

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	NUNC PRO TUNC ASSIGNMENT
EFFECTIVE DATE:	03/02/2009

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Peak Pilates, LLC		03/02/2009	LIMITED LIABILITY COMPANY: COLORADO

**RECEIVING PARTY DATA**

Name:	Mad Dogg Athletics, Inc.
Street Address:	2111 Narcisus Ct.
City:	Venice
State/Country:	CALIFORNIA
Postal Code:	90291
Entity Type:	CORPORATION: CALIFORNIA

**PROPERTY NUMBERS Total: 5**

Property Type	Number	Word Mark
Registration Number:	3040063	PEAK PILATESYSTEM
Registration Number:	2997341	PEAKPILATES
Registration Number:	2917892	PEAK PILATES
Registration Number:	2606696	THE POWER CIRCLE
Registration Number:	2516918	TOTAL WORKOUT SYSTEM

**CORRESPONDENCE DATA**

Fax Number: (310)860-0363  
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**CH \$140.00 3040063**

Address Line 4: Beverly Hills, CALIFORNIA 90212

ATTORNEY DOCKET NUMBER: 10433-00002 PEAK SF ASSIG

NAME OF SUBMITTER: Konrad K. Gatien

Signature: /kkg/

Date: 06/09/2009

**Total Attachments: 11**

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ASSIGNMENT OF TRADEMARKS

WHEREAS, Peak Pilates LLC, a Colorado limited liability company in good standing, located at 5555 Central Avenue, Suite 200, Boulder, CO 80301 (hereinafter "Assignor"), was as of March 2, 2009, the owner of all right, title and interest in and to the trademarks attached hereto as Exhibit "A" including all of the goodwill therein and associated therewith by virtue of that certain Bill of Sale and Assignment and Assumption Agreement effective as of that date.

WHEREAS, Mad Dogg Athletics, Inc., a California corporation, located at 2111 Narcisus Court, Venice, California 90291 (hereinafter "Assignee"), was desirous of acquiring said marks and the applications and registrations therefor;

THEREFORE, it is hereby confirmed that on March 2, 2009, for good and valuable consideration, receipt of which has been acknowledged, Assignor did assign unto Assignee all rights, title and interest in and to said marks and corresponding applications and registrations, together with the goodwill of the business symbolized by said marks.

Dated: June 5, 2009

PEAK PILATES LLC

By: 

Julie Lobdell

Title: 

Title

Dated: June 5, 2009

MAD DOGG ATHLETICS, INC.

By: 

John R. Baudhuin

Title: 

CEO  
Title

**EXHIBIT "A"**

**ACTIVE MARKS BY COUNTRY**

COUNTRY	MARK	CLASSES	STATUS (pending or registered)	Registration/ Serial No.
U.S.	The Power Circle	28	Registered	2,606,696
U.S.	Total Workout System	28	Registered	2,516,918
U.S.	Peak Pilates	9 and 41	Registered	2,917,892
U.S.	PeakPilates	28	Registered	2,997,341
U.S.	Peak Pilatesystem	9, 28, 41 and 42	Registered	3,040,063
U.S.	MVE	9, 16, 28 and 41	Pending	3,589,155
Australia	Peak Pilates	9, 16, 28 and 41	Pending	1122627
Australia	MVE	9, 16, 28 and 41	Registered	1217596
China	Peak Pilates	9	Pending	5976266
China	Peak Pilates	16	Pending	5976265
China	Peak Pilates	28	Pending	5976264
China	Peak Pilates	41	Pending	5976263
European Community	Peak Pilates	9, 16, 28 and 41	Registered	003669017
European Community	MVE	9, 16, 28 and 41	Registered	005437066
Japan	Peak Pilates (in Katakana)	9, 16, 28 and 41	Registered	4970673
Japan	Peak Pilates	9 and 16	Registered	5034764
Japan	Peak Pilates	28 and 41	Registered	5034764
Taiwan	Peak Pilates	9, 16, 28 and 41	Pending	97005859

## U.S. TRADEMARK REGISTRATIONS

Mark: **THE POWER CIRCLE**

Serial No.: 76/113,360

Reg. No.: 2,606,696

Filing Date: August 21, 2000

Issue Date: August 13, 2002

Renewal Date: August 13, 2012

Our File No.: 5209-5

Classes: 28

IC 028. exercise device in the nature of a circular spring tension band with upholstered handles designed namely for isometric exercises, general body conditioning and flexibility training; and manually operated exercise equipment in the nature of a circular spring tension band with upholstered handles designed, namely, for isometric exercises, general body conditioning and flexibility training.

