IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

EKT LLC

Serial No.:

88644635

Mark:

FORAY

Filed:

October 7, 2019

<u>DECLARATION OF PATRICIA KAVANAGH</u> <u>IN SUPPORT OF PETITION TO MAKE SPECIAL</u>

- I, Patricia Kavanagh, submit this declaration in support of Applicant EKT LLC's ("EKT") Petition to Make Special.
 - 1. I am the current Treasurer of EKT.
- 2. EKT is the owner of U.S. App. No. 88644635 for the FORAY mark ("the Mark"), directed to walkers for use by mobility-impaired individuals.
- 3. EKT has used the Mark since July 18, 2016, when it launched its website. The Mark has been used since that date to promote both EKT, and its walker products.
- 4. Over the last few weeks, EKT has found evidence that the Mark is being used by unauthorized parties that appear to be capitalizing on the Mark to attract viewers for their commercial benefit, and direct consumers to competitor products. An example is attached hereto as Exhibit A, reflecting a posting on the website OddityMall.com. EKT has no relationship with OddityMall.com and has not authorized OddityMall.com to use its trademarks, yet the posting repeatedly uses the Mark.
- 5. At the top of the first page, the posting includes a link to "Buy Now," as well as links to "Find on Amazon" and "Find on Ebay." EKT has not authorized OddityMall.com to sell its products, and does not offer its products on either Amazon or Ebay.

6. Farther down in Exhibit A, OddityMall.com includes links encouraging viewers to "Shop Related Products." These products are not associated with EKT and appear to be competitor products.

7. On information and belief, OddityMall.com is using the Mark to attract viewers and get "clicks" on its links—including links that direct viewers to purchase competitor products—which OddityMall.com has likely monetized.

8. EKT believes that OddityMall.com's use of the Mark infringes its rights in the Mark and is causing EKT harm. EKT intends to take action against OddityMall.com, and any other entities misusing the Mark, to prevent further infringement.

The signatory being warned that willful false statement and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Patricia Kavanagh, Treasurer

Date

EXHIBIT A

CATEGORIES * **GIFT GUIDE**

BLOG SHOP

Foray Spring: A Redesigned Smart Rolling Walker

Buy Now \$342.00

@indiegogo

Find on Amazon Find on Ebay

Date Published: 02/21/2019 4:16 PM



When you think about walkers, there's really only one design that comes to mind... The aluminum frame with the tennis balls on the back right? Why hasn't there been any improvements on the walker? Well, now there is! It's called the Foray Spring, and it's a completely revamped and redesigned modern walker that folds down so you can take it anywhere. Plus, no tennis balls needed!

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Address Validation Tools

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The Foray Spring allows the elderly or disabled stay independent, while not looking like they're on their death bed rolling around on a set of tennis balls and a walker frame that we've all come to know too well. They're redesigned walker looks modern, and has all the modern features you'd expect from a revamped walker.

Other Popular Items

















Shop Related Products



Ads by Amazon

Featues of the Foray Spring include a new modern design that allows you to walk inside the frame, it self-levels on uneven ground, it quickly and easily folds down so you can put into a car, SUV, or bring it onto a bus. The walker also has a runaway brake that will auto-engage when you let go of the handle.



Filition of the GIFT GUIDE

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The Foray Walker converts into a chair in seconds, and once in chair mode it's immediately safe to sit with the brakes fully in place. The seat is fully ergonomic and super comfy, the handlebar goes across the full width of the walker so you can find the most comfortable position to hold onto it, and the handles are adjustable in height to accommodate people between 5'4" - 6'1".



The Foray Spring folds down easily to have a 60% smaller compared to standard walkers, it can sit persons up to 300 lbs in weight, its height can be adjusted from 33.5-38", it has large 8 inch diameter wheels, it measures 26 inches wide x 10 inches deep x 29 inches tall when fully collapsed, and when opened it measures 26 inches wide x 29 inches deep x 33.5 inches tall.

