



TEN SOUTH WACKER DRIVE
CHICAGO IL 60606-7407



TEL: 312.463.5000
FAX: 312.463.5001
www.bannerwitcoff.com

HELEN HILL MINSKER
DIRECT DIAL: (312) 463-5485
HMINSKER@BANNERWITCOFF.COM

September 22, 2014



**VIA E-MAIL TO Daniel@turnpikelaw.com
CONFIRMATION COPY VIA FEDERAL EXPRESS**


Daniel Lustig
Pike & Lustig, LLP – Turnpike Law
2465 Mercer Avenue, Suite 204
West Palm Beach, Florida 33401

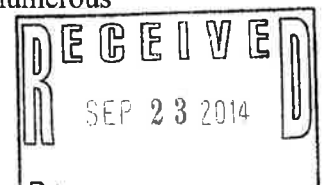
Re:  (SN 86/137,841)
 (SN 86/157,625)

Dear Mr. Lustig:



We represent NIKE, Inc. (“NIKE”) in connection with its intellectual property matters. It has come to our attention that your client, Palm Beach Crossfit, Inc., DBA Crossfit CityPlace (“Palm Beach Crossfit”), has filed two trademark applications seeking





registration of “” and “” respectively, including U.S. Serial No. 86/137,841 for athletic training services in International Class 41 and U.S. Serial No. 86/157,625 for various clothing items in International Class 25. Application Serial No. 86/137,841 was published for opposition on May 27, 2014 and currently has an opposition deadline of September 24, 2014, and Application Serial No. 86/157,625 was published for opposition on August 12, 2014 and currently has an opposition deadline of October 11, 2014.

As you are probably aware, NIKE is the owner of the trademark [®] (hereinafter the “JUMPMAN DESIGN”) and has used its mark on a variety of apparel and other products since at least as early as 1987. NIKE is also the owner of numerous



federal trademark registrations for the JUMPMAN DESIGN mark (U.S. Registration Nos. 1,742,019, 1,558,100 and 3,428,287). As a result of NIKE's very lengthy and extensive use, the JUMPMAN DESIGN trademark has come to be recognized as a source identifier for the high quality products and services originating exclusively from NIKE. Further, NIKE's trademark has become "famous" not only for purposes of assessing likelihood of confusion, but also under the higher standard for determining dilution. Marks that are famous enjoy a wide range of protection under trademark law, and the similarity of marks necessary to support a conclusion of likely confusion declines. *See, e.g., Bose Corp. v. QSC Audio Products Inc.*, 63 USPQ2d 1303, 1305 (Fed. Cir. 2002).

Palm Beach Crossfit's registration and use of " " and " " for the goods and services recited in its applications conflicts with NIKE's rights in JUMPMAN DESIGN resulting in both a likelihood of confusion and dilution, in violation of federal and state trademark laws.

Accordingly, NIKE requests that Palm Beach Crossfit withdraw its two applications to register " " and " " (Serial Nos. 86/137,841 and 86/157,625) and confirm that it will refrain from making use of " " and " " as a trademark or trade name in connection with the goods or services recited in its applications. Provided that Palm Beach Crossfit complies with the above requests, NIKE is willing to work with Palm Beach Crossfit to determine a reasonable time to transition to another mark. While NIKE hopes that this matter can be resolved amicably, NIKE will take such reasonable legal actions as necessary to protect its valuable trademark.

In view of the opposition deadline of September 24, 2014, for the '625 application, we suggest that the parties agree to a further 60 day extension of time for NIKE to oppose the application to allow time for you to review the matter with your client without an opposition being filed. If you do not consent to the extension, then you may expect that NIKE will take such steps as are necessary to protect its valuable trademark rights, including, but not limited to, filing a notice of opposition. Please note that this letter is without prejudice to NIKE's assertion of any and all rights and remedies it may have against Palm Beach Crossfit, all of which are expressly reserved.

Sincerely,


Helen Hill Minsker

HHM:meh

Trademark Electronic Application System (TEAS) filing receipt

1. **YOUR MARK:** (Stylized and/or Design, mark_50154147196-230040477_-_Crossfit_City_PLace.jpg)

The color(s) orange, light blue and dark blue is/are claimed as a feature of the mark. The mark consists of Shadow of the figure of a person facing down holding onto a kettle bell or a dark blue colored circle with one arm appearing in vertical position, while the other arm and hand are facing up towards the figure of the person's legs, which are opened in the shape of a V. The figure of the person is shown to be performing a one arm handstand. The above described figure of a person is superimposed over three circles and an outer half-circle. The inner circle is completely colored with a lighter shade of orange and gradually becomes darker towards the bottom of the circle, the other circles are bordering the first inner circle described above, whereas there is an orange colored circle, bordered by a thin blue circular border, which is then bordered by a dark blue thicker circular border intersected by the legs of the figure of the person. The outer half circle is also dark blue and has a thicker border protruding outwards on the left and right side of the circle. The above referenced kettle bell or dark blue colored circle also protruding out at the bottom of the outer half-circle.

2. **YOUR SERIAL NUMBER:** We have received your U.S. Trademark Application and assigned serial number '86137841' to your submission. A summary of your application data is provided at the bottom of this message and serves as your official filing receipt. Please keep a copy of this information for your records. All correspondence concerning the application should reference your assigned serial number.

Please read all of the important information below. Not every mark is registrable with the USPTO and we do not refund the application filing fee(s) if a registration does not ultimately issue.

