

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM530991

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Alexander D Goldberg		02/07/2019	INDIVIDUAL: AUSTRALIA
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Fitness Systems United Pty Ltd		
<b>Street Address:</b>	UNIT 7, 809-821 BOTANY ROAD		
<b>City:</b>	ROSEBERY NSW		
<b>State/Country:</b>	AUSTRALIA		
<b>Postal Code:</b>	2018		
<b>Entity Type:</b>	Company: AUSTRALIA		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Serial Number:</b>	87476246	MF MEDIFIT THE PHYSIO SOLUTION	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	9497609502		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
<b>Phone:</b>	949-760-0404		
<b>Email:</b>	efiling@knobbe.com		
<b>Correspondent Name:</b>	Stacey Halpern		
<b>Address Line 1:</b>	2040 Main Street, 14th Floor		
<b>Address Line 4:</b>	Irvine, CALIFORNIA 92614		
<b>ATTORNEY DOCKET NUMBER:</b>	BRDAU.005TUS		
<b>DOMESTIC REPRESENTATIVE</b>			
<b>Name:</b>	Stacey Halpern		
<b>Address Line 1:</b>	2040 Main Street, 14th Floor		
<b>Address Line 4:</b>	Irvine, CALIFORNIA 92614		
<b>NAME OF SUBMITTER:</b>	Stacey Halpern		
<b>SIGNATURE:</b>	/Stacey R. Halpern/		
<b>DATE SIGNED:</b>	07/09/2019		
<b>Total Attachments: 12</b>			

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**Bird & Bird**

**Trade Mark & Design  
Assignment Deed**

**ALEXANDER DAMIEN GOLDBERG**

and

**FITNESS SYSTEMS UNITED PTY LTD**  
(ACN 143 490 500)

Ref: FITSY.0002

2067414.1  
**TRADEMARK**  
**REEL: 006689 FRAME: 0073**

# Trade Mark & Design Assignment Deed

## Parties

1. **Alexander Damien Goldberg** (also known as **Alexander Goldberg** and **Alex Goldberg**) of PO BOX 7036, BONDI BEACH NSW 2026 AUSTRALIA, and also known at 6/99 CURLEWIS ST BONDI BEACH SYDNEY 2026, and also known at 202/79 GOULD STREET, BONDI BEACH, SYDNEY, NSW, AUSTRALIA and also known at TERRASSES DE CUCE 3EME ETAGE, B32 21B RUE D'HALLOUVRY CHANTEPIE 35135 (**Assignor**); and
2. **Fitness Systems United Pty Ltd** (ACN 143 490 500) of UNIT 7, 809-821 BOTANY ROAD ROSEBERY NSW 2018 AUSTRALIA (**Assignee**).

## Background

- A. The Assignor is the owner of the Intellectual Property.
- B. The Assignor wishes to assign to the Assignee and the Assignee agrees to accept the assignment of the Intellectual Property in accordance with the terms of this Deed.

## Agreed terms

### 1. Definitions and interpretation

#### 1.1 Definitions

In this Deed:

**Deed** means this deed including the background and any schedules;

**Effective Date** means the date of this Deed;

**Intellectual Property** means the Trade Marks and the Registered Community Designs;

**Registered Community Designs** means the designs set out in Schedule 2;

**Schedule** means the schedule(s) to this Deed;

**Trade Marks** mean the registered and unregistered trade marks set out in Schedule 1; and

**IP Register** means the register of trade marks or the register of designs maintained and administered by the relevant national IP offices in Australia, Canada, China, Europe, Japan, New Zealand, and the United States of America.

#### 1.2 Interpretation

In this Deed, unless the context requires otherwise:

- (a) the singular includes the plural and vice versa;

- (b) the headings are used for convenience only and do not affect the interpretation of this Deed;
- (c) other grammatical forms of defined words or expressions have corresponding meanings;
- (d) a reference to a thing includes a part of that thing;
- (e) a reference to all or any part of a statute, rule, regulation or ordinance (**statute**) includes that statute as amended, consolidated, re-enacted or replaced from time to time;
- (f) wherever "include" or any form of that word is used, it must be construed as if it were followed by "(without being limited to)";
- (g) a reference to any agency or body, if that agency or body ceases to exist or is reconstituted, renamed or replaced or has its powers or functions removed (**defunct body**), means the agency or body which performs most closely the functions of the defunct body; and
- (h) to the extent that there is any inconsistency between this Deed and the APA, the terms of the APA prevail.

