

To: Rosezena J. Pierce(Rosezena@rjpiercelaw.com)
Subject: U.S. Trademark Application Serial No. 97118595 - FIT2EMPOWER MOVEMENT
Sent: August 23, 2022 02:00:36 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[6442457](#)
[6494079](#)
[6640421](#)
[6591978](#)

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

U.S. Application Serial No. 97118595

Mark: FIT2EMPOWER MOVEMENT

Correspondence Address:

ROSEZENA J. PIERCE
205 N. MICHIGAN AVE
CHICAGO IL 60601 UNITED STATES

Applicant: Fit2Gether Movement LLC

Reference/Docket No. N/A

Correspondence Email Address: Rosezena@rjpiercelaw.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.

Search Statement

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

Disclaimer

Applicant must disclaim the wording “MOVEMENT” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The applicant's services include various fitness and exercise classes. The examiner has attached a dictionary definition and evidence of past Office practice with respect to similar marks.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use “MOVEMENT” apart from the mark as shown.

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

Identification of Goods - Duplicate Entry

Applicant is advised to delete or modify the duplicate entry in the identification of goods and/or services in International Class 41 for “personal trainer services.” *See generally* TMEP §§1402.01, 1402.01(a). If applicant does not respond to this issue, be advised that the USPTO will remove duplicate entries from the identification prior to registration.

If modifying one of the duplicate entries, applicant may amend it to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Also, generally, any deleted goods and/or services may not later be reinserted. TMEP §1402.07(e).

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

If the applicant has any questions, please contact the undersigned.

/Janice McMorro
Janice McMorro
Trademark Examining Attorney
Law Office 115
(571) 272-9194
janice.mcmorrow@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

Raw Movement

Mark Punctuated
RAW MOVEMENT

Translation

Goods/Services

- IC 041. US 100 101 107.G & S: Education services, namely, providing classes and instruction in the field of dance; Providing on-line training courses and workshops in the field of nonverbal communication, body language, dance, movement, and performing arts; Training of dance instructors; Providing an on-line computer database featuring information in the field of dramatic performances, dance performance, dance body language, dance, and body movement. FIRST USE: 20190729. FIRST USE IN COMMERCE: 20200626

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Design Code

Serial Number
88934871

Filing Date
20200527

Current Filing Basis
1A

Original Filing Basis
1B

Publication for Opposition Date
20201208

Registration Number
6442457

Date Registered
20210803

Owner
(REGISTRANT) Grayman, Justina K INDIVIDUAL UNITED STATES P.O. Box 2882 Clarksville
TENNESSEE 37042

Priority Date

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOVEMENT" APART FROM THE MARK
AS SHOWN

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

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



Mark Punctuated

KINETIC REMEDY MIND MUSCLE MOVEMENT

Translation

Goods/Services

- IC 025. US 022 039.G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms. FIRST USE: 20210503. FIRST USE IN COMMERCE: 20210503
- IC 041. US 100 101 107.G & S: Personal fitness training services. FIRST USE: 20210503. FIRST USE IN COMMERCE: 20210503

Mark Drawing Code

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

Design Code

010925 260120 260130 270305

Serial Number

88721499

Filing Date

20191210

Current Filing Basis

1A

Original Filing Basis

1B

Publication for Opposition Date

20200421

Registration Number

6494079

Date Registered

20210921

Owner

(REGISTRANT) Ralph Pierre-Louis Ralph Pierre-Louis U.S. Citizen SOLE PROPRIETORSHIP
MASSACHUSETTS 79 Plymouth St Quincy MASSACHUSETTS 02169

Priority Date

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KINETIC" AND "MIND MUSCLE
MOVEMENT" FOR INTERNATIONAL CLASS 41 APART FROM THE MARK AS SHOWN

