

U.S. PATENT AND TRADEMARK OFFICE

Ser. No. 88/016,860



Mark:

Our Ref: PELI 1806604

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By Office action dated October 5, 2018, the Examining Attorney refused registration in Class 45 on the basis that the specimen does not show use in commerce in Class 45. Specifically, the Examining Attorney stated that the mark is not used to identify the source of social networking services and merely identifies the applicant's user name.

With this response, Applicant submits a substitute specimen that was in actual use in commerce at least as early as the filing date of the applicant and shows the mark in actual use in commerce for the social networking services identified in Class 45.

The substitute specimen consists of a blog post dated May 5, 2018 that describes the social networking services that the Applicant began providing in May 2018, which include the "Here Now" feature, the "Ride with Friends" feature, and the "High Fives" feature. The "Here Now" feature enables users to see the profiles of users who are exercising at the same time that they are. Using this feature, users also have the ability to "follow" other users. The "Ride with Friends" feature enables users to see a notification on the screen attached to their exercise machine if a member that they "follow" is currently taking a class. In addition, the "High Five" feature allows users to cheer each other on during class by sending "virtual encouragement" in the form of a virtual high five. Users who receive a "high five" will see the notification pop up on their screen.

Each of these features, individually and combined, offer social networking services by allowing users to network and connect with each other, "follow" each other, "ride" in the same class together, and communicate with each other by sending "high fives." These types of capabilities fit squarely within the definition of "social networking" – the use of dedicated websites and applications to interact with other users, or to find people with similar interests to one's own. See **Exhibit A**, Oxford English Dictionary, definition of "social networking."

In addition to the social networking services described above, the Applicant's mark is also used in connection with the "Official Peloton Member Page," a closed group on Facebook that enables fellow Peloton Bike, Tread and Digital Members to connect and stay up to date on Peloton announcements and features. As of February 5, 2019, the group had 156,384 members, which use the group to find and connect with people of similar interests, namely, Peloton and its related exercise goods and services. This type of use is not merely use as a user name on a third party social networking platform. The Applicant has created a group that is specifically designed to bring together the users of its goods and services, which enables them to connect with one

another and to stay up to date on the Applicant's offerings. The discussions, comments, and posts in the group are monitored by the Applicant and the users are able to report content that is not consistent with the Applicant's group guidelines directly to the Applicant. These are all aspect of the Applicant's social networking services. The Applicant's use of a third party social networking platform to offer its social networking services does not detract from or diminish the Applicant's user of its mark in connection with offering social networking services that enable people to find and interact with others with similar interests.

**Official Peloton Member Page**  
 Closed group

Shortcuts  
 Australians in NYC (20+)

**+ Join Group** **More** Join this group to see the discussion, post and comment.

**About This Group**

**Description**  
 Welcome to the Official Peloton Member Page! In this group, you can connect with fellow Peloton Bike, Tread, and Digital Members and stay up to date on Peloton announcements and features. For support info and FAQs please go t... See More

**Group Type**  
 Club

**Members · 156,384**

**Admins**  
 Andrea, Jayvee and 2 other members are admins.

**Activity**

**316** New posts today  
 9,863 in the last 30 days

**156,384** Members  
 10,000+ in the last 30 days

**HISTORY**  
 Group created on February 19, 2015  
 Name last changed on April 13, 2018  
 See More

**GROUP BY**  
 Peloton 446,182 like this  
 Shop Now

**CREATE NEW GROUPS**  
 Groups make it easier than ever to share with friends, family and teammates.  
 Create Group

**Suggested Groups** See All  
 our year to Shine  
 #FITFAB40s 5,497 members  
 + Join


# EXHIBIT A

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[Home](#) > [British & World English](#) > [social networking](#)

Definition of *social networking* in English:

# social networking




## NOUN

[mass noun]

The use of dedicated websites and applications to interact with other users, or to find people with similar interests to one's own.

[+ Example sentences](#)

## Pronunciation

social networking /ˌsəʊʃəlˈnetwɜːkɪŋ/ 



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