## 2. Assignment

On the Effective Date, the Assignor assigns to the Assignee:

- (a) all rights, title and interest in the Intellectual Property;
- (b) goodwill in the Trade Marks;
- (c) the full right, sole power and authority to apply for entry of the Assignee as registered proprietor or applicant on the IP Register in relation to the Intellectual Property; and
- (d) all rights, if any, that Assignor has to take action against third parties for infringement or use of the Intellectual Property, including causes of action which arose before the date of this Deed.

## 3. General

### 3.1 Counterparts

If this Deed consists of a number of signed counterparts, each is an original and all of the counterparts together constitute the same document.

### 3.2 Further assurances

A party, at its own expense and within a reasonable time of being requested by another party to do so, must do all things and execute all documents that are reasonably necessary to give full effect to this Deed.

**3.3 Severability**

Any provision of this Deed which is invalid in any jurisdiction must, in relation to that jurisdiction:

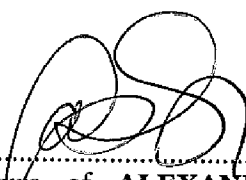
- (a) be read down to the minimum extent necessary to achieve its validity, if applicable; and
- (b) be severed from this Deed in any other case,

without invalidating or affecting the remaining provisions of this Deed or the validity of that provision in any other jurisdiction.

**Executed as a Deed**

**Signed by ALEXANDER DAMIEN )  
GOLDBERG )**

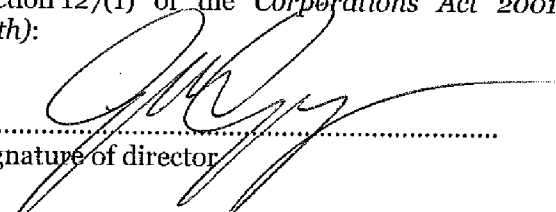
*Tania Robinson*  
.....  
Signature of witness

  
.....  
Signature of **ALEXANDER DAMIEN GOLDBERG**

*TANIA ROBINSON*  
.....  
Name of witness (please print)


Date: *13<sup>th</sup>* February 2019

**Executed by FITNESS SYSTEMS UNITED )  
PTY LTD ACN 143 490 500 in accordance with )  
section 127(1) of the Corporations Act 2001 )  
(Cth):**

  
.....  
Signature of director




*GEORGE GRETAN*  
.....  
Name (please print)




Date: *7<sup>th</sup>* February 2019

  
.....  
Signature of director/~~secretary~~  
\*strike through whichever does not apply

*MATTHEW DIXON*  
.....  
Name (please print)

## Schedule 1 – Trade Marks

Trade mark registration/ application no.	Jurisdiction	Trade mark	Goods and Services
1346712	Australia		<b>Class 28:</b> Appliances for physical exercise (other than for medical use); articles for exercising the body (other than for medical purposes); body toner apparatus (exercise); body training apparatus (exercise); exercise apparatus, other than for medical rehabilitative purposes; exercise devices, other than for medical rehabilitative purposes; exercise equipment, other than for medical rehabilitative purposes; exercise machines, other than for medical rehabilitative purposes; exercising apparatus, other than for medical rehabilitative purposes; fitness exercise appliances; fitness exercise machines; gymnastic exercising apparatus; leg exercising apparatus, other than for medical use; manually operated exercise apparatus, other than for medical use; muscle exercising apparatus (other than for medical use); physical exercise apparatus, other than for medical purposes; portable exercise apparatus, other than for medical use
1450594	Australia	SuperBands By PowerTube Pro	<b>Class 28:</b> Fitness apparatus; fitness exercise appliances; fitness exercise machines; indoor fitness apparatus (other than for medical purposes)
1453604	Australia		<b>Class 28:</b> Fitness apparatus
1475693	Australia		<b>Class 28:</b> Fitness apparatus; fitness exercise appliances; fitness exercise machines; indoor fitness apparatus (other than for medical purposes)
1483826	Australia	POWERTUBE PRO	<b>Class 28:</b> Fitness apparatus; fitness exercise appliances; fitness exercise machines; indoor fitness apparatus (other than for medical purposes)