Description of Mark

The color(s) light blue, dark blue, and silver is/are claimed as a feature of the mark. The mark consists of a

round logo mark with the letters "K" and "R" within the circle. The most outer ring of the round mark is dark blue, there is an inner layer the color of light blue. The "K" is to the left side within the circle, reversed, facing the opposite direction. The "K" is light blue. The "R" is to the right side within the circle, the color of dark blue. Together, the "K" and "R" are forming the shape of atom. There are also 3 dots within the circle. One is in the middle towards the top, the color dark blue. One is in the middle towards the bottom, the color light blue. And one more towards the upper left the color of light blue. Outside of the circle, are the words "KINETIC REMEDY", and beneath that are written "MIND MUSCLE MOVEMENT". The word "KINETIC" is light blue. The word "REMEDY" is dark blue. "MIND MUSCLE MOVEMENT" are the color silver.

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

(4) STANDARD CHARACTER MARK

Movement Graffiti

Mark Punctuated
MOVEMENT GRAFFITI

Translation

Goods/Services

- IC 041. US 100 101 107.G & S: Conducting workshops and seminars in dance, fitness, self-awareness, and art appreciation; Education services, namely, providing mentoring, tutoring, classes, seminars and workshops in the field of dance, fitness, self-awareness, and art appreciation; Entertainment in the nature of live visual art and dance performances by Sifa Rachid, who is an artist and instructor. FIRST USE: 20150701. FIRST USE IN COMMERCE: 20180801

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Design Code

Serial Number
90113625

Filing Date
20200814

Current Filing Basis
1A

Original Filing Basis
1B

Publication for Opposition Date
20210112

Registration Number
6640421

Date Registered
20220208

Owner
(REGISTRANT) rachid, sifa INDIVIDUAL UNITED STATES 818 Lenox Road Brooklyn NEW YORK 11203

Priority Date

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOVEMENT" APART FROM THE MARK AS SHOWN

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

(4) STANDARD CHARACTER MARK

INTENSIONAL MOVEMENT

Mark Punctuated

INTENSIONAL MOVEMENT

Translation

Goods/Services

- IC 041. US 100 101 107.G & S: Educational services, namely, conducting courses, seminars and workshops in the field of physical training systems. FIRST USE: 20170927. FIRST USE IN COMMERCE: 20170927

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

90393521

Filing Date

20201218

Current Filing Basis

1A

Original Filing Basis

1B

Publication for Opposition Date

20210720

Registration Number

6591978

Date Registered

20211214

Owner

(REGISTRANT) Timur Crone INDIVIDUAL UNITED STATES Apt 301 389 Vernon Street Oakland CALIFORNIA 94610

Priority Date

Disclaimer Statement

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

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Ralph C Francis

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 23, 2022 for
U.S. Trademark Application Serial No. 97118595

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 \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

User: Janice McMorrow

Statistics for Case 97118595						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97118595[sn]	1	0	1	1	0:00
2	*fit*[bi,ti] or *fyt*[bi,ti] or *ph{"iy"}t*[bi,ti]	57890	0	0	0	0:00
3	"2"[bi,ti] or *to*[bi,ti] or *two*[bi,ti]	892226	0	0	0	0:02
4	*mpow*[bi,ti]	5727	0	0	0	0:00
5	*mov*[bi,ti] and *m{v}nt*[bi,ti]	3304	0	0	0	0:01
6	2 and 3 and 4 and 5	1	0	1	1	0:00
7	2 and 3 and (4 or 5)	11	0	2	2	0:00
8	2 and 3	6514	0	0	0	0:01
9	4 and 5	26	0	18	18	0:00
10	8 and "041"[cc]	2930	0	0	0	0:01
11	10 and ("041" a b 200)[ic]	1318	0	453	453	0:02
12	5 and ("041" a b 200)[ic]	1215	0	0	0	0:01
13	5 and "movement"[ds]	466	0	10	10	0:01
14	12 and 13	244	0	6	6	0:00

Session started 08/23/2022 12:49 pm

Session ended 08/23/2022 1:54 pm

Total search duration 9.00

Session duration 1 hours 4 minutes 51 seconds

Adjacency Level 1

Near Level 1