

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

U.S. Application Serial No. 79400178

Mark: ATHELITE

Correspondence Address:
One Zero Pty Ltd

Applicant: One Zero Pty Ltd

Reference/Docket No. N/A

Correspondence Email Address:

**NONFINAL OFFICE ACTION
Notice of Provisional Full Refusal**

International Registration No. 1800151

Deadline for responding. The USPTO must receive applicant's response **within six months of the "date on which the notification was sent to WIPO (mailing date)"** located on the WIPO cover letter, or the U.S. application will be abandoned (see <https://www.uspto.gov/trademarks-application-process/abandoned-applications> for information on abandonment). To confirm the mailing date, go to the USPTO's Trademark Status and Document Retrieval (TSDR) database at <https://tsdr.uspto.gov/>, select "US Serial, Registration, or Reference No.," enter the U.S. application serial number in the blank text box, and click on "Documents." The mailing date used to calculate the response deadline is the "Create/Mail Date" of the "IB-1rst Refusal Note."

Respond to this Office action using the USPTO's Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Discussion of provisional full refusal. This is a provisional full refusal of the request for extension of protection to the United States of the international registration, known in the United States as a U.S. application based on Trademark Act Section 66(a). See 15 U.S.C. §§1141f(a), 1141h(c).

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:

- 2(d) REFUSAL
- IDENTIFICATION OF GOODS/SERVICES
- DESCRIPTION OF THE MARK
- EMAIL ADDRESS REQUIRED
- U.S. COUNSEL REQUIRED

Refusal under Section 2(d): Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 6325756 and 6674163. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Applicant's mark is ATHELITE and design for

IC 028

Sport and athletic equipment, namely basketballs, footballs, soccer balls, soccer goal nets, shin guards, chin guards, baseball mitts, baseball gloves, protective padding for athletic use; bags specially adapted for carrying sports equipment and sports balls, goalkeeper gloves; exercise equipment, namely exercise balls, exercise bands and exercise weights, foam exercise rollers; vibrating apparatus used in fitness and exercise programs to stimulate muscles and increase strength and physical performance; physical fitness equipment, namely, an exercise and training roller.

IC 035

Retail store services in the field of clothing, footwear, headwear, bags, sporting goods and accessories, eyewear, watches, software for fitness, and sensors and electronic monitoring devices incorporating microprocessors, digital display, and accelerometers; online retail ordering services by means of a global computer network featuring clothing, footwear, headwear, bags, sporting goods and accessories, eyewear, watches, software for fitness, and sensors and electronic

monitoring devices incorporating microprocessors, digital display, and accelerometers; retail services that feature computers, interactive stations and mobile devices that enable consumers to store, report, monitor, upload, download, compare, and receive recommendations regarding fitness, personal activity, statistics, and athletic performance via internet websites, computer application software, and other electronic communication networks; retail and online retail services for software, electronic devices, and footwear incorporating sensors that allow consumers to engage in virtual athletic competitions via an online website and other computer and electronic communication networks.

IC 041

Entertainment services, namely, arranging, organising and conducting an array of athletic and sports activities, events, competitions and tournaments; organising and conducting athletic programs and activities for encouraging and developing sports talent; organising and conducting youth and amateur athletic and sports programs and activities for encouraging youth and amateur sports and physical education; organising, conducting and arranging participation in cultural and community programs; organising, conducting and arranging of cultural and sports community events; entertainment services, namely, participation in cultural and sports community events; providing training in the fields of sports and fitness; providing information regarding fitness training and athletic skill development via an online website or via computer application software for smart phones and mobile devices; providing live physical exercise classes, fitness instructions, and fitness sessions; providing pre-recorded athletic sessions and fitness sessions; providing instruction in the field of athletic training, physical exercise, and physical fitness training; providing a fitness assessment and a personalised workout program based on that assessment; entertainment services, namely, contest and incentive award programs designed to reward program participants who exercise; conducting fitness classes; physical fitness conditioning classes; personal training services, namely, strength and conditioning training; fitness boot camps; providing instruction and educational information in the fields of physical rehabilitation, fitness and exercise; physical fitness instruction and demonstration in the nature of pre-recorded athletic and fitness sessions; educational services, namely, conducting seminars, conferences, and workshops in the fields of fitness, athletic training, health and wellness; publication of online journals, namely blogs featuring commentary, advice and information in the fields of health, wellness, athletic training, fitness and nutrition; entertainment services; education services; providing online non-downloadable videos in the field of physical rehabilitation and athletic, strength and fitness training for educational purposes; providing fitness and exercise facilities.

IC 042

Providing temporary use of non-downloadable computer software for tracking fitness, strength, physical recovery, health and wellness goals and statistics; providing temporary use of non-downloadable computer software for displaying,

aggregating, analysing and organising data and information in the fields of health, wellness, fitness, strength, physical rehabilitation and nutrition; providing temporary use of non-downloadable software for creating personalised fitness, strength and physical rehabilitation training programs; providing temporary use of non-downloadable software for providing personal training services, workouts, physical rehabilitation and fitness assessments; software as a service (SaaS) that enables management and tracking of participation and progress in fitness, wellness, strength, and physical therapy and rehabilitation programs; software as a service (SaaS) for use in designing, creating and analysing data, metrics and reports in the areas of health, fitness, strength, athletic training and physical therapy and rehabilitation; design and development of computer hardware and software; scientific research services; support and consultation services for developing computer systems, databases and applications; providing temporary use of web-based software applications using artificial intelligence to collect, systematise, compile, store, transmit, process and analyse data in the fields of physical therapy, rehabilitation, health and wellness; software as a service (SaaS) services featuring artificial intelligence software for making medical and physical therapy and rehabilitation recommendations and changes; software as a service services (SaaS) featuring software for analysing physical and activity data using artificial intelligence; software as a service (SaaS) services

