

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86013681
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION	
MARK FILE NAME	http://tsdr.uspto.gov/img/86013681/large
LITERAL ELEMENT	ICONIC FITNESS
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR(S) CLAIMED (If applicable)	Color is not claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a lower case "i" in bold. Between the dot and passing through the body of the "i" there is an oval ring. The remaining letters "CONIC" are capitalized and bold. "FITNESS" follows "iCONIC" and has a slim font with all capital letters.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_68501639-234627034_.OAResponse-ICONICFITNSS.pdf
CONVERTED PDF FILE(S) (9 pages)	\\TICRS\EXPORT16\IMAGEOUT16\860\136\86013681\xml5\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\860\136\86013681\xml5\ROA0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\860\136\86013681\xml5\ROA0004.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\860\136\86013681\xml5\ROA0010.JPG
DESCRIPTION OF EVIDENCE FILE	arguments in response to the Section 2(d) refusal
GOODS AND/OR SERVICES SECTION (025)(no change)	
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Providing fitness and exercise in gym setting facilities: Providing assistance in personal training and physical fitness. Consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvement in their daily living; Education services, namely, providing classes, seminars and workshops in the field of fitness, wellness and exercise; Gym management services, fitness studios in gyms with members, developing fitness routines consisting of video instruction, photos and live demonstrations; Conducting fitness classes;	

Consulting services in the fields of fitness and exercise; Education services, namely, providing panel discussions in the field of exercise, fitness, wellness, and personal development; Educational services, namely, developing and conducting workouts, workshops, presentations, retreats, and personal training in right-brain fitness; Educational services, namely, providing cognitive fitness programs for seniors; Golf fitness instruction; 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 consultation; Physical fitness conditioning classes; Physical fitness instruction; Physical fitness studio services, namely, providing exercise classes, body sculpting classes, and group fitness classes; Physical fitness studio services, namely, providing group exercise instruction, equipment, and facilities; 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; 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 interactive website featuring information and links relating to fitness; Providing an on-line computer database featuring information regarding exercise and fitness before and after pregnancy; 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; Providing facilities for physical fitness training; 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 physical fitness and exercise service, namely, indoor cycling and yoga instruction; Personal training services in physical fitness

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/07/2011
FIRST USE IN COMMERCE DATE	At least as early as 07/07/2011

GOODS AND/OR SERVICES SECTION (041)(proposed)

INTERNATIONAL CLASS	041
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TRACKED TEXT DESCRIPTION

~~Providing fitness and exercise in gym setting facilities; Providing assistance in personal training and physical fitness. Consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvement in their daily living; [Physical fitness instruction, physical fitness consultation, personal training services and consultancy](#); Education services, namely, providing classes, seminars and workshops in the field of fitness, wellness and exercise; Gym management services, fitness studios in gyms with members, developing fitness routines consisting of video instruction, photos and live demonstrations; Conducting fitness classes; Consulting services in the fields of fitness and exercise; Education services, namely, providing panel discussions in the field of exercise, fitness, wellness, and personal development; Educational services, namely, developing and conducting workouts, workshops, presentations, retreats, and personal training in right-brain fitness; Educational services, namely, providing cognitive fitness programs for seniors; Golf fitness instruction; 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 consultation; Physical fitness conditioning classes; Physical fitness instruction; Physical fitness studio services, namely, providing exercise classes, body sculpting classes, and group fitness classes; Physical fitness studio services, namely, providing group exercise instruction, equipment, and facilities; 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; 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 interactive website featuring information and links relating to fitness; Providing an on-line computer database featuring information regarding exercise and fitness before and after pregnancy; 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; Providing facilities for physical fitness training; 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 physical fitness and exercise service, namely, indoor cycling and yoga instruction; Personal training services in physical fitness~~

FINAL DESCRIPTION

Physical fitness instruction, physical fitness consultation, personal training services and consultancy

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/07/2011
FIRST USE IN COMMERCE DATE	At least as early as 07/07/2011

ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use FITNESS apart from the mark as shown.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/avann/
SIGNATORY'S NAME	Antonio Vann
SIGNATORY'S POSITION	Authorized US Attorney, VA Bar Member
SIGNATORY'S PHONE NUMBER	7037777319
DATE SIGNED	05/12/2014
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon May 12 23:51:24 EDT 2014
TEAS STAMP	USPTO/ROA-XX.XX.XX.XX-201 40512235124891054-8601368 1-5007b865bd8b6452c98383f 2dd19687ef3180ab95b961e6e e7b79a44cdfcd575-N/A-N/A- 20140512234627034126

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86013681** ICONIC FITNESS (Stylized and/or with Design, see <http://tsdr.uspto.gov/img/86013681/large>) has been amended as follows:

EVIDENCE

Evidence in the nature of arguments in response to the Section 2(d) refusal has been attached.

Original PDF file:

[evi_68501639-234627034_.OAResponse-ICONICFITNSS.pdf](#)

Converted PDF file(s) (9 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Providing fitness and exercise in gym setting facilities: Providing assistance in personal training and physical fitness. Consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvement in their daily living; Education services, namely, providing classes, seminars and workshops in the field of fitness, wellness and exercise; Gym management services, fitness studios in gyms with members, developing fitness routines consisting of video instruction, photos and live demonstrations; Conducting fitness

classes; Consulting services in the fields of fitness and exercise; Education services, namely, providing panel discussions in the field of exercise, fitness, wellness, and personal development; Educational services, namely, developing and conducting workouts, workshops, presentations, retreats, and personal training in right-brain fitness; Educational services, namely, providing cognitive fitness programs for seniors; Golf fitness instruction; 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 consultation; Physical fitness conditioning classes; Physical fitness instruction; Physical fitness studio services, namely, providing exercise classes, body sculpting classes, and group fitness classes; Physical fitness studio services, namely, providing group exercise instruction, equipment, and facilities; 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; 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 interactive website featuring information and links relating to fitness; Providing an on-line computer database featuring information regarding exercise and fitness before and after pregnancy; 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; Providing facilities for physical fitness training; 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 physical fitness and exercise service, namely, indoor cycling and yoga instruction; Personal training services in physical fitness

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/07/2011 and first used in commerce at least as early as 07/07/2011, and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Providing fitness and exercise in gym setting facilities; Providing assistance in personal training and physical fitness; Consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvement in their daily living; Physical fitness instruction, physical fitness consultation, personal training services and consultancy; Education services, namely, providing classes, seminars and workshops in the field of fitness, wellness and exercise; Gym management services, fitness studios in gyms with members, developing fitness routines consisting of video instruction, photos and live demonstrations; Conducting fitness classes; Consulting services in the fields of fitness and exercise; Education services, namely, providing panel discussions in the field of exercise, fitness, wellness, and personal development; Educational services, namely, developing and conducting workouts, workshops, presentations, retreats, and personal training in right-brain fitness; Educational services, namely, providing cognitive fitness programs for seniors; Golf fitness instruction; 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 consultation; Physical fitness conditioning classes; Physical fitness instruction; Physical fitness studio services, namely, providing exercise classes, body sculpting classes, and group fitness classes; Physical fitness studio services, namely, providing group exercise instruction, equipment, and facilities; 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; 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 interactive website featuring information and links relating to fitness; Providing an on-line computer database featuring information regarding exercise and fitness before and after pregnancy; 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; Providing facilities for physical fitness training; 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 physical fitness and exercise service, namely, indoor cycling and yoga instruction; Personal training services in physical fitness~~

Class 041 for Physical fitness instruction, physical fitness consultation, personal training services and consultancy

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/07/2011 and first used in commerce at least as early as 07/07/2011, and is now in use in such commerce.

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use FITNESS apart from the mark as shown.

SIGNATURE(S)

Response Signature

Signature: /avann/ Date: 05/12/2014

Signatory's Name: Antonio Vann

Signatory's Position: Authorized US Attorney, VA Bar Member

Signatory's Phone Number: 7037777319

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86013681

Internet Transmission Date: Mon May 12 23:51:24 EDT 2014

TEAS Stamp: USPTO/ROA-XX.XX.XX.XX-201405122351248910

54-86013681-5007b865bd8b6452c98383f2dd19

687ef3180ab95b961e6ee7b79a44cdfcd575-N/A

-N/A-20140512234627034126

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