

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:
	:
EKT LLC	:
	:
Serial No.: 88644637	:
	:
Mark: <b>SPRING</b>	:
	:
Filed: October 7, 2019	:

**DECLARATION OF PATRICIA KAVANAGH  
IN SUPPORT OF PETITION TO MAKE SPECIAL**

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. 88644637 for the SPRING 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

10/7/19

# **EXHIBIT A**

CATEGORIES ▾

GIFT GUIDE

BLOG

SHOP

# Foray Spring: A Redesigned Smart Rolling Walker

**\$342.00** Buy Now

@indiegogo

[Find on Amazon](#) [Find on Ebay](#)

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



Like 6

Tweet



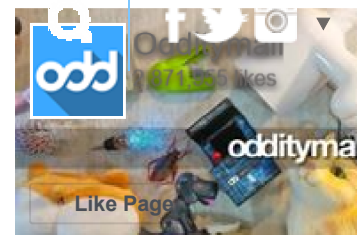
When you think about walkers, there's really only one design that comes to mind... The aluminum frame with the tennis balls on the back right? Why hasn't there been any improvements on the walker? Well, now there is! It's called the Foray Spring, and it's a completely revamped and redesigned modern walker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



## Address Validation Tools

Free Trial Account - No CC required - US & Intl Address Validation APIs. Try it Now

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.



Be the first of your friends to like th

### Like this stuff?

Enter your email to get the newest items sent to your inbox once a week!

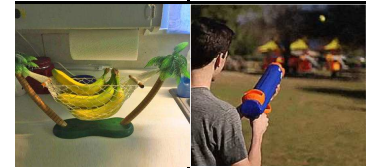
Email Address

Subscribe

### Other Popular Items







Shop Related Products



Carex Folding Walker for Seniors - Adult Walker - ...

~~\$31.99~~ \$23.99

(53)



Drive Medical Deluxe Two Button Folding Walker wit...

~~\$30.12~~ \$22.85

(2088)



Drive Medical Four Wheel Rollator with Fold Up Re...

~~\$56.60~~ \$47.64

(6912)



Drive Medical Nitro Euro Style Red Rollator Walker, Red

\$203.38

(1588)

Ads by Amazon

Features 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.



Address Validation **CATEGORIES** ▼

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SmartyStreets

**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.



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

odditymall

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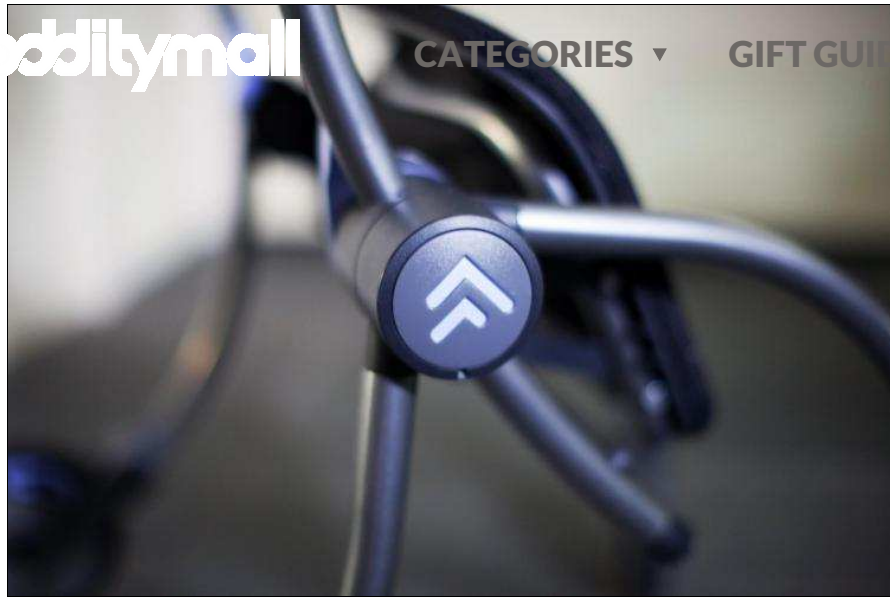
oddiymall

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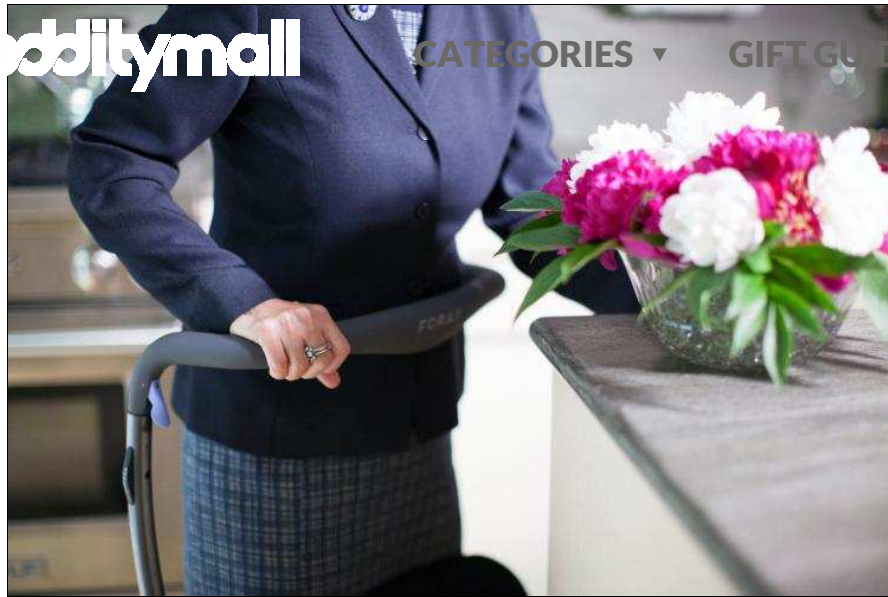
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Spring is Here: The Smart Rolling Walker by Foray D...



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Unique Gifts For Senior Citizens

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Unique Gifts For People Who Love To Travel

### Find Unique Gifts

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WOMEN

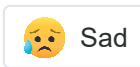
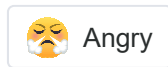
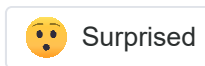
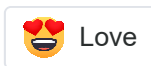
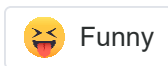
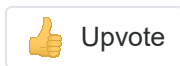
DAD

MOM



#### What do you think?

3 Responses



0 Comments

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Name

Be the first to comment.



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

**CATEGORIES**

- Apparel
- Books
- Christmas
- Food & Drink
- Gadgets
- Gag Gifts
- Geeky Stuff
- Halloween
- Home & Kitchen
- Kid Stuff
- Outdoors
- Pet Stuff
- Ridiculous
- Toys
- Christmas

**META**

- Odditymall Shop
- Categories
- Unique Gift Guide
- Blog
- Deals
- About Us
- FAQ
- Contact Us
- Submit a Product
- Awesome Sites
- Terms of Use
- Copyright Policy
- Privacy Policy
- Sitemap
- Random Page of Items

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- YouTube
- RSS Feed
- Newsletter

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- Gifts For Women
- Gifts For Dads
- Gifts For Moms
- Gifts For Designers
- Gifts For College Students
- Gifts For Outdoorsy People
- Gifts For Parents
- Gifts For Kids
- Gifts For Pranksters
- Gifts For Drinkers
- Gifts For Hunters

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