Registered marks are:

ATHELITE in stylized form for:

IC 041

Physical fitness assessment services for sports training purposes; Sports training services; Sports training services in the field of Soccer, Football, Baseball, Softball, Volleyball, Basketball, Track and Field, Golf, Tennis, Cheer, Swimming, Lacrosse, Wrestling, Gymnastics; Sports training services in the field of fitness skills.

IC 044

Massage; Meditation therapy services; Physical fitness assessment services for medical purposes; Sports medicine services; Physical rehabilitation services for athletes through use of sports medicine and physical therapy.

ATHELITE for Exercise equipment, namely, resistance bands and foam exercise

rollers.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB1999); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999); TMEP §§1207.01*et seq.*

Similarity of the Marks

The respective marks are highly similar in appearance, sound and meaning.

When evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods and/or services. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed.Cir. 2012) (quoting *CBS Inc. v. Morrow*, 708 F.2d 1579, 1581-82, 218 USPQ 198, 200 (Fed. Cir. 1983)); *Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at *41 (TTAB 2022) (quoting *Sabhnani v. Mirage Brands, LLC*, 2021 USPQ2d 1241, at *31 (TTAB 2021)); TMEP §1207.01(c)(ii). Thus, although marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterra Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Relatedness of the Goods/Services

The applicant's services are identical to the first cited registrant with regard to the Class 41 fitness training and assessment services. The applicant's goods are also identical to the second cited registrant's goods since both are selling exercise equipment and specifically rollers. The other goods/services provided by the applicant in Classes 28, 35 and 42 are highly related to the registrant's since they are all in the field of exercise and the channels of trade for all of these goods/services would be the same.

Thus, upon encountering the marks in association with the goods/services, consumers are likely to be confused and mistakenly believe that the respective goods/services emanate from a common source.

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

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

IDENTIFICATION OF GOODS/SERVICES

The identification of goods is indefinite and must be clarified as indicated below. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

CLASS 3

The applicant must indicate that the goods are non-medicated where required in order to be properly classified. Terms like "including" are overly broad and

should be removed from the identification of goods. The applicant must indicate what the scents are.

Applicant may adopt the following identification, if accurate:

Cosmetics and **non-medicated** toiletries for cleaning and care of the skin and hair; soaps for personal use; shampoos; **non-medicated** skin cleansing preparations; **non-medicated** creams, lotions, gels, oils and powders for application to human skin for cleaning, skin care, sun protection or cosmetic purposes; massage oil; sunscreen preparations; **non-medicated** toiletries, namely, tooth cleaning preparations and mouthwash; cosmetics, **namely**, creams, lotions and astringents; **non-medicated** cosmetic preparations for the mouth and teeth; **non-medicated** bath salts; **non-medicated** cosmetic preparations for addition to bath water; oils for cosmetic purposes; **perfumes and scents in the nature of scented oil and body sprays**; hair care products in the form of conditioners, lotions, gels, mousses, creams and spray; tissues impregnated with cosmetic preparations and with **non-medicated** compounds for personal hygiene; body cream; skin lotion." International Class 3.

CLASS 5

The applicant must clarify what the pharmaceutical products and preparations are used to treat.

The applicant may adopt the following if accurate:

"Dietary supplements including in the form of tablets and capsules; dietary nutritional supplements including in the form of tablets and capsules; dietary food supplements; herbal dietary supplements including in the form of tablets and capsules; mineral dietary supplements for humans including in the form of tablets and capsules; nutritional supplements including in the form of tablets and capsules; nutritional supplements for medical use including in the form of tablets and capsules; vitamin supplements including in the form of tablets and capsules; vitamins including in the form of tablets and capsules; **pharmaceutical products, namely, pharmaceutical preparations in the form of tablets**

and capsules for use in _____ [specify use, e.g. dermatology]; pharmaceutical preparations for health care, namely herbal based preparations for use in _____ [specify use, e.g. treating allergies]; pharmaceutical preparations for topical use, namely herbal creams and sprays for medical use in treating skin conditions." International Class 5.

CLASS 9

The applicant must clarify that any software is downloadable or recorded in order to be in Class 9. The function and field of all software must be clearly stated. The applicant must indicate what the sensors are gathering data for.

