

Also, while it's not easy, many states have a law that states that you can get out of a contract for a health club within the first day or two of signing it, so if you sign up and get home and find something terrible in the contract, keep that in mind.

**Now, for costs, gym contracts often include a few different things:**

1. **Activation Fee** – This is a one time fee required to join the gym
2. **Monthly Cost** – A fee that you will be charged monthly
3. **Maintenance Fee** – Usually a yearly fee. Some gyms have a clause that says: "We don't have one now, but we could at any point, without telling you, add one" (make sure to read this clause carefully if it is in there).

Take a look on the website before you go in to see if they're offering any deals, but always ask the sales person about deals first (they could be offering a better deal in person). I also always like to google "name of gym

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deals and similar items to see if any recent ones show up, as well as check on sites like Groupon and Living Social.

**Don't be afraid to negotiate, they're often given a range of prices that they can sell a membership at, with a higher commission rate at the most expensive one.** The worst thing they can do is say no.

You can also often get the gym to waive the activation fee – While they will tell you they can't, 99% of the time they are lying or they just personally don't have the authorization to do it. Ask for someone who can, and don't be afraid to walk out when they say no. Since membership sales employees typically work on commission, they might give you a call the next day or two with a better deal if one becomes available.

Some gyms will offer a better rate if you pay for a year up front, so consider it if that's an option financially.

Most employers and health insurances offer discounts with specific gyms or rebates for joining a gym, so make sure to check with them as well.

## STAY FOCUSED



Gyms have a huge variety of equipment, so it may beat trying to workout at home if you want to try some new things.

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If you train with dumbbells, you don't need to keep buying larger dumbbells as you get stronger, and you'll never run out of weight plates if you focus on barbell training. Plus, working out around other people can be motivating to push yourself harder.

**There are cons to joining a gym as well.** These include the cost, having work out around people you don't know, waiting for equipment if you go during busy hours, and driving/riding there.

Remember, you don't need to join a gym to strength train or get healthy. You can always stick to **bodyweight routines** (with even more workout plans in the **Rebel Strength Guide**), buy a basic barbell or dumbbell set, or focus on other equipment such as **sandbags** or kettlebells.

And even when the weather gets bad, you can always walk ([to Mordor!](#)) or sprint outside for free.

I know personally, my time at the gym is my "me time" away from everything else going on in my life. It's my time to relax and focus on myself, so I wouldn't trade having the option of a gym for anything.

**Finding a new gym can definitely be overwhelming, but it can definitely be one of the best fitness decisions you make.** To help out, I've created a "New Gym Interview" document that sums up a bunch of the questions in the sections above. It can be found [here](#). It's a Google Doc, so just go to File → Make a copy, and you can whatever other questions you can think of.

**What other questions do you have about gyms?**

-Staci

**PS -** Be sure to check out the rest of Strength Training 101 series:

- [Strength Training 101](#)
- [Strength Training 101: Equipment](#)
- [Strength Training 101: Where do I start?](#)

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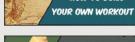
  
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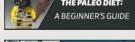
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## Weight-lifting products that can be used at home are in high demand as gyms remain shuttered because of the coronavirus

Graham Rapier Jun 13, 2020, 7:33 AM



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An employee wipes the floor in a closed gym. Because a fitness studio in Hamburg-Bergedorf is no longer allowed to receive guests due to the corona crisis, it now offers online training. Photo by Jonas Walzberg/picture alliance via Getty Images

- Pelotons aren't the only workout equipment in high demand as gyms remain closed.
- Amazon and other retailers show many barbell and dumbbell products out of stock.
- While some states have allowed restaurants and stores to reopen, gyms largely remain shuttered.
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Dumbbells and other weight-lifting supplies are in high demand as gyms are largely left out of early reopening stages in the United States.

On Amazon, a pair of neoprene-coated dumbbells has risen to the top ranks of best sellers in the sports and outdoor category — with did appear to have more options in stock than other sites, though many products were similarly sold out and unavailable.

The weights are currently sold out for orders over their half-order limit.

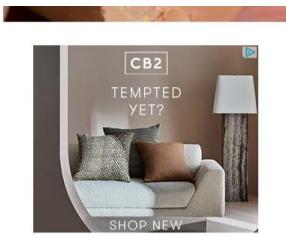


The weights are, naturally, thicker for snipers given their need, only adding to the pain for Americans cooped up at home. While bars and restaurants have started to reopen in some states, gyms — with their propensity for heavy breathing and bodily fluids — largely remain shuttered.



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The demand is likely around to stay, experts say.

"We expect accelerated consumer gravitation toward fitness/wellness apparel in the wake of COVID-19," Randal Konik, an analyst at Jefferies, told clients following Lululemon's report that showed an overall drop in sales but healthy increase in online yields, easily outpacing the market's coronavirus-induced downturn.

The demand is likely around to stay, experts say.

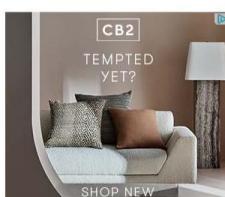
"We expect accelerated consumer gravitation toward fitness/wellness apparel in the wake of COVID-19," Randal Konik, an analyst at Jefferies, told clients following Lululemon's report that showed an overall drop in sales but healthy increase in online orders.

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American Airlines passengers were held on a plane with no air conditioning, food, or drink for six hours on Sunday afternoon, according to a report.  
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### **USPTO OFFICIAL NOTICE**

Office Action (Official Letter) has issued

on August 23, 2022 for

**U.S. Trademark Application Serial No. 97120346**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

(1) [\*\*Read the Office action\*\*](#). This email is NOT the Office action.

(2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.

(3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

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User: Alex Keam

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<b>1</b>	97120346[sn]	1	0	1	1	0:00
<b>2</b>	*epic*[bi,ti] and live[ld]	1624	0	0	0	0:01
<b>3</b>	*health*	69186	0	0	0	0:00
<b>4</b>	*f{ "iy" }t*[bi,ti] and live[ld]	19802	0	0	0	0:01
<b>5</b>	2 and (3 4)	12	0	11	11	0:00
<b>6</b>	3 and 4	273	0	20	20	0:01
<b>7</b>	2 and "041"[cc]	777	0	0	0	0:01
<b>8</b>	2 and ("041" or "a" or "b" or "200")[ic]	298	0	182	182	0:01
<b>9</b>	fitness(gs)	112278	0	0	0	0:00
<b>10</b>	2 and 9	27	0	25	25	0:00
<b>11</b>	*ep{"iy"}{"ckqx"}*[bi,ti] and live[ld]	1830	0	0	0	0:00
<b>12</b>	11 and "041"[cc]	867	0	0	0	0:00
<b>13</b>	11 and ("041" or "a" or "b" or "200")[ic]	319	0	192	192	0:01

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