Section 8 and 15 declaration filed on September 25, 2007. Declaration accepted and acknowledged October 10, 2007.

Mark: **TOTAL WORKOUT SYSTEM**

Serial No.: 76/113,359

Reg. No.: 2,516,918

Filing Date: August 21, 2000

Issue Date: December 11, 2001

Renewal Date: December 11, 2011

Our File No.: 5209-11

Classes: 28

IC 028. exercise machine in the nature of a wood and metal apparatus with spring tension designed namely for use in exercises, general body conditioning and flexibility training; and manually operated exercise equipment in the nature of a wood and metal apparatus with spring tension designed for use in physical therapy, general body conditioning and flexibility training.

Section 8 and 15 declaration filed on September 26, 2007. Declaration accepted and acknowledged October 8, 2007.

Mark: **PEAK PILATES**

Serial No.: 78/073,196

Reg. No.: 2,917,892

Filing Date: July 10, 2001

Issue Date: January 11, 2005

Section 8 & 15 due: January 11, 2011

Renewal Date: January 11, 2015

Our File No.: 5209-3

Classes: 9 and 41

IC 009. Prerecorded video tapes relating to training and instructional techniques relating to exercising, physical therapy, general body conditioning and flexibility training.

IC 041. Educational services, namely, training seminars and instruction through courses, programs and workshops relating to exercising, physical therapy, general body conditioning and flexibility training.

Classes 40 and 42 were deleted from original application.

Mark: **PEAKPILATES**

Serial No.: 78/384,139

Reg. No.: 2,997,341

Filing Date: March 15, 2004

Issue Date: Sept. 20, 2005

Section 8 & 15 due: Sept. 20, 2011

Renewal Date: Sept. 20, 2015

Our File No.: 5209-3-1

Classes: 28

IC 028. Exercise equipment and accessories, namely exercise platforms, personal exercise mats, exercise barrels, exercise chairs, exercise resistance hoops, exercise bars, exercise sandbags, foot exercisers, exercise machines, exercise equipment in the nature of a wood and metal apparatus with spring tension designed for use in physical therapy, general body conditioning and flexibility training, and parts and accessories therefor

Mark: **PEAK PILATESYSTEM**

Serial No.: 78/338,787

Reg. No.: 3,040,063

Filing Date: December 10, 2003

Issue Date: January 10, 2006

Section 8 & 15 due: January 10, 2012

Renewal Date: January 10, 2016

Our File No.: 5209-4

Classes: 9, 28 (formerly 40), 41 and 42

IC 009. Prerecorded video tapes relating to training and instructional techniques relating to exercising, physical therapy, general body conditioning and flexibility training.

IC 010. Pilates exercise machines for use in physical therapy.

IC 028. Pilates exercise machines, namely exercise machines for general body conditioning

IC 041. Educational services, namely, training seminars and instruction through courses, programs and workshops relating to exercising, physical therapy, general body conditioning and flexibility training.

IC 042. Design, engineering and development of new products relating to exercise equipment for others.

## PENDING U.S. TRADEMARK APPLICATIONS

Mark: **MVE**

Serial No.: 78/922476

Reg. No.: 3,589,155

Filing Date: July 5, 2006

Issue Date: March 10, 2009

Section 8 & 15 due: March 10, 2015

Renewal Date: March 10, 2019

Our File No.: 5209-21

Classes: 9, 16, 28, 41

IC 009: Prerecorded audiotapes, videotapes, compact discs, and DVDs, all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training

IC 016: Printed matter, namely, books, pamphlets, posters, flash cards, charts, brochures, calendars, manuals, educational and instructional materials, all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training

IC 028: Exercise machines; exercise equipment, namely, manually operated spring resistance apparatus

IC 041: Educational services, namely, providing training and instruction in the fields of exercise, physical therapy, fitness, sports training, body conditioning and flexibility training; providing courses, programs, workshops and seminars in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; exercise instruction, training and education; training in the use and operation of exercise equipment; providing educational, training and instructional information in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training using a computer network

**INTERNATIONAL TRADEMARK REGISTRATIONS & APPLICATIONS**

**AUSTRALIA**

**Registered:**

Mark **MVE**

Country: Australia

Serial No.: 1217596

Reg. No.: 1217596

Filing Date: January 2, 2008

Reg. Date: January 2, 2008

Exp. Date: January 2, 2018

Our File No.: 5209-21-AU

Classes: 9, 16, 28 and 41

IC 009. Prerecorded audiotapes, videotapes, compact discs, DVDs, and computer software, all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training;

IC 016: Printed matter, books, pamphlets, posters, flash cards, charts, catalogues, brochures, calendars, manuals, educational and instructional materials; all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training;

IC 028. Exercise machines; exercise equipment; parts, fittings and accessories for any of the aforesaid goods;

IC 041. Educational services; training and instruction in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; providing courses, programs, workshops and seminars in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; exercise instruction, training and education; training in the use and operation of exercise equipment; providing educational, training and instructional information in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training using a computer network.