The applicant may adopt the following if accurate:

"Voice controlled smart audio hub using artificial intelligence comprised of voice-activated speakers, computer hardware and **recorded** software for controlling networked devices in the internet of things (IoT) for use in collecting, processing and transmitting physical fitness and healthcare data and information; downloadable software in the nature of mobile applications for analysing physical fitness and activity data using artificial intelligence; **downloadable** software using artificial intelligence for interacting with users in the fields of healthcare, preventative health, physical fitness and rehabilitation and nutrition **for the purpose of** ___(indicate the function of the software); personal electronic devices used to track fitness and rehabilitation goals and statistics; portable digital electronic devices for recording, organising, transmitting, manipulating, reviewing and receiving text, data and digital files; wearable electronic devices that are comprised of **recorded** software that communicates data to mobile electronic devices and computers **for the purpose of** ___(indicate function); computer peripheral devices; computers; sensors for scientific use to be worn by a human to gather data ___(indicate field or use); **downloadable** software for alerts, messages, emails, and reminders and for recording, organising, transmitting, manipulating, reviewing and receiving text, data, audio, image and digital files screens; **downloadable computer application software for smartphones and mobile devices for** ___(indicate function) **in the fields of fitness and exercise featuring personal training services, coaching, workouts and fitness assessments;** **downloadable** mobile application software for creating personalised fitness training programs; **downloadable** computer application software for smartphones and mobile devices to support corporate wellness programs, **namely, software for** ___(indicate the function of the software); computer hardware; **downloadable** computer software for ___(indicate the function of the software) in the field of ___(indicate field of use);

downloadable computer application software for mobile devices for _____ (**indicate the function and field of the software**); downloadable computer software and downloadable mobile applications using artificial intelligence for use in medical treatment, diagnosis and improvement of health and wellness." International Class 9.

CLASS 10

The identification of goods is acceptable as listed.

CLASS 14

The applicant must clarify the nature of the key fobs so they may be properly classified.

The applicant may adopt the following if accurate:

"Watches and chronographs; horological instruments; jewellery; lapel pins; **decorative** key fobs; key rings." International Class 14.

CLASS 18

The applicant must clarify the nature of the portfolios so they may be properly classified. The applicant must indicate that the cosmetic and toiletry bags are sold empty.

The applicant may adopt the following if accurate:

"Bags, namely, all-purpose sports bags, tote bags, duffle bags, messenger bags, backpacks, pouches for carrying school materials, drawstring pouches, waist packs, purses, umbrellas, luggage, wallets, **briefcase-type** portfolios, cosmetic

and toiletry bags **sold empty.**" International Class 18.

CLASS 25

The applicant must indicate the type of clothing and headgear by common commercial name and list out each item.

The applicant may adopt the following:

"Clothing, namely, _____(indicate each item, e.g. shirts, pants, etc.); headwear; footwear." International Class 25.

CLASS 27

The identification of goods is acceptable as listed.

CLASS 28

The applicant should indicate the various guards are for athletic use.

Applicant may adopt the following identification, if accurate:

"Sport and athletic equipment, namely basketballs, footballs, soccer balls, soccer goal nets; **guards for athletic use, namely**, shin guards and chin guards; baseball mitts, baseball gloves, protective padding for athletic use; bags specially adapted for carrying sports equipment and sports balls; goalkeeper gloves; exercise equipment, namely exercise balls, exercise bands and exercise weights, foam exercise rollers; vibrating apparatus used in fitness and exercise programs to stimulate muscles and increase strength and physical performance; physical

fitness equipment, namely, an exercise and training roller." International Class 28.

CLASS 35

The applicant must clarify the nature of the retail services.

The applicant may adopt the following:

"Retail store services **featuring** clothing, footwear, headwear, bags, sporting goods and accessories, eyewear, watches, software for fitness, and sensors and electronic monitoring devices incorporating microprocessors, digital display, and accelerometers; online retail ordering services by means of a global computer network featuring clothing, footwear, headwear, bags, sporting goods and accessories, eyewear, watches, software for fitness, and sensors and electronic monitoring devices incorporating microprocessors, digital display, and accelerometers; retail **store** services featuring computers, interactive stations and mobile devices that enable consumers to store, report, monitor, upload, download, compare, and receive recommendations regarding fitness, personal activity, statistics, and athletic performance via internet websites, computer application software, and other electronic communication networks; retail and online retail **store** services **featuring** software, electronic devices, and footwear incorporating sensors that allow consumers to engage in virtual athletic competitions via an online website and other computer and electronic communication networks." International Class 35.

CLASS 41

The applicant must clarify what the "...participation in cultural and sports community events" refers to. Participating in an event is not a separate service. The applicant must indicate the nature of the prerecorded fitness session this could include goods/services in other classes. Fitness assessment services are classified by the purpose. If they are for sports training they are in Class 41. If for medical purposes they are in Class 44 which cannot be added. Information in the field of physical rehabilitation is in Class 44 and not 41. "Entertainment services" and "education services" are overly broad by themselves. The applicant must clarify these services by common commercial name.

The applicant may adopt the following if accurate:

Entertainment services, namely, arranging, organising and conducting an array of athletic and sports activities, events, competitions and tournaments; organising and conducting athletic programs and activities for encouraging and developing sports talent; organising and conducting youth and amateur athletic and sports programs and activities for encouraging youth and amateur sports and physical education; organising, conducting and arranging participation in cultural and community programs; organising, conducting and arranging of cultural and sports community events; **Encouraging participation in cheerleading, dance and spirit-related competitions and events by establishing rules and providing governance for the competitions and events**; providing training in the fields of sports and fitness; providing information regarding fitness training and athletic skill development via an online website or via computer application software for smart phones and mobile devices; providing live physical exercise classes, fitness instructions, and fitness sessions; **providing on-line non-downloadable pre-recorded instruction in the field of fitness**; providing instruction in the field of athletic training, physical exercise, and physical fitness training; **Physical fitness assessment services for sports training purposes that features personalized workout programs**; entertainment services, namely, contest and incentive award programs designed to reward program participants who exercise; conducting fitness classes; physical fitness conditioning classes; personal training services, namely, strength and conditioning training; fitness boot camps; providing instruction and educational information in the fields of **physical fitness and exercise**; educational services, namely, conducting seminars, conferences, and workshops in the fields of fitness, athletic training, health and wellness; publication of online journals, namely blogs featuring commentary, advice and information in the fields of health, wellness, athletic training, fitness and nutrition; providing online non-downloadable videos in the field of physical rehabilitation and athletic, strength and fitness training for educational purposes; providing fitness and exercise facilities." International Class 41.

