



Alain Villeneuve  
1420 5<sup>th</sup> Ave, Suite 2200  
Seattle, WA 98101-2387

February 20<sup>th</sup>, 2024

Honