

ESTTA Tracking number: **ESTTA1125529**

Filing date: **04/07/2021**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Peloton Interactive, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	125 WEST 25TH STREET, 11TH FLOOR NEW YORK, NY 10001 UNITED STATES		
Attorney information	LEO KITTAY FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 WEST 42ND STREET, 17TH FLOOR NEW YORK, NY 10036 UNITED STATES Primary Email: lkittay@fzlz.com Secondary Email(s): ddonahue@fzlz.com, skipen@fzlz.com, ttbfiling@fzlz.com 212-813-5900		
Docket Number	PELI 2011084		

Applicant Information

Application No.	90195102	Publication date	03/09/2021
Opposition Filing Date	04/07/2021	Opposition Period Ends	04/08/2021
Applicant	Zhang, Haijuan 213-216, BLDG D, QINGNIAN CHUANGYE PARK, NO. 18 JIANSHE EAST ROAD, LONGHUA DIST, SHENZHEN, 518109 CHINA		

Goods/Services Affected by Opposition


Class 025. First Use: 2020/09/13 First Use In Commerce: 2020/09/13
All goods and services in the class are opposed, namely: Coats; Jumpers; Panties; Pyjamas; Shirts; Shoes; Skirts; Sweaters; Swimwear; T-shirts; Trousers; Bodies being underclothing; Knitwear, namely, shirts, dresses, sweaters; Masquerade costumes; Pants for children; Sports jerseys; Sports shoes; Swimming trunks


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5200495	Application Date	04/03/2015
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Registration Date	05/09/2017	Foreign Priority Date	NONE
Word Mark	PELOTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 2016/12/00 First Use In Commerce: 2016/12/00 Silicone wristbands in the nature of a bracelet</p> <p>Class 018. First use: First Use: 2014/04/22 First Use In Commerce: 2014/04/22 All purpose sport bags</p> <p>Class 025. First use: First Use: 2014/04/22 First Use In Commerce: 2014/04/22 Sports apparel, namely, shirts, leggings, sleeveless tops, t-shirts, tank tops, sports bras, pullovers; headwear, namely, beanies; Sports apparel, namely, shorts, exercise tights, tops, jackets; bandanas, shoes, hats</p>		

U.S. Registration No.	5202624	Application Date	09/02/2015
Registration Date	05/16/2017	Foreign Priority Date	NONE
Word Mark	PELOTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2013/08/06 First Use In Commerce: 2013/08/06 Retail store services in the fields of sports apparel, fitness equipment, and fitness classes; On-line retail store services in the fields of fields of sports apparel, fitness equipment, and fitness classes</p>		


U.S. Registration No.	5810555	Application Date	06/18/2018
Registration Date	07/23/2019	Foreign Priority Date	NONE

Word Mark	PELOTON
Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2015/05/00 First Use In Commerce: 2015/05/00 Jewelry Class 016. First use: First Use: 2017/03/00 First Use In Commerce: 2017/03/00 Decals Class 045. First use: First Use: 2012/08/00 First Use In Commerce: 2012/08/00 Online social networking services

U.S. Registration No.	4580888	Application Date	11/09/2012
Registration Date	08/05/2014	Foreign Priority Date	NONE

Word Mark	PELOTON
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2014/04/25 First Use In Commerce: 2014/04/25 Computers and downloadable software for monitoring and analyzing various parameters associated with the operation of a bicycle or exercise cycle and for fitness training; ear phones; digital media, namely, downloadable audio and audiovisual recordings, all in the field of exercise, fitness, wellness and personal development; downloadable software in the nature of an application for use by individuals participating in exercise classes, physical training, and exercise instruction for detecting, storing and reporting daily human energy expenditure and physical activity level, for developing and monitoring personal activity and exercise plans, training goals and giving feedback on the achieved results Class 028. First use: First Use: 2014/01/22 First Use In Commerce: 2014/01/22 Stationary exercise bicycles and component parts thereof, namely, bicycle seat-sand bicycle pedals; exercise weights; stationary bicycles equipped with interactive computer systems, video players [, and body bars]

	<p>Class 038. First use: First Use: 2014/05/13 First Use In Commerce: 2014/05/13 Streaming of audio and video materials on the Internet featuring physical fitness classes, training, and instruction</p> <p>Class 041. First use: First Use: 2014/05/01 First Use In Commerce: 2014/05/01 Providing classes, workshops and seminars in the fields of fitness and exercise; providing fitness and exercise facilities; physical fitness instruction and consultation; physical fitness conditioning classes; physical fitness training services providing a website featuring information on exercise and physical fitness accessible through a global computer network and mobile devices</p>
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U.S. Registration No.	5997798	Application Date	06/18/2018
Registration Date	02/25/2020	Foreign Priority Date	NONE
Word Mark	PELTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: First Use: 2018/10/00 First Use In Commerce: 2018/10/00 Heart rate monitors</p> <p>Class 021. First use: First Use: 2019/12/00 First Use In Commerce: 2019/12/00 Water bottles sold empty</p>		

Attachments	<p>86586930#TMSN.png(bytes) 86745691#TMSN.png(bytes) 88003867#TMSN.png(bytes) 85775447#TMSN.png(bytes) 88004649#TMSN.png(bytes) Notice of Opposition - PELODIO.pdf(34183 bytes)</p>
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Signature	/Leo Kittay/
Name	Leo Kittay
Date	04/07/2021

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

PELOTON INTERACTIVE, INC.,

Opposer,

-against-

HAIJUAN ZHANG,

Applicant.

NOTICE OF OPPOSITION

Peloton Interactive, Inc. (“Opposer”) believes that it will be damaged by the issuance of a registration for the mark PELODIO to Haijuan Zhang (“Applicant”) in International Class 25 as applied for in Application Serial No. 90195102 (the “Application”) and therefore opposes the same pursuant to Section 13(a) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1063(a).

As grounds therefore, Opposer alleges as follows:

1. Opposer offers and sells innovative fitness equipment, clothing, streaming instructional content and an interactive community experience under the PELOTON mark (collectively, the “PELOTON Mark”) to bring studio-style workouts to its members at home. Opposer has enjoyed remarkable success. With more than one hundred showrooms across the country, over 4.4 million members, and many millions of dollars in annual sales, Opposer and its PELOTON Mark have captured the attention of the fitness industry and achieved widespread renown.
2. Opposer has extensively used and promoted its PELOTON Mark in connection with a variety of goods and services, including clothing, fitness equipment and classes, water

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