CLASS 42

The applicant must provide the function and field of all on-line software and must clarify the nature of all of the software including the Saas. The consultation and support services must be clarified as well.

The applicant may adopt the following if accurate:

"Providing temporary use of **on-line** non-downloadable computer software for tracking fitness, strength, physical recovery, health and wellness goals and statistics; providing temporary use of **on-line** non-downloadable computer software for displaying, aggregating, analysing and organising data and information in the fields of health, wellness, fitness, strength, physical rehabilitation and nutrition; providing temporary use of **on-line** non-downloadable software for creating personalised fitness, strength and physical rehabilitation training programs; providing temporary use of **on-line** non-downloadable software for providing personal training services, workouts, physical rehabilitation and fitness assessments; software as a service (SaaS) **featuring software** that enables management and tracking of participation and progress in fitness, wellness, strength, and physical therapy and rehabilitation programs; software as a service (SaaS) **featuring software for** use in designing, creating and analysing data, metrics and reports in the areas of health, fitness, strength, athletic training and physical therapy and rehabilitation; design and development of computer hardware and software; scientific research services; **Consultation in the field of computer software system development; Consultation in the field of computer database and application development;** providing temporary use of **on-line non-downloadable** web-based software applications using artificial intelligence to collect, systematise, compile, store, transmit, process and analyse data in the fields of physical therapy, rehabilitation, health and wellness; software as a service (SaaS) featuring artificial intelligence software for making medical and physical therapy and rehabilitation recommendations and changes; software as a service services (SaaS) featuring software for analysing physical and activity data using artificial intelligence." International Class 42.

Applicant may amend the identification 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. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual*. See TMEP §1402.04.

MARK DESCRIPTION REQUIRED

Applicant must submit a description of the mark. 37 C.F.R. §2.37; *see* TMEP §§808.01, 808.02. Applications for marks not in standard characters must include an accurate and concise description of the entire mark that identifies all the literal and design elements. *See* 37 C.F.R. §2.37; TMEP §§808 *et seq.* In this case, the drawing of the mark is not in standard characters.

The following description is suggested, if accurate: **The mark consists of the stylized term ATHELITE to the right of a design _____ (applicant should describe the design by its elements and/or what if anything it is designed to represent).**

EMAIL ADDRESS REQUIRED

Email address required. Applicant must provide applicant's email address, which is a requirement for a complete application. *See* 37 C.F.R. §2.32(a)(2); TMEP §803.05(b). This email address cannot be identical to the primary correspondence email address of a U.S.-licensed attorney retained to represent applicant in this application. *See* TMEP §803.05(b).

U.S. COUNSEL REQUIRED

Applicant is required to be represented by a U.S.-licensed attorney to respond to or appeal the provisional refusal because applicant's domicile is located outside of the United States and applicant does not appear to be represented by a qualified U.S. attorney. 37 C.F.R. §2.11(a); TMEP §601.01(a). An applicant whose domicile is located outside of the United States or its territories must be represented by an attorney who is an active member in

good standing of the bar of the highest court of a U.S. state or territory. 37 C.F.R. §2.11(a); TMEP §§601, 601.01(a). In this case, applicant's domicile is identified in the application as outside of the United States or its territories. For more information, see the U.S. Counsel webpage at <https://www.uspto.gov/trademark/laws-regulations/trademark-rule-requires-foreign-applicants-and-registrants-have-us> and Hiring a U.S.-licensed trademark attorney webpage at <https://www.uspto.gov/trademarks-getting-started/why-hire-private-trademark-attorney>.

To appoint a U.S.-licensed attorney in this application, applicant should submit a completed Trademark Electronic Application System (TEAS) Change Address or Representation form at <https://teas.uspto.gov/ccr/car>. The newly-appointed attorney must submit a TEAS Response to Examining Attorney Office Action form at <https://teas.uspto.gov/office/roa/> indicating that an appointment of attorney has been made and address all other refusals or requirements in this action. Alternatively, if applicant retains an attorney before filing the response, the attorney can respond to this Office action by using the appropriate TEAS response form and provide his or her attorney information in the form and sign it as applicant's attorney. See 37 C.F.R. §2.17(b)(1)(ii); TMEP §604.01.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

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

/Rebecca Smith/
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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.

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Applicant's mark is ATHELITE and design for

IC 028

Sport and athletic equipment, namely basketballs, footballs, soccer balls, soccer goal nets, shin guards, chin guards, baseball mitts, baseball gloves, protective padding for athletic use; bags specially adapted for carrying sports equipment and sports balls, goalkeeper gloves; exercise equipment, namely exercise balls, exercise bands and exercise weights, foam exercise rollers; vibrating apparatus used in fitness and exercise programs to stimulate muscles and increase strength and physical performance; physical fitness equipment, namely, an exercise and training roller.