SHOP



679 E NA 1573

BLOG

Check out the Foray Spring redesigned modern walker in action via the video below.

SHOP

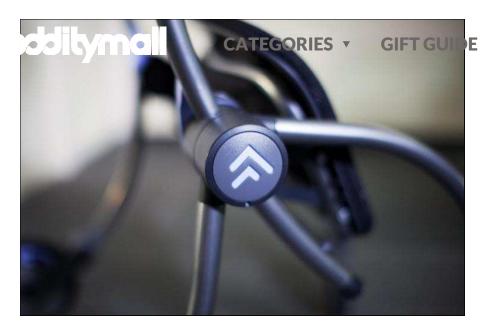
BLOG







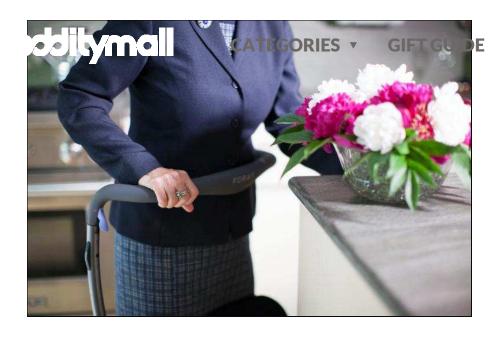












Spring is Here: The Smart Rolling Walker by Foray D...



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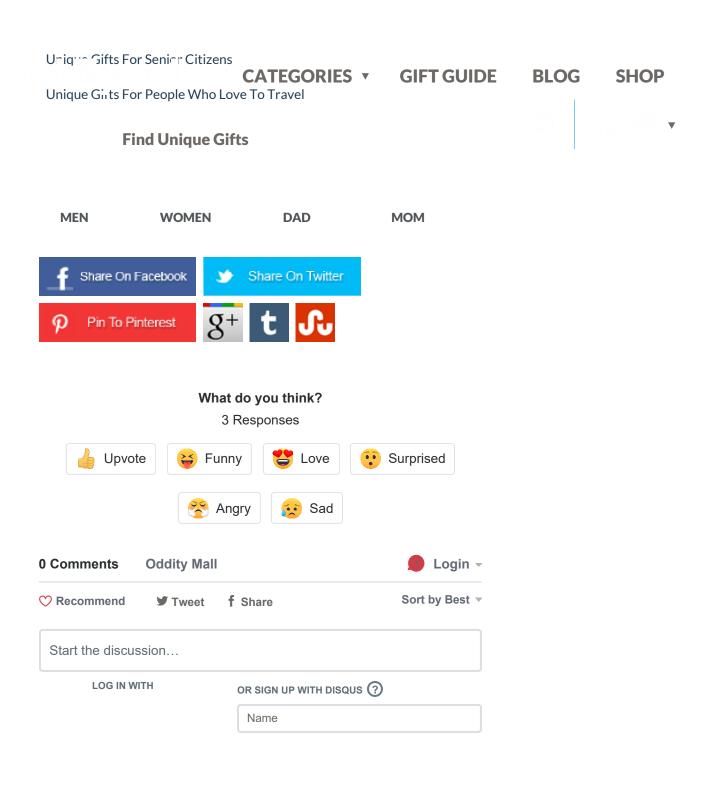
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Odditymall features <u>unique gifts</u> with a focus on geeky gadgets, survival gear, outdoor gizmos, unique kitchenware, pet gadgets, novelty gifts, and amazing product designs.

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Gag Gifts	About Us	Instagram	Gifts For College Students
Geeky Stuff	FAQ	YouTube	Gifts For Outdoorsy People
Halloween	Contact Us	RSS Feed	Gifts For Parents
Home & Kitchen	Submit a Product	Newsletter	Gifts For Kids
Kid Stuff	Awesome Sites		Gifts For Pranksters
Outdoors	Terms of Use		Gifts For Drinkers
Pet Stuff	Copyright Policy		Gifts For Hunters
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