IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Peloton Interactive, Inc.,) Cancellation No.
Petitioner,)
r cuttoner,) PETITION TO CANCEL
V.) REGISTRATION
Mad Dogg Athletics, Inc.,)
) Registration No. 2173202
Respondent.) Mark: SPIN
) Classes: 28 and 41

INTRODUCTION

1. Petitioner Peloton Interactive, Inc. ("Peloton") respectfully requests the cancellation of Registration No. 2173202 (the "202 Registration") for the term SPIN owned by Respondent Mad Dogg Athletics, Inc. ("Mad Dogg"). The terms SPIN and SPINNING are generic, and Mad Dogg should be barred from continuing to abusively enforce its improper trademark rights across the spinning industry.

2. For many years, countless fitness industry participants, including Peloton, have received baseless cease-and-desist letters from Mad Dogg and its lawyers threatening expensive litigation if all uses of the terms SPIN and SPINNING are not halted. Indeed, Mad Dogg's founder, John Baudhuin, publicly admits that Mad Dogg spends "hundreds of thousands of dollars a year" policing its purported trademarks and chasing down infringers. As detailed below, even bloggers and journalists have received cease-and-desist letters from Mad Dogg baselessly seeking to halt their use of the terms SPIN and SPINNING.

3. But Mad Dogg's expensive efforts cannot stem the tide. Spin class and spin bike are part of the fitness lexicon. Even five minutes of simple Google searching reveal that everyone in the world—other than Mad Dogg—understands that "spin" and "spinning" are generic terms to describe a type of exercise bike and associated in-studio class. As detailed below, countless publications review "spin/spinning classes" and "spin/spinning bikes" provided by a wide variety of different companies including Peloton, SoulCycle, Flywheel, NordicTrack and others. Indeed, the New York Times has covered spin class culture over the years, including a March 2014 article titled "Welcome to Spin Class: You Won't Last," a September 2016 article called "Spin Class Full? Feel the Burn from Your Living Room," and a February 2019 article entitled, "Spinning With My Shrink."

4. As one journalist wrote in a 2015 piece for the online outlet TechDirt reporting on Mad Dogg's trademarks on SPIN and SPINNING, "Much like other types of workout classes, nobody sees spinning as a source identifier...Nobody thinks of Mad Dogg Athletics. Hell, most people haven't even *heard* of MDA...The term spinning is generic. It just is."

5. Peloton was one of the many victims of Mad Dogg's improper campaign. In fact, just two weeks before Christmas 2020, Mad Dogg demanded that Peloton remove a video from its YouTube site that showcased a group of Peloton members, self-described as "black women physicians" who love spinning on their Peloton bikes and who call themselves the "Mocha Spin Docs." Mad Dogg objected because the word "spin" was used.

6. Enough is enough. It is time to put a stop to Mad Dogg's tactic of profiting by threatening competitors, marketplaces and even journalists with enforcement of generic trademarks. Accordingly, for the reasons detailed herein and those to be shown in this

proceeding, Peloton respectfully requests that the U.S. Patent and Trademark Office find the terms SPIN and SPINNING to be generic and cancel Mad Dogg's '202 Registration.

THE PARTIES AND THE SUBJECT REGISTRATION

7. Peloton is a Delaware corporation with its headquarters located at 125 West 25th Street, 11th Floor, New York, NY 10001.

8. Mad Dogg is a California corporation. Mad Dogg's current address, according to the TSDR records, is 2111 Narcissus Court, Venice, CA 90291.

9. Peloton believes that it is being damaged, and will continue to be damaged, by the continued registration of the '202 Registration for the mark SPIN in Classes 28 and 41.

10. As grounds for cancellation, Peloton alleges as follows:

FACTS

Spin Bikes

11. A spin bike is a type of indoor exercise cycle that closely mimics the ride of an actual bike, including the ability to stand up on the pedals (like on a real bike). The handlebars are typically placed lower so that the rider is leaning forward during the ride, and the seat is often smaller and less padded.

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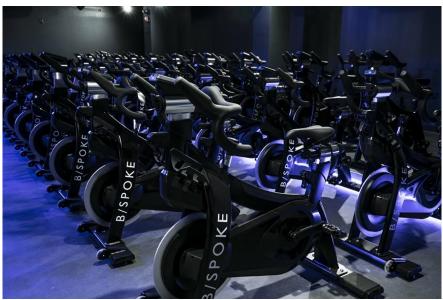
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A Peloton spin class



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15. The class usually involves loud music, energetic instructions and a community atmosphere of encouragement and competition.