IC 035

Retail store services in the field of clothing, footwear, headwear, bags, sporting goods and accessories, eyewear, watches, software for fitness, and sensors and electronic monitoring devices incorporating microprocessors, digital display, and accelerometers; online retail ordering services by means of a global computer network featuring clothing, footwear, headwear, bags, sporting goods and accessories, eyewear, watches, software for fitness, and sensors and electronic monitoring devices incorporating microprocessors, digital display, and accelerometers; retail services that feature computers, interactive stations and mobile devices that enable consumers to store, report, monitor, upload, download, compare, and receive recommendations regarding fitness, personal activity, statistics, and athletic performance via internet websites, computer application software, and other electronic communication networks; retail and online retail services for software, electronic devices, and footwear incorporating sensors that allow consumers to engage in virtual athletic competitions via an online website and other computer and electronic communication networks.

IC 041

Entertainment services, namely, arranging, organising and conducting an array of athletic and sports activities, events, competitions and tournaments; organising and conducting athletic programs and activities for encouraging and developing sports talent; organising and conducting youth and amateur athletic and sports programs and activities for encouraging youth and amateur sports and physical education; organising, conducting and arranging participation in cultural and community programs; organising, conducting and arranging of cultural and sports community events; entertainment services, namely, participation in cultural and sports community events; providing training in the fields of sports and fitness; providing information regarding fitness training and athletic skill development via an online website or via computer application software for smart phones and mobile devices; providing live physical exercise classes, fitness instructions, and fitness sessions; providing pre-recorded athletic sessions and fitness sessions; providing instruction in the field of athletic training, physical exercise, and physical fitness training; providing a fitness assessment and a personalised workout program based on that assessment; entertainment services, namely, contest and incentive award programs designed to reward program participants who exercise; conducting fitness classes; physical fitness conditioning classes; personal training services, namely, strength and conditioning training; fitness boot camps; providing instruction and educational information in the fields of physical rehabilitation, fitness and exercise; physical fitness instruction and demonstration in the nature of pre-recorded athletic and

fitness sessions; educational services, namely, conducting seminars, conferences, and workshops in the fields of fitness, athletic training, health and wellness; publication of online journals, namely blogs featuring commentary, advice and information in the fields of health, wellness, athletic training, fitness and nutrition; entertainment services; education services; providing online non-downloadable videos in the field of physical rehabilitation and athletic, strength and fitness training for educational purposes; providing fitness and exercise facilities.

IC 042

Providing temporary use of non-downloadable computer software for tracking fitness, strength, physical recovery, health and wellness goals and statistics; providing temporary use of non-downloadable computer software for displaying, aggregating, analysing and organising data and information in the fields of health, wellness, fitness, strength, physical rehabilitation and nutrition; providing temporary use of non-downloadable software for creating personalised fitness, strength and physical rehabilitation training programs; providing temporary use of non-downloadable software for providing personal training services, workouts, physical rehabilitation and fitness assessments; software as a service (SaaS) that enables management and tracking of participation and progress in fitness, wellness, strength, and physical therapy and rehabilitation programs; software as a service (SaaS) for use in designing, creating and analysing data, metrics and reports in the areas of health, fitness, strength, athletic training and physical therapy and rehabilitation; design and development of computer hardware and software; scientific research services; support and consultation services for developing computer systems, databases and applications; providing temporary use of web-based software applications using artificial intelligence to collect, systematise, compile, store, transmit, process and analyse data in the fields of physical therapy, rehabilitation, health and wellness; software as a service (SaaS) services featuring artificial intelligence software for making medical and physical therapy and rehabilitation recommendations and changes; software as a service services (SaaS) featuring software for analysing physical and activity data using artificial intelligence; software as a service (SaaS) services

Registered marks are:

ATHELITE in stylized form for:

IC 041

Physical fitness assessment services for sports training purposes; Sports training services; Sports training services in the field of Soccer, Football, Baseball, Softball, Volleyball, Basketball, Track and Field, Golf, Tennis, Cheer, Swimming, Lacrosse, Wrestling, Gymnastics; Sports training services in the field of fitness skills.

IC 044

Massage; Meditation therapy services; Physical fitness assessment services for medical purposes; Sports medicine services; Physical rehabilitation services for athletes through use of sports medicine and physical therapy.

ATHELITE for Exercise equipment, namely, resistance bands and foam exercise rollers.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark

that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). See TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. See *In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999); TMEP §§1207.01 *et seq.*

Similarity of the Marks

The respective marks are highly similar in appearance, sound and meaning. When evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods and/or services. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *CBS Inc. v. Morrow*, 708 F.2d 1579, 1581-82, 218 USPQ 198, 200 (Fed. Cir. 1983)); *Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at *41 (TTAB 2022) (quoting *Sabhnani v. Mirage Brands, LLC*, 2021 USPQ2d 1241, at *31 (TTAB 2021)); TMEP §1207.01(c)(ii). Thus, although marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterra Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Relatedness of the Goods/Services

The applicant's services are identical to the first cited registrant with regard to the Class 41 fitness training and assessment services. The applicant's goods are also identical to the second cited registrant's goods since both are selling exercise equipment and specifically rollers. The other goods/services provided by the applicant in Classes 28, 35 and 42 are highly related to the registrant's since they are all in the field of exercise and the channels of trade for all of these goods/ services would be the same.

Thus, upon encountering the marks in association with the goods/services, consumers are likely to be confused and mistakenly believe that the respective goods/services emanate from a common source.

