

AO 121 (Rev. 03/10)

To: Mail Stop 8 Director of Patents and Trademarks PO BOX 1450 Alexandria VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116, you are hereby advised that a court action has been filed in the U.S. District Court for the District of Utah on the following

Trademarks or Patents (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 1:10-cv-00212-DN	DATE FILED December 17, 2010	U.S. DISTRICT COURT District of Utah 350 South Main Street, Room 150, Salt Lake City, UT 84101
PLAINTIFF ICON Health & Fitness, Inc.		DEFENDANT Super Art Software Leo Liu, a/k/a Leo York
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See Complaint	See Complaint	See Complaint
2 <i>2,466,474</i>		
3 <i>2,468,509</i>		
4		
5		

In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
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In the above-entitled case, a final decision had been rendered or judgment issued:

DECISION / JUDGMENT

CLERK	(BY) DEPUTY CLERK	DATE
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DISTRIBUTION : 1) Upon initiation of action mail copy to Director 2) Upon filing of document adding patent(s), mail copy to Director 3) Upon termination of action, mail copy to Director

FACTUAL BACKGROUND

17. ICON is an award-winning innovator in the field of exercise equipment and markets and sells a variety of consumer products.

18. ICON came to its position of technological leadership through hard work and substantial investment in research and development. As a result of its endeavors, many of the technological innovations created and owned by ICON are protected by a valuable and diverse intellectual property portfolio that includes patents, trademarks, trade dress, and copyrights.

19. Several of ICON's successful innovations have been in the design and development of treadmills, elliptical machines, exercise bikes, strength training equipment, and other fitness-related equipment, devices, and services that ICON markets in connection with the trademarks "I FIT" or "IFIT.COM."

20. ICON owns several federally registered trademarks including: United States Trademark Registration No. 2,466,474 ("474 Registration"), for the mark "IFIT.COM," and United States Trademark Registration No. 2,618,509 ("509 Registration"), for the mark "I FIT." These trademarks are hereafter referred to collectively as the "IFIT Trademarks."

21. ICON's '474 Registration and '509 Registration are incontestable marks.

22. ICON has developed recognition and goodwill for the products sold under the IFIT Trademarks, among both ICON's immediate customers and the consuming public, generally.

23. As a result of, *inter alia*, ICON's substantial investment in the IFIT Trademarks and the products marketed under those trademarks, the consuming public recognizes the IFIT Trademarks and associates products with those marks with a single source, namely ICON.