Registration issued on August 11, 2008.

**Pending:**

Mark **PEAK PILATES**

Country: Australia

Serial No.: 1122627

Filing Date: July 7, 2006

Our File No.: 5209-3-AU

Classes: 9, 16, 28 and 41

IC 009. Prerecorded audiotapes; videotapes; compact discs; DVDs; computer software; all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training.

IC 016. Printed matter; publications; books; pamphlets; posters; flash cards; charts; catalogues; brochures; calendars; manuals and instructional materials; all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training.



IC 028. Exercise equipment; exercise machines; exercise platforms; personal exercise mats; parts, fittings and accessories for any of the aforesaid goods.

IC 041. Educational services; training and instruction in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; providing courses, programs, workshops and seminars in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; exercise instruction, training and education; training in the use and operation of exercise equipment; provision of exercise facilities; educational, training and instructional information in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training provided on-line from a computer database or the internet.

## CHINA (PRC)

### **Pending:**

Mark **PEAK PILATES**

Country: China

Serial No.: 5976266

Filing Date: April 2, 2007

Our File No.: 5209-3-CN

Class: 9

IC 9. Prerecorded audiotapes, videotapes, compact discs, DVDs and computer software, all related to training, instruction and equipment in the fields of exercise, physical therapy, fitness, sports training, body conditioning and flexibility training.

Mark **PEAK PILATES**

Country: China

Serial No.: 5976265

Filing Date: April 2, 2007

Our File No.: 5209-3-CN-1

Class: 16

IC 16. Printed matter; publications, books, pamphlets, posters, flash cards, charts, catalogues, brochures, calendars, manuals, and instructional materials, all related to instruction, training, and equipment in the fields of exercise, physical therapy, fitness, sports training, body conditioning and flexibility training.

Mark **PEAK PILATES**

Country: China

Serial No.: 5976264

Filing Date: April 2, 2007

Our File No.: 5209-3-CN-2

Class: 28

IC 28. Body training and rehabilitation apparatus; machines for physical exercise, exercise platforms; springs, safety links, exercise bars, straps, handles, pads, cushions, supports and rollers.

Mark **PEAK PILATES**

Country: China

Serial No.: 5976263

Filing Date: April 2, 2007

Our File No.: 5209-3-CN-3

Class: 41

IC 41. Educational services; training and instruction in the fields of exercise, physical therapy, sports training, fitness, body conditioning and flexibility training; providing courses, programs, workshops and seminars in the fields of exercise, physical therapy, sports training, fitness, body conditioning and flexibility training; exercise instruction, training and education; training in the use and operation of exercise equipment; provision of exercise facilities; educational, training and instructional information in the fields of exercise, physical therapy, sports training, fitness, body conditioning and flexibility training provided on-line from a computer database or the Internet.

## EUROPEAN COMMUNITY

### **Registered:**

Mark: **PEAK PILATES**

Country: European Community Trademark

Serial No.: 003669017

Reg. No.: 003669017

Filing Date: February 25, 2004

Reg. Date: April 29, 2005

Exp. Date: February 25, 2014

Our File No.: 5209-3-CTM

Classes: 9, 16, 28 and 41

IC 009. Prerecorded audiotapes; videotapes; compact discs; DVDs; computer software; all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training.

IC 016. Printed matter; publications; books; pamphlets; posters; flash cards; charts; catalogues; brochures; calendars; manuals and instructional materials; all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training.

IC 028. Exercise equipment; exercise machines; exercise platforms; personal exercise mats; parts, fittings and accessories for any of the aforesaid goods.

IC 041. Educational services; training and instruction in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; providing courses, programs, workshops and seminars in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; exercise instruction, training and education; training in the use and operation of exercise equipment; provision of exercise facilities; educational, training and instructional information in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training provided on-line from a computer database or the internet.

Covers the European Union member states, namely Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia,

Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Slovakia, Sweden, Spain and the United Kingdom.

Mark: **MVE**

Country: European Community Trademark

Serial No.: 005437066

Reg. No. 005437066

Filing Date: November 3, 2006

Reg. Date: September 6, 2007

Exp. Date: November 3, 2016

Our File No.: 5209-21-CTM

Classes: 9, 16, 28, 41

IC 009. Prerecorded audiotapes; videotapes; compact discs; DVDs; computer software; all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training.