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

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

IDENTIFICATION OF GOODS/SERVICES

The identification of goods is indefinite and must be clarified as indicated below. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

CLASS 3

The applicant must indicate that the goods are non-medicated where required in order to be properly classified. Terms like "including" are overly broad and should be removed from the identification of goods. The applicant must indicate what the scents are.

Applicant may adopt the following identification, if accurate:

Cosmetics and **non-medicated** toiletries for cleaning and care of the skin and hair; soaps for personal use; shampoos; **non-medicated** skin cleansing preparations; **non-medicated** creams, lotions, gels, oils and powders for application to human skin for cleaning, skin care, sun protection or cosmetic purposes; massage oil; sunscreen preparations; **non-medicated** toiletries, namely, tooth cleaning preparations and mouthwash; cosmetics, **namely**, creams, lotions and astringents; **non-medicated** cosmetic preparations for the mouth and teeth; **non-medicated** bath salts; **non-medicated** cosmetic preparations for addition to bath water; oils for cosmetic purposes; **perfumes and scents in the nature of scented oil and body sprays**; hair care products in the form of conditioners, lotions, gels, mousses, creams and spray; tissues impregnated with cosmetic preparations and with **non-medicated** compounds for personal hygiene; body cream; skin lotion." International Class 3.

CLASS 5

The applicant must clarify what the pharmaceutical products and preparations are used to treat.

The applicant may adopt the following if accurate:

"Dietary supplements including in the form of tablets and capsules; dietary nutritional supplements including in the form of tablets and capsules; dietary food supplements; herbal dietary supplements including in the form of tablets and capsules; mineral dietary supplements for humans including in the form of tablets and capsules; nutritional supplements including in the form of tablets and capsules; nutritional supplements for medical use including in the form of tablets and capsules; vitamin supplements including in the form of tablets and capsules; vitamins including in the form of tablets and capsules; **pharmaceutical products, namely, pharmaceutical preparations in the form of tablets and capsules for use in _____ [specify use, e.g. dermatology]; pharmaceutical preparations for health care, namely herbal based preparations for use in _____ [specify use, e.g. treating allergies]; pharmaceutical preparations for topical use, namely herbal creams and sprays for medical use in treating skin conditions.**" International Class 5.

CLASS 9

The applicant must clarify that any software is downloadable or recorded in order to be in Class 9. The function and field of all software must be clearly stated. The applicant must indicate what the sensors are gathering data for.

The applicant may adopt the following if accurate:

"Voice controlled smart audio hub using artificial intelligence comprised of voice-activated speakers, computer hardware and **recorded** software for controlling networked devices in the internet of things (IoT) for use in collecting, processing and transmitting physical fitness and healthcare data and information; downloadable software in the nature of mobile applications for analysing physical fitness and activity data using artificial intelligence; **downloadable** software using artificial intelligence for interacting with users in the fields of healthcare, preventative health, physical fitness and rehabilitation and nutrition **for the purpose of ___(indicate the function of the software)**; personal electronic devices used to track fitness and rehabilitation goals and statistics; portable digital electronic devices for recording, organising, transmitting, manipulating, reviewing and receiving text, data and digital files; wearable electronic devices that are comprised of **recorded** software that communicates data to mobile electronic devices and computers **for the purpose of ___(indicate function)**; computer peripheral devices; computers; sensors for scientific use to be worn by a human to gather data ___(indicate field or use); **downloadable** software for alerts, messages, emails, and reminders and for recording, organising, transmitting, manipulating, reviewing and receiving text, data, audio, image and digital files screens; **downloadable computer application software for smartphones and mobile devices for ___(indicate function) in the fields of fitness and exercise featuring personal training services, coaching, workouts and fitness assessments**; **downloadable** mobile application software for creating personalised fitness training programs; **downloadable** computer application software for smartphones and mobile devices to support corporate wellness programs, **namely, software for ___(indicate the function of the software)**; computer hardware; **downloadable** computer software for ___(indicate the function of the software) in the field of ___(indicate field of use); **downloadable** computer application software for mobile devices **for _____(indicate the function and field of the software)**; downloadable computer software and downloadable mobile applications using artificial intelligence for use in medical treatment, diagnosis and improvement of health and wellness." International Class 9.

CLASS 10

The identification of goods is acceptable as listed.

CLASS 14

The applicant must clarify the nature of the key fobs so they may be properly classified.

The applicant may adopt the following if accurate:

"Watches and chronographs; horological instruments; jewellery; lapel pins; **decorative** key fobs; key rings." International Class 14.

CLASS 18

The applicant must clarify the nature of the portfolios so they may be properly classified. The applicant must indicate that the cosmetic and toiletry bags are sold empty.

The applicant may adopt the following if accurate:

"Bags, namely, all-purpose sports bags, tote bags, duffle bags, messenger bags, backpacks, pouches for carrying school materials, drawstring pouches, waist packs, purses, umbrellas, luggage, wallets, **briefcase-type** portfolios, cosmetic and toiletry bags **sold empty.**" International Class 18.

CLASS 25

The applicant must indicate the type of clothing and headgear by common commercial name and list out each item.

The applicant may adopt the following:

"Clothing, namely, _____(indicate each item, e.g. shirts, pants, etc.); headwear; footwear." International Class 25.

CLASS 27

The identification of goods is acceptable as listed.

