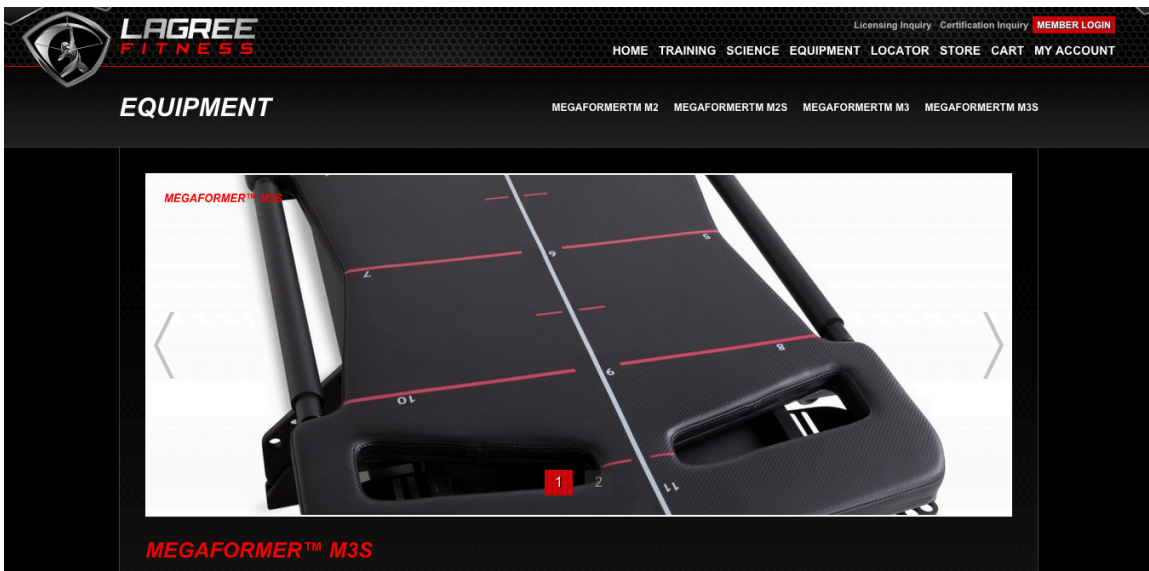
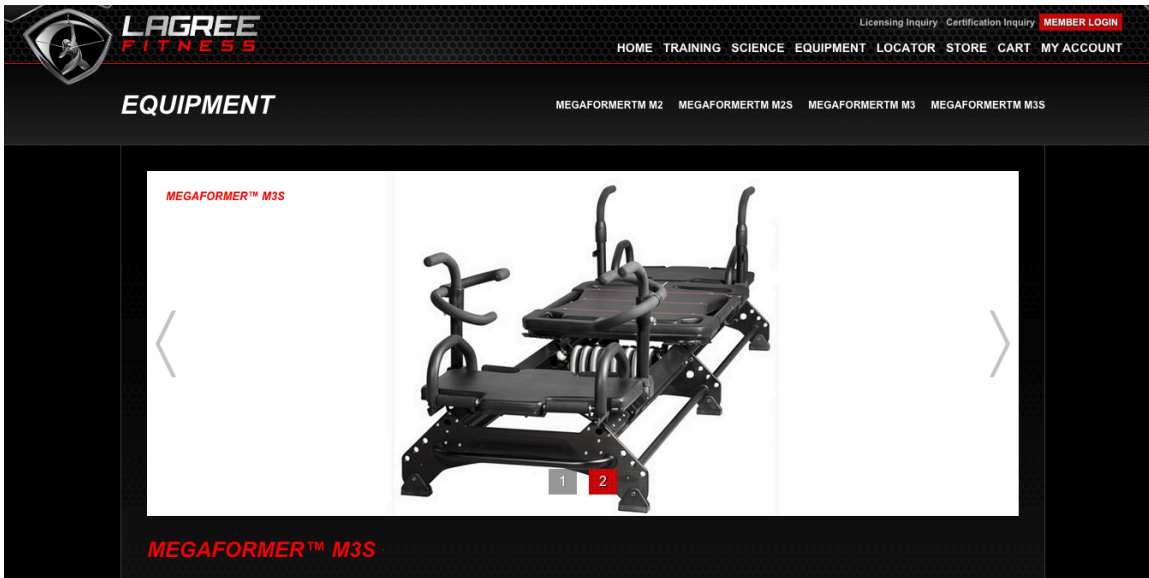


The applicant, Sebastien Lagree (“Applicant”), by its attorneys, responds to the Office Action, dated March 30, 2015. In support of its response, Applicant states as follows:

#### I. APPLICANT’S PRODUCT DESIGN HAS ACQUIRED DISTINCTIVENESS

Applicant hereby provides evidence that the Mark has acquired distinctiveness, and respectfully requests that the mark be registered under Section 2(f) of the Trademark Act. Below are Applicant’s materials highlighting the unique design of the mark (the “Design”), which consist of “**The literal element of the mark consists of words MEGAFORMER M3S written on the rails; The design element of the mark consists of two platforms and a carriage; the top and bottom of the (middle) sliding carriage and the (front and back) stationary platforms having edges which are non-perpendicular to the sides; inwardly tapering lateral sides of the (middle) sliding carriage; side edges of the (middle) sliding carriage and the (front and back) stationary platforms substantially overhanging over the rails.**”





The above materials have been continuously used to promote and market the Megaformer M3S machine, highlighting its unique design as a source identifier. The Megaformer M3S is the evolution of its famous predecessors, the M2, M2S, and M3 models.