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look-at-the-world-differently	tumblr Follow
I hate running late for spin and not getting my bike. That's MY bike! MINE, MINE, MINE!	class
MINE MINE MINE!	
#gym classes #spin class 48 notes	,

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Be careful when using the words "spin," "spinning," or "spinner" because a company in California actually owns them—and there's a good chance they'll come after you if you use the words when referencing other businesses.

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Mad Dogg chases down countless companies, demanding they instead replace "spin" with the term "indoor cycling."

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For some people, attending spin classes is a great way to keep motivated in working out. You have a coach to guide you in your training every step of the way. Plus, the group setting can add fun and variety to an otherwise lonely workout.

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But what is a spin bike anyway? A spin bike is a type of stand-alone indoor stationary bike with a pedal that is directly connected to a weighted flywheel. Riding on a spin bike is comparable to riding on a bike.

. . .

Technically speaking, the term Spin Bike is actually a trademark owned by Mad Dog [sic] Athletics.

Despite the fact that Mad Dog [sic] Athletics have a proprietary right over the names Spin® and Spinning®, *the terms have become generic because of the popularity of the products and classes based around their products*.

39. The above is just a small sampling of the vast library of generic uses of the "spin"

and "spinning" terms. Of course, there would be far more uses of the terms "spin" and

"spinning" if Mad Dogg hadn't threatened and bullied so many companies, studios, authors,

bloggers and exercise enthusiasts.

THE '202 REGISTRATION FOR "SPIN" SHOULD BE CANCELLED BECAUSE THAT TERM IS GENERIC

40. Mad Dogg owns the '202 Registration for the mark SPIN in Class 28 for

"stationary exercise bicycles" and Class 41 for "physical fitness instruction."

41. As detailed above and fully incorporated here, the term "spin" is generic for both "stationary exercise bicycles" and "physical fitness instruction."

42. The relevant public understands the mark SPIN to primarily refer to "stationary exercise bicycles" and "physical fitness instruction."

43. This term was generic when Mad Dogg first adopted it, as it simply refers to the spinning flywheel that is the central mechanism of the bike.

44. This term, moreover, as Wikipedia and many reporters and bloggers recognize, has become, over time, overwhelmingly viewed as generic references to both the bikes and the fitness classes using spin bikes.

45. Peloton is being damaged, and will continue to be damaged, by the continued registration of this trademark on the Principal Register, as Peloton (and the world) should be free to use this term to discuss, market and sell its spin bike products and services, but instead is constrained by Mad Dogg's threats from doing so.

46. Accordingly, pursuant to 15 U.S.C. § 1064(3), the '202 Registration should be cancelled.

PRAYER FOR RELIEF

47. Peloton prays that this Petition be granted and that the '202 Registration be cancelled.

Dated: February 16, 2021

Respectfully submitted,

By: /s/ Steven N. Feldman

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Counsel for Petitioner PELOTON INTERACTIVE, INC.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Peloton Interactive, Inc.,) Cancellation No.
)
Petitioner,)
) PETITION TO PARTIALLY
v.) CANCEL REGISTRATION
)
Mad Dogg Athletics, Inc.,)
) Registration No. 2003922
Respondent.) Mark: SPINNING
) Class: 28

INTRODUCTION

1. Petitioner Peloton Interactive, Inc. ("Peloton") respectfully requests the partial cancellation of Registration No. 2003922 (the "'922 Registration") for the term SPINNING owned by Respondent Mad Dogg Athletics, Inc. ("Mad Dogg"). The terms SPIN and SPINNING are generic, and Mad Dogg should be barred from continuing to abusively enforce its improper trademark rights across the spinning industry.

2. For many years, countless fitness industry participants, including Peloton, have received baseless cease-and-desist letters from Mad Dogg and its lawyers threatening expensive litigation if all uses of the terms SPIN and SPINNING are not halted. Indeed, Mad Dogg's founder, John Baudhuin, publicly admits that Mad Dogg spends "hundreds of thousands of dollars a year" policing its purported trademarks and chasing down infringers. As detailed below, even bloggers and journalists have received cease-and-desist letters from Mad Dogg baselessly seeking to halt their use of the terms SPIN and SPINNING.

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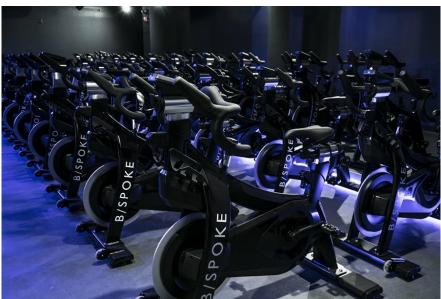
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48 notes	… ⇔ ♡

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<u>THE CLASS 28 PORTION OF THE '922 REGISTRATION FOR "SPINNING"</u> <u>SHOULD BE CANCELLED BECAUSE THAT TERM IS GENERIC</u>

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