Trade mark registration/ application no.	Jurisdiction	Trade mark	Goods and Services
1803481	Canada		(1) resistance bands; non-electric therapeutic massage devices, namely hand-held pointed massagers, foam massage rollers, rolling massage bars and massage balls for self-muscle relaxation and pain relief; manually-operated exercise equipment, namely elastic bands, stretching straps and elastic tubes for exercise; exercise balls; exercise bars; exercise pulleys; jump ropes; yoga blocks; and yoga straps
1803488	Canada	MEDifit	(1) resistance bands; non-electric therapeutic massage devices, namely hand-held pointed massagers, foam massage rollers, rolling massage bars and massage balls for self-muscle relaxation and pain relief; manually-operated exercise equipment, namely elastic bands, stretching straps and elastic tubes for exercise; exercise balls; exercise bars; exercise pulleys; jump ropes; yoga blocks; and yoga straps
1905739	Canada	flow atletica	(1) yoga mats  (2) yoga blocks; yoga straps
26092858	China		<b>Class 27:</b> Gymnastic mat , rubber mats , non-slip mats , floor mats , Fitness pad , Yoga Mat
26090652	China		<b>Class 28:</b> Exercise the body , hand-muscle developer , Breast expander for exercise, resistance band, Exercise body muscle instruments , body-building apparatus, Gymnastic Ball, chest expanders [exercisers]  sports rope (skipping, tug of war rope) , sports bar

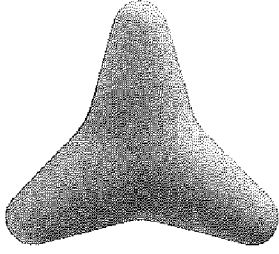
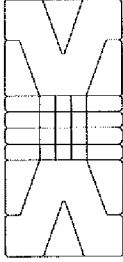
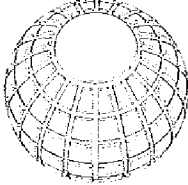


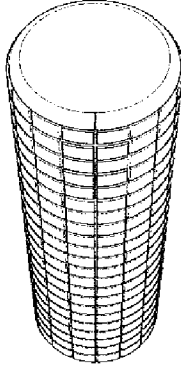
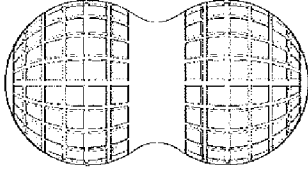


Trade mark registration/ application no.	Jurisdiction	Trade mark	Goods and Services
014942114	EM	PTP	<p><b>Class 28:</b> Fitness exercise machines; Indoor fitness apparatus; Sporting articles and equipment; Exercise pulleys; Exercise bars; Exercise balls; Exercisers [expanders]; Body-building apparatus [exercise]; Body toner apparatus [exercise]; Manually operated exercise equipment; Body training apparatus [exercise]; Chest expanders [exercisers]; Stress relief exercise balls; Yoga straps; Yoga blocks; Gym balls for yoga.</p>
015688922	EM		<p><b>Class 10:</b> Physiotherapy and rehabilitation equipment; Physiotherapy apparatus; Physiological apparatus for medical use; Massage appliances; Foot massagers; Body massagers; Massage apparatus; Foam massage rollers; Apparatus for medical rehabilitation; Body rehabilitation apparatus for medical purposes; Rehabilitation apparatus (Body -) for medical purposes; Apparatus for use in toning muscles for medical rehabilitation; Apparatus for achieving physical fitness [for medical use]; Hand exercisers for therapeutic use; Foot massage apparatus; Instruments for massage; Deep heat massage apparatus; Massage apparatus [for medical purposes]; Medical tubing.</p> <p><b>Class 28:</b> Chest expanders; Chest expanders [exercisers]; Indoor fitness apparatus; Exercise balls; Exercise pulleys; Exercise bars; Exercisers [expanders]; Stress relief balls for hand exercise; Grip balls in the nature of rubber ball for hand exercise.</p>
017920307	EM	FLOW ATHLETICA	<p><b>Class 27:</b> Yoga mats.</p> <p><b>Class 28:</b> Yoga straps; Yoga blocks; Gym balls for yoga.</p>