The machines with their unique Design have been on the “Top Ten” lists for best workouts for many years and hundreds of classes with the machines are offered in the U.S. and worldwide per day. Moreover, the machines have been covered by the press, as seen in Exhibit A and which include articles in the *New York Times*, *Glamour Magazine*, *Time Magazine*, *Details Magazine*, *DC Life*, *The OC Register*, *The National Fitness Trade Magazine* and many others. Lastly, celebrities, models, and athletes, such as Michelle Obama, Sofia Vergara, Kim Kardashian, Imaan Hamman, and MLB star Felipe Lopez, among many others are avid users of the machines as seen in Exhibit A and hereto below.



**Lagree Fitness**

June 5 at 8:09pm · Edited · 🌐

Amazing write up about [#lagreefitness](#) and the [#megaformer](#) by Glamour this month.

"There's a workout craze sweeping America—and while you might not have known it existed, celebrities including [Kim Kardashian](#), [Sofia Vergara](#), and even First Lady [Michelle Obama](#) have been onto it.

Lagree Fitness is specifically done on a machine called the Megaformer. My core is stronger, my mind is stronger, and I like my booty again. "...  
[See More](#)



## The Exact Workout Kim Kardashian and Sofia Vergara Do to Get and Stay in Shape

There's a workout craze sweeping America—and while you might not have known it existed, celebrities including Kim Kardashian, Sofia Vergara and even First Lady...

WWW.GLAMOUR.COM | BY GLAMOUR MAGAZINE



**Lagree Fitness**

May 24 at 9:46am · 🌐



Sofia Vergara LOVES the #megaformer

This Latina Superstar admits to [Redbook Magazine](#) that she is a total Lagree Fitness convert, and even has a Megaformer machine at home! Sofia works out with our Lagree Fitness master trainer and owner of [Studio Metamorphosis](#)

"She loves working the butt," Yates added. "We do a lot of squats and deadlifts and lunges on the Megaformer.... [See More](#)



## Sofia Vergara Says She Hates Working Out: 'I Just Want to Go Home and Lie Down'

Yu Tsai Sofia Vergara makes looking like a smoking hot goddess completely effortless. But as it turns out, she is a mere mortal when it comes to dreading the...

[GREATIDEAS.PEOPLE.COM](http://GREATIDEAS.PEOPLE.COM)



**Lagree Fitness**

June 5 at 5:26pm · 🌐

Inspiring interview with MLB star Felipe Lopez about the Megaformer, fitness, life, and love. Thank you Felipe for taking the time.

[#megaformer](#) [#lagree](#) [#lagreefitness](#) [#evolve](#) [#sebastienlagree](#)  
[#lagreemethod](#) [#felipelopez](#)

... [See More](#)



## Felipe Lopez Interview HD

An interview with MLB Felipe Lopez about the Megaformer, fitness, life, and love. Enjoy, S.

YOUTUBE.COM



**Lagree Fitness**

May 31 at 12:23pm · 🌐

Runway models like Imaan Hamman work out on the [#megaformer](#) at SLT (Strengthen - Lengthen - Tone)

"But don't mistake this workout for being one-note: Your abs, shoulders and inner thighs will be burning ten minutes in"

<http://ny.racked.com/.../8644291/model-fitness-week-may-2015>



## Model Behavior: Where to Work Out Like Karlie Kloss and Gigi Hadid

Welcome to Workout Wednesday: every hump-day, we'll be rounding up some of the city's hottest fitness trends and studios.

NY.RACKED.COM | BY MEGAN SOLL

As a result of this extensive coverage, advertising and promotional efforts, the Megaformer M3S Design has become a strong indicator of Applicant's high quality exercise machines among consumers who have come to associate the Design with a single source.

## II. DESCRIPTION OF THE MARK

Applicant accepts the Examining Attorney's suggested description with the exception that the word "platform" be changed to "carriage" and that the overhanging element of the side edges over the rails be added and reads as follows:

**“The mark consists of a three-dimensional configuration of the non-functional aspects of an exercise machine known as the Megaformer M3S. The literal element of the mark consists the words MEGAFORMER M3S written on the rails; the design element of the mark consist of two platforms and a carriage; the top and bottom of the (middle) sliding carriage and the (front and back) stationary platforms having edges which are non-perpendicular to the sides; inwardly tapering lateral sides of the (middle) sliding carriage; side edges of the (middle) sliding carriage and the (front and back) stationary platforms substantially overhanging over the rails. The broken lines indicate placement of the mark on the goods and are not part of the mark.”**

### III. DRAWING

New drawing is attached to correspond to the Mark description.

### IV. CONCLUSION

Based upon the foregoing, Applicant respectfully requests the Examining Attorney to pass the proposed mark on for publication.