IC 016. Printed matter; books; pamphlets; posters; flash cards; charts; brochures; calendars; manuals; educational and instructional materials; all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training.

IC 028. Exercise machines; exercise equipment; parts, fittings and accessories for any of the aforesaid goods.

IC 041. Educational services; training and instruction in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; providing courses, programs, workshops and seminars in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; exercise instruction, training and education; training in the use and operation of exercise equipment; providing educational, training and instructional information in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training using a computer network

## JAPAN

### **Registered:**

Mark Katakana representation of **PEAK PILATES**

Country: Japan

Serial No.: 2005-73647

Reg. No.: 4970673

Filing Date: August 8 2005

Reg. Date: July 14, 2006

Exp. Date: July 14, 2016

Our File No.: 5209-3-JP-2

Classes: 9, 16, 28, 41

IC 009. Audio and/or visual recorded media featuring exercise, physical therapy, fitness, body conditioning and flexibility training featuring PILATES method exercise; phonograph records, metronomes; electronic circuits and CD-ROMs recorded automatic performance programs for electronic musical instruments; exposed cinematographic films featuring PILATES method

exercise, exposed slide films featuring PILATES method exercise, slide film mounts, recorded video discs and video tapes featuring PILATES method exercise; electronic publications featuring PILATES method exercise.

IC 016. Instruction manuals relating to exercise, physical therapy, fitness, body conditioning and flexibility training featuring PILATES method exercise; teaching materials (printed matter) relating to exercise, physical therapy, fitness, body conditioning and flexibility training (except apparatus) featuring PILATES method exercise other printed matter featuring PILATES method exercise.

IC 028. Exercise platforms featuring PILATES method exercise, personal exercise mats featuring PILATES method exercise, other sports equipment featuring PILATES method exercise.

IC 041. Educational and instruction services relating to arts, crafts, sports or general knowledge featuring PILATES method exercise; organization, management or arrangement of seminars featuring PILATES method exercise; providing sports facilities featuring PILATES method exercise, educational, training and instructional information in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training featuring PILATES method exercise.

**Mark PEAK PILATES**

Country: Japan

Serial No.: 2005-31186

Reg. No.: 5034764

Filing Date: April 8, 2005

Reg. Date: March 23, 2007

Exp. Date: March 23, 2017

Our File No.: 5209-3-JP-1

Classes: 9 and 16

IC 009. Computer software, other electronic machines, apparatus and their parts; audio and/or visual recorded media featuring Pilates method exercise, physical therapy, fitness, body conditioning and flexibility training, phonograph records, metronomes, electronic circuits and CD-ROMs recorded automatic, performance programs for electronic musical instruments; exposed cinematographic films featuring Pilates method exercise, exposed slide films featuring Pilates method exercise, slide film mounts, recorded video discs and video tapes featuring Pilates method exercise; electronic publications featuring Pilates method exercise.

IC 016: Stationery and study materials, instruction manuals relating to exercise featuring Pilates method, physical therapy, fitness, body conditioning and flexibility training, teaching materials relating to exercise featuring Pilates method, physical therapy, fitness, body conditioning and flexibility training (except apparatus), other printed matter featuring Pilates method exercise.

**Mark PEAK PILATES**

Country: Japan

Serial No.: 2004-81038

Reg. No.: 5034764

Filing Date: September 2, 2004

Reg. Date: August 3, 2007

Exp. Date: August 3, 2017

Our File No.: 5209-3-JP

Classes: 28 and 41

IC 028. Exercise platforms, personal exercise mats, other sports equipment

IC 041. Educational and instruction services relating to arts, crafts, sports or general knowledge, organization, management or arrangement of seminars, providing sports facilities, educational, training and instructional information in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training

## TAIWAN

### **Pending:**

Mark **PEAK PILATES**

Country: Taiwan

Serial No.: 97005859

Filing Date: February 5, 2008

Our File No.: 5209-3-TW

Classes: 9, 16, 28 and 41

IC 009. Prerecorded audiotapes, videotapes, compact discs, DVD=s and computer software, all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training

IC 016. Printed matter, publications, books, pamphlets, posters, flash cards, charts, catalogues, brochures, calendars, manuals, instructional manuals, study materials and teaching materials, all relating to training, instruction and equipment in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training

IC 028. Exercise equipment; exercise machines; exercise platforms

IC 041. Educational services; fitness training; physical education; providing workshops and seminars in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training; gymnasium; sports training camp; rental of exercise facilities (except vehicles); providing educational, training and instructional information in the fields of exercise, physical therapy, fitness, body conditioning and flexibility training using a computer network