

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87647929
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87647929/large
LITERAL ELEMENT	PRO FIT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_1-98232114111-20180621161224046166_.Response.to.USPTO.Examiner.Serial_87647929.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT17\IMAGEOUT17\876\479\87647929\xml13\ROA0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\479\87647929\xml13\ROA0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\479\87647929\xml13\ROA0004.JPG
DESCRIPTION OF EVIDENCE FILE	Arguments pertaining to office action on serial # 87647929 attached
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Peter J. Tsakiris/
SIGNATORY'S NAME	Peter J. Tsakiris
SIGNATORY'S POSITION	Principal
SIGNATORY'S PHONE NUMBER	7322415448
DATE SIGNED	06/21/2018
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jun 21 16:45:04 EDT 2018
TEAS STAMP	USPTO/ROA-XX.XXX.XXX.XXX- 20180621164504569327-8764 7929-610c33591c31078adcd1 23228dcef67a264810478cbff 496663345d7f2ce6f296-N/A- N/A-20180621161224046166

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **87647929** PRO FIT(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87647929/large>) has been amended as follows:

EVIDENCE

Evidence in the nature of Arguments pertaining to office action on serial # 87647929 attached has been attached.

Original PDF file:

[evi_1-98232114111-20180621161224046166 . Response to USPTO Examiner Serial 87647929.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

SIGNATURE(S)

Response Signature

Signature: /Peter J. Tsakiris/ Date: 06/21/2018

Signatory's Name: Peter J. Tsakiris

Signatory's Position: Principal

Signatory's Phone Number: 7322415448

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder ; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 87647929

Internet Transmission Date: Thu Jun 21 16:45:04 EDT 2018

TEAS Stamp: USPTO/ROA-XX.XXX.XXX.XXX-201806211645045

69327-87647929-610c33591c31078adcd123228

dcef67a264810478cbff496663345d7f2ce6f296

-N/A-N/A-20180621161224046166

U.S. Patent and Trademark Office
Law Office 116
C/O: Examining Attorney-Sean Crowley
sean.crowley@uspto.gov
571.272.8851

Re: Serial # 87647929

June 21, 2018

Dear Mr. Crowley,

We spoke recently in regards to the office action on the “**Pro Fit**” word mark for HBC Sports Systems, LLC. Thank you for clarifying the outstanding issues on this application. This letter is to further clarify the intended meaning behind this word mark vs the initial interpretation expressed in the office action. I am not an attorney so I ask that you to please view this letter as a preliminary response.

In regards to this IC 0028 class application please consider the following:

Double Entendre

The branding strategy for the “**Pro Fit**” name can be viewed as having two levels of meaning:

1. The primary meaning is based on our vision of the brand’s identity that was derived from (2) US utility patents that are our flagship products and represent the essence of our company theme; *thoughtfully designed exercise equipment with an emphasis on maximizing floorspace efficiency*. Our target markets are home gyms and small commercial or hospitality settings.

The adverb “**Pro**” is defined as “in affirmation” (definition 1) and “**Fit**” is an abbreviation of “fitting” or “to make a place or room for” (definition 2c).

Merriam Webster dictionary definition of Pro

adverb

Definition of Pro

: on the affirmative side: in affirmation
much has been written *pro* and con

Merriam Webster dictionary definition of Fit

verb

Definition of Fit

fitted or fit; fitting

transitive verb

- 1 a: to be suitable for or to: harmonize with
b: *archaic*: to be seemly or proper for

- 2 a: to conform correctly to the shape or size of
b: to insert or adjust until correct
c: to make a place or room for: ACCOMMODATE

Patents:

U.S. Patent #7,857,733 is a stretching device designed to fit in the corner of a room. It is designed for stretching of the calf muscles and tendons of the lower legs prior to rigorous exercise.

U.S. Patent # 8,342,475 is a mounting system for a punching bag that allows a boxing or martial arts practitioner to hang a punching bag from a ceiling. It mitigates shock, motion and vibration to minimize the harsh energies generated during use as well as noise disturbance to adjacent habitable spaces. In an updated version, we have incorporated an overhead track system to the design that allows the punching bag to be stored on the perimeter of the room or a closet or cubby space. When training is desired the user simply disengages the brake and slides the bag to the desired training position. When finished, reverse the sequence and return the bag to its original position.

2. The secondary meaning of “Pro Fit” is the associated connotation (an idea or feeling that a word invokes in addition to its literal or primary meaning) from the word “Profit”, or just simply “*to derive benefit*” (definition 2) as a result of using this brand of equipment. Also, “to make a profit” (definition 3). Think “No pain...No gain” advertising campaign.

Merriam Webster dictionary definition of Profit:

verb

Definition of PROFIT

intransitive verb

1: to be of service or advantage: AVAIL

2: to derive benefit: GAIN

3: to make a profit

Highlighted below are examples of registered, previously approved applications for the **Pro Fit** mark using definition (1), applied to protective mouthpieces for sports and automotive mufflers.

There are also examples of a similar mark, **Pro Tech**, applied to medical devices and paint formulations, both of which I believe represent similar prosecution methodology.

Please let me know if the clarification provided in this response is sufficient. If not, please feel free to contact me with any questions or comments or to request further action on my part.

Thank you in advance for your consideration.

Sincerely,

Peter J. Tsakiris
Signatory/ Managing Member
HBC Sports Systems LLC
peter@hbcsportssystems.com
ph 732.241.5448

Similar marks approved under “Pro Fit”:

Word Mark	PRO-FIT
Goods and Services	IC 028. US 022. G & S: PROTECTIVE MOUTHPIECE FOR USE IN SPORTS ACTIVITIES. FIRST USE: 19620618. FIRST USE IN COMMERCE: 19620618
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73643831
Filing Date	February 9, 1987
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 9, 1987
Registration Number	1455542
Registration Date	September 1, 1987
Owner	(REGISTRANT) SAFE-T-GARD CORPORATION CORPORATION COLORADO 4975 Miller Street, Unit B Wheat Ridge COLORADO 80033
Attorney of Record	Judith Keene
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20171004.
Renewal	2ND RENEWAL 20171004
Live/Dead Indicator	LIVE

Word Mark	PRO-FIT
Goods and Services	IC 012. US 023. G & S: Mufflers for Motor Vehicle Exhaust Systems. FIRST USE: 19781212. FIRST USE IN COMMERCE: 19781212
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73237768
Filing Date	November 2, 1979
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 10, 1981
Registration Number	1153083
Registration Date	May 5, 1981
Owner	(REGISTRANT) Tenneco Inc. CORPORATION DELAWARE 108 Wilmot Rd. Deerfield ILLINOIS 60015
	(LAST LISTED OWNER) TENNECO AUTOMOTIVE OPERATING COMPANY INC. CORPORATION BY MERGER, BY ASSIGNMENT,
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Anessa Owen Kramer
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110201.
Renewal	2ND RENEWAL 20110201
Live/Dead Indicator	LIVE

Marks approved under the “Pro Tech” name.

Word Mark	PRO TECH
Goods and Services	IC 002. US 006 011 016. G & S: Architectural paints. FIRST USE: 20150611. FIRST USE IN COMMERCE: 20150611
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86424118
Filing Date	October 15, 2014
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 7, 2015
Registration Number	4847575
Registration Date	November 3, 2015
Owner	(REGISTRANT) The Sherwin-Williams Company CORPORATION OHIO 101 W. Prospect Avenue Cleveland OHIO 441151075
	(LAST LISTED OWNER) SWIMC LLC LIMITED LIABILITY COMPANY DELAWARE 101 W. PROSPECT AVENUE CLEVELAND OHIO 441151075
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Juliet P. Castrovinci
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Word Mark	PRO-TECH
Goods and Services	IC 010. US 026 039 044. G & S: Medical apparatus, namely - air flow pressure transducers, medical pressure transducers, respiratory air flow sensors, respiratory effort sensors, USE: 19980600. FIRST USE IN COMMERCE: 19980600
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76013225
Filing Date	March 29, 2000
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 13, 2001
Registration Number	2449091
Registration Date	May 8, 2001
Owner	(REGISTRANT) Pro-Tech Services, Inc. CORPORATION WASHINGTON 1001 Murry Ridge Lane Murrysville PENNSYLVANIA 15668
Attorney of Record	MICHAEL J. FOLISE
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20111110.
Renewal	1ST RENEWAL 20111110
Live/Dead Indicator	LIVE