

Re: TRACK ONE Non-Provisional Patent Application: Motorized rotatable treadmill and system for creating the illusion of movement (Our File: G185.0001US1)

From Amanda Prose <aprose@wck.com>
To mattguertin<MattGuertin@protonmail.com>
CC Megan Neumann<mneumann@wck.com>
Date Wednesday, December 28th, 2022 at 2:31 PM

They would have to produce authenticated materials showing that the website had that material on it on a date prior to your filing date. The materials you have gathered show that it is basically impossible for them to do that. We also took screenshots of their website for the Information Disclosure Statement submitted on 11/9 that show that the website was different.

You are effectively making it impossible for them to show that this material was on their website prior to your filing date. But since it was not, there would be no way for them to show that the material was on their website before you filed the application.

It is not uncommon for website content to be updated, so for example, in litigation, copies of what the website looks like currently are not material (not important), what matters is what the website looked like on or before March 2021 when your provisional application was filed.

Best regards,

Amanda

westman champlin & koehler
INTELLECTUAL PROPERTY ATTORNEYS

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