CLASS 28

The applicant should indicate the various guards are for athletic use.

Applicant may adopt the following identification, if accurate:

"Sport and athletic equipment, namely basketballs, footballs, soccer balls, soccer goal nets; **guards for athletic use, namely**, shin guards and chin guards; baseball mitts, baseball gloves, protective padding for athletic use; bags specially adapted for carrying sports equipment and sports balls; goalkeeper gloves; exercise equipment, namely exercise balls, exercise bands and exercise weights, foam exercise rollers; vibrating apparatus used in fitness and exercise programs to stimulate muscles and increase strength and physical performance; physical fitness equipment, namely, an exercise and training roller." International Class 28.

CLASS 35

The applicant must clarify the nature of the retail services.

The applicant may adopt the following:

"Retail store services **featuring** clothing, footwear, headwear, bags, sporting goods and accessories, eyewear, watches, software for fitness, and sensors and electronic monitoring devices incorporating microprocessors, digital display, and accelerometers; online retail ordering services by means of a global computer network featuring clothing, footwear, headwear, bags, sporting goods and accessories, eyewear, watches, software for fitness, and sensors and electronic monitoring devices incorporating microprocessors, digital display, and accelerometers; retail **store** services featuring computers, interactive stations and mobile devices that enable consumers to store, report, monitor, upload,

download, compare, and receive recommendations regarding fitness, personal activity, statistics, and athletic performance via internet websites, computer application software, and other electronic communication networks; retail and online retail **store** services **featuring** software, electronic devices, and footwear incorporating sensors that allow consumers to engage in virtual athletic competitions via an online website and other computer and electronic communication networks." International Class 35.

CLASS 41

The applicant must clarify what the "...participation in cultural and sports community events" refers to. Participating in an event is not a separate service. The applicant must indicate the nature of the prerecorded fitness session this could include goods/services in other classes. Fitness assessment services are classified by the purpose. If they are for sports training they are in Class 41. If for medical purposes they are in Class 44 which cannot be added. Information in the field of physical rehabilitation is in Class 44 and not 41. "Entertainment services" and "education services" are overly broad by themselves. The applicant must clarify these services by common commercial name.

The applicant may adopt the following if accurate:

Entertainment services, namely, arranging, organising and conducting an array of athletic and sports activities, events, competitions and tournaments; organising and conducting athletic programs and activities for encouraging and developing sports talent; organising and conducting youth and amateur athletic and sports programs and activities for encouraging youth and amateur sports and physical education; organising, conducting and arranging participation in cultural and community programs; organising, conducting and arranging of cultural and sports community events; **Encouraging participation in cheerleading, dance and spirit-related competitions and events by establishing rules and providing governance for the competitions and events;** providing training in the fields of sports and fitness; providing information regarding fitness training and athletic skill development via an online website or via computer application software for smart phones and mobile devices; providing live physical exercise classes, fitness instructions, and fitness sessions; **providing on-line non-downloadable pre-recorded instruction in the field of fitness;** providing instruction in the field of athletic training, physical exercise, and physical fitness training; **Physical fitness assessment services for sports training purposes that features personalized workout programs;** entertainment services, namely, contest and incentive award programs designed to reward program participants who exercise; conducting fitness classes; physical fitness conditioning classes; personal training services, namely, strength and conditioning training; fitness boot camps; providing instruction and educational information in the fields of **physical fitness and exercise;** educational services, namely, conducting seminars, conferences, and workshops in the fields of fitness, athletic training, health and wellness; publication of online journals, namely blogs featuring commentary, advice and information in the fields of health, wellness, athletic training, fitness and nutrition; providing online non-downloadable videos in the field of physical rehabilitation and athletic, strength and fitness training for educational purposes; providing fitness and exercise facilities." International Class 41.

CLASS 42

The applicant must provide the function and field of all on-line software and must clarify the nature of all of the software including the Saas. The consultation and support services must be clarified as well.

The applicant may adopt the following if accurate:

"Providing temporary use of **on-line** non-downloadable computer software for tracking fitness, strength, physical recovery, health and wellness goals and statistics; providing temporary use of **on-line** non-downloadable computer software for displaying, aggregating, analysing and organising data and information in the fields of health, wellness, fitness, strength, physical rehabilitation and nutrition; providing temporary use of **on-line** non-downloadable software for creating personalised fitness, strength and physical rehabilitation training programs; providing temporary use of **on-line** non-downloadable software for providing personal training services, workouts, physical rehabilitation and fitness assessments; software as a service (SaaS) **featuring software** that enables management and tracking of participation and progress in fitness, wellness, strength, and physical therapy and rehabilitation programs; software as a service (SaaS) **featuring software for use in designing, creating and analysing data, metrics and reports in the areas of health, fitness, strength, athletic training and physical therapy and rehabilitation**; design and development of computer hardware and software; scientific research services; **Consultation in the field of computer software system development; Consultation in the field of computer database and application development**; providing temporary use of **on-line non-downloadable** web-based software applications using artificial intelligence to collect, systematise, compile, store, transmit, process and analyse data in the fields of physical therapy, rehabilitation, health and wellness; software as a service (SaaS) featuring artificial intelligence software for making medical and physical therapy and rehabilitation recommendations and changes; software as a service services (SaaS) featuring software for analysing physical and activity data using artificial intelligence." International Class 42.

Applicant may amend the identification 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. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual*. *See* TMEP §1402.04.

MARK DESCRIPTION REQUIRED

Applicant must submit a description of the mark. 37 C.F.R. §2.37; *see* TMEP §§808.01, 808.02. Applications for marks not in standard characters must include an accurate and concise description of the entire mark that identifies all the literal and design elements. *See* 37 C.F.R. §2.37; TMEP §§808 *et seq.* In this case, the drawing of the mark is not in standard characters.

The following description is suggested, if accurate: **The mark consists of the stylized term ATHELITE to the right of a design _____ (applicant should describe the design by its elements and/or what if anything it is designed to represent).**

EMAIL ADDRESS REQUIRED

Email address required. Applicant must provide applicant's email address, which is a requirement for a complete application. *See* 37 C.F.R. §2.32(a)(2); TMEP §803.05(b). This email address cannot be identical to the primary correspondence email address of a U.S.-licensed attorney retained to represent applicant in this application. *See* TMEP §803.05(b).

U.S. COUNSEL REQUIRED

Applicant is required to be represented by a U.S.-licensed attorney to respond to or appeal the provisional refusal because applicant's domicile is located outside of the United States and applicant does not appear to be represented by a qualified U.S. attorney. 37 C.F.R. §2.11(a); TMEP §601.01(a). An applicant whose domicile is located outside of the United States or its territories must be represented by an attorney who is an active member in good standing of the bar of the highest court of a U.S. state or territory. 37 C.F.R. §2.11(a); TMEP §§601, 601.01(a). In this case, applicant's domicile is identified in the application as outside of the United States or its territories. For more information, see the U.S. Counsel webpage at <https://www.uspto.gov/trademark/laws-regulations/trademark-rule-requires-foreign-applicants-and-registrants-have-us> and Hiring a U.S.-licensed trademark attorney webpage at <https://www.uspto.gov/trademarks-getting-started/why-hire-private-trademark-attorney>.

To appoint a U.S.-licensed attorney in this application, applicant should submit a completed Trademark Electronic Application System (TEAS) Change Address or Representation form at <https://teas.uspto.gov/ccr/car>. The newly-appointed attorney must submit a TEAS Response to Examining Attorney Office Action form at <https://teas.uspto.gov/office/roa/> indicating that an appointment of attorney has been made and address all other refusals or requirements in this action. Alternatively, if applicant retains an attorney before filing the response, the attorney can respond to this Office action by using the appropriate TEAS response form and provide his or her attorney information in the form and sign it as applicant's attorney. *See* 37 C.F.R. §2.17(b)(1)(ii); TMEP §604.01.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

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

/Rebecca Smith/
Rebecca Smith
Examining Attorney
LO110--LAW OFFICE 110
(571) 272-9223
Rebecca.Smith6@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.

6674163

ATHELITE

| | |
|-----------------------|--|
| Word Mark | ATHELITE |
| Goods/Services | IC 028 US 038 050 022 023 Exercise equipment, namely, resistance bands and foam exercise rollers. |
| Register | PRINCIPAL |
| Serial Number | 90976499 |
| Filing Date | 2020-06-23T00:00:00 |
| Original Filing Basis | 1b |
| Current Filing Basis | 1a |
| Publication Date | 2020-12-22 |
| Registration Number | 6674163 |
| Date Registered | 2022-03-15 |
| Owner | (REGISTRANT) Athelite, LLC (LIMITED LIABILITY COMPANY; GEORGIA, USA); Unit 922932, 5600 Spalding Dr., Norcross, GEORGIA 30010, UNITED STATES |
| Type of Mark | TRADEMARK |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Live Dead Indicator | LIVE |
| Status | REGISTERED |
| Attorney of Record | David M. Lilienfeld |

Print: December 17, 2024 12:55 PM

6325756



Word Mark

ATHELITE

IC 035 US 102 100 101

Career advancement consulting services in the field of sports; Career planning services; Sports recruiting services for high school athletes; Sports recruiting services for high school athletes; Sports recruiting services for middle school, high school and college students; Talent recruiting services in the field of sports.

Goods/Services

IC 041 US 100 101 107

Physical fitness assessment services for sports training purposes; Sports training services; Sports training services in the field of Soccer, Football, Baseball, Softball, Volleyball, Basketball, Track and Field, Golf, Tennis, Cheer, Swimming, Lacrosse, Wrestling, Gymnastics; Sports training services in the field of fitness skills.

IC 044 US 100 101

Massage; Meditation therapy services; Physical fitness assessment services for medical purposes; Sports medicine services; Physical rehabilitation services for athletes through use of sports medicine and physical therapy.

Register

PRINCIPAL

Serial Number

90090407

Filing Date

2020-08-03T00:00:00

Original Filing Basis

1a

Current Filing Basis

1a

Publication Date

2021-02-02

Registration Number

6325756

Date Registered

2021-04-20

Owner

(REGISTRANT) Add & Multiply LLC (LIMITED LIABILITY COMPANY);

OKLAHOMA, USA); 3661 South Elm Place, Broken Arrow, OKLAHOMA
74011, UNITED STATES

| | |
|---------------------|--|
| Type of Mark | SERVICE MARK |
| Mark Drawing Code | (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM |
| Description of Mark | The mark consists of the stylized drawing of "ATHELITE". |
| Live Dead Indicator | LIVE |
| Status | REGISTERED |
| Attorney of Record | Elizabeth Oliner |

Print: December 17, 2024 12:55 PM