3. **RECEIVING E-MAIL COMMUNICATIONS/FILING DOCUMENTS ON-LINE:** If you have authorized receipt of correspondence by e-mail, please make sure that your server will accept USPTO e-mail and not treat it as SPAM. If you have not authorized communication by e-mail, please do so at any time by using the "Change of Correspondence Address" form, available at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>. If you must submit correspondence to us, please use the Trademark Electronic Application System (TEAS) forms, available at <http://www.uspto.gov/trademarks/teas/index.jsp>.
4. **KEEP YOUR ADDRESS CURRENT IN USPTO RECORDS:** We do not extend filing deadlines due to a failure to receive USPTO mailings/e-mailings. You must update the correspondence and/or owner's address if a postal address and/or e-mail address changes, using the form(s) available at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.
5. **WARNING ABOUT UNSOLICITED COMMUNICATIONS:** You may receive trademark-related communications from private companies not associated with the USPTO. These communications frequently display customer-specific information, including your USPTO serial

number or registration number and owner name, and request fees for trademark-related services, such as monitoring, listings in international publications, and document filing. None of the companies offering these services are affiliated with the USPTO or any other federal agency. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, VA, and if by e-mail, specifically from the domain "@uspto.gov." Please consult the "Warning" page on the Trademarks section of the USPTO's website for further information about unsolicited communications and to view representative examples of them. For general information on filing and maintenance requirements for trademark applications and registrations, including fees required by law, please consult www.uspto.gov, contact the TrademarkAssistanceCenter@uspto.gov or telephone 1-800-786-9199.

6. **LEGAL EXAMINATION PROCESS:** Your application is now pending examination. In approximately 3 months, your application will be assigned to a USPTO examining attorney for review. The application cannot mature into a registration unless all legal requirements are met, and many applications never satisfy these requirements and therefore never register. The overall process can take up to 18 months.
7. **CHECK STATUS AND REVIEW DOCUMENTS OR YOUR APPLICATION MAY BE UNINTENTIONALLY ABANDONED:** You **must** check the status and review all documents associated with your application at least every 3-4 months using Trademark Status and Document Retrieval (TSDR), available at <http://tsdr.uspto.gov/>.

Promptly e-mail the TrademarkAssistanceCenter@uspto.gov or telephone 1-800-786-9199 (select option #1) if an Office action (letter from the USPTO) or notice has issued for your application that you did not receive or do not understand. Failure to respond timely to any Office action or notice may result in the abandonment of your application, requiring you to pay an additional fee to have your application revived even if you did not receive the Office action or notice.

8. **FILING ERRORS:** If you discover an error in the application data, you must file a Voluntary Amendment at <http://www.uspto.gov/trademarks/teas/miscellaneous.jsp>. Do **not** submit any proposed amendment to TEAS@uspto.gov, because the TEAS technical support team may not make any data changes. Please wait approximately 7 days after the filing date of your application to submit a Voluntary Amendment in order to allow for initial upload of your application data into the USPTO database. The assigned examining attorney will determine the acceptability of any Voluntary Amendment during examination. Not all errors may be corrected. For example, if you submitted the wrong mark or if the proposed correction would be considered a material alteration to your original filing, it will not be accepted. In this situation, your only recourse would be to file a new application, with a new fee and no refund of your original filing fee.
9. **REQUEST FOR REFUND AND/OR CANCELLATION:** Since your application has already been assigned a serial number, please do not contact TEAS@uspto.gov to request a refund or to cancel the filing. We will only cancel the filing and refund the filing fee if the application does not meet minimum filing requirements. The fee is a processing fee that the USPTO does not refund, even if your mark does not proceed to registration.

In the limited situation where you inadvertently filed identical applications, one immediately after the other, because no confirmation of the first filing was received, please provide both serial numbers to the technical support team at TEAS@uspto.gov.

10. **SelectUSA:** The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit SelectUSA.gov or call +1-202-482-6800.

SUMMARY OF APPLICATION DATA FOLLOWS:

APPLICATION DATA: Trademark/Service Mark Application, Principal Register TEAS Plus Application

The applicant, Palm Beach Crossfit Inc., DBA Crossfit CityPlace, a corporation of Florida, having an address of

9213 Delemar Court
Wellington, Florida 33414
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 041: Athletic training services

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 11/15/2012, and first used in commerce at least as early as 11/15/2012, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Three screen shots of website- Crossfit CityPlace-www.crossfitcityplace.com One screen shot of facebook page Crossfit CityPlace.

Specimen-1 [SPE0-50154147196-230040477_._Crossfit_CityPlace-_Website.jpg |

Specimen-2 [SPE0-50154147196-230040477_._FACEBOOK_page_Crossfit_City_Place.jpg |

Specimen-3 [SPE0-50154147196-230040477_._Crossfit_CityPlace_website_2.jpg |

Specimen-4 [SPE0-50154147196-230040477_._crossfit_cityplace_website_3.jpg |

For informational purposes only, applicant's website address is: www.crossfitcityplace.com

The applicant's current Attorney Information:

Daniel Lustig of Pike & Lustig, LLP- Turnpike Law
2465 Mercer Avenue, Suite 204
West Palm Beach, Florida 33401
United States

The attorney docket/reference number is Crossfit CityPlace.

The applicant's current Correspondence Information:

Daniel Lustig
Pike & Lustig, LLP- Turnpike Law
2465 Mercer Avenue, Suite 204
West Palm Beach, Florida 33401
561-855-7585(phone)
561-855-7710(fax)
daniel@turnpikelaw.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Daniel Lustig/ Date: 12/07/2013
Signatory's Name: Daniel Lustig
Signatory's Position: Attorney of record, Fla. Bar. Member
Signatory's Phone Number: 561-855-7585

Thank you,

The TEAS support team
Sat Dec 07 23:25:12 EST 2013

STAMP: USPTO/FTK-50.154.147.196-20131207232512263459-86137841-
500971faae21ed55b1afddab5b2483157bae36481f55dcba9b2ba11f53e87d1df1-CC-8269-
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