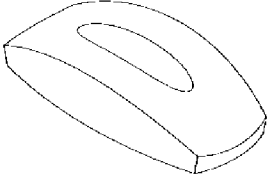
Trade mark registration/ application no.	Jurisdiction	Trade mark	Goods and Services
011123734	EM	POWERTUBE PRO	<p><b>Class 28:</b> Gymnastic and sporting articles not included in other classes; Indoor fitness apparatus; Fitness exercise machines.</p> <p><b>Class 41:</b> Education; Providing of training; Entertainment; Sporting and cultural activities; Physical fitness centres (operation of-); Provision of educational services relating to fitness; Fitness club services; Health club [fitness] services; Health club services [health and fitness training].</p>
6037542	JP		<p><b>Class 10:</b> マッサージ機器, 足用マッサージ機器</p> <p><b>Class 27:</b> 体操用マット, ヨガ用マット</p> <p><b>Class 28:</b> エクササイズ用ボール, ヨガ用ブロック, 縄跳びの縄, ストレッチ用の運動用具, その他のエクササイズ及びフィットネスに使用する運動用具</p>
963833	New Zealand	PowerTube Pro	<p><b>Class 28:</b> Fitness exercise appliances; fitness exercise machines; indoor fitness apparatus (other than for medical purposes)</p>
88010468	USA		<p><b>Class 10:</b> Foam massage rollers; Massage apparatus</p> <p><b>Class 27:</b> Yoga mats; Yoga towels specially adapted for yoga mats; Bags specially adapted for yoga mats</p> <p><b>Class 28:</b> Physical fitness equipment, namely, resistance bands, gym exercise balls, skipping ropes and yoga blocks</p>

Trade mark registration/ application no.	Jurisdiction	Trade mark	Goods and Services
87476218	USA	 <p><b>PTP</b> SMARTER MOVEMENT BETTER PERFORMANCE</p>	<p><b>Class 10:</b> Foam rollers for use in physical therapy; Massage apparatus</p> <p><b>Class 27:</b> Yoga mats; Yoga towels specially adapted for yoga mats</p> <p><b>Class 28:</b> Physical fitness equipment, namely, resistance bands, gym exercise balls, skipping ropes and yoga blocks</p>
88008806	USA	<p>flow athletica</p>	<p><b>Class 27:</b> Yoga mats; Yoga towels specially adapted for yoga mats; Bags specially adapted for yoga mats</p> <p><b>Class 28:</b> Yoga blocks; Fitness equipment, namely, straps used for yoga and other fitness activities and for carrying a yoga mat</p>
87476246	USA	 <p><b>MEDifit</b> the physio solution</p>	<p><b>Class 10:</b> Foam rollers for use in physical therapy; Massage apparatus; Manually-operated resistance bands for physical therapy purposes</p>
85359007	USA	<p>POWERTUBE PRO</p> 	<p><b>Class 28:</b> Accessory for manually-operated exercise equipment, namely, accessory attachment to increase muscle resistance; Ankle and wrist weights for exercise; Body-training apparatus and devices for physical exercises, namely, baseball bats and baseball swing training devices; Exercise equipment, namely, straps that are affixed to doors for performance of various exercises using body weight resistance</p>

## Schedule 2 – Designs

Design no.	Jurisdiction	Graphic Representation	Indication of Product
003296060-0001	EM		Massage Device
003414804-0001	EM		Physiotherapy apparatus
003417245-0001	EM		Massage appliance

Design no.	Jurisdiction	Graphic Representation	Indication of Product
003418318-0001	EM		Massage appliance
004853000-0001	EM		Physiotherapy apparatus
005272200-0001	EM		Skipping rope handles
005275534-0001	EM		Skipping rope handles

Design no.	Jurisdiction	Graphic Representation	Indication of Product
005606613-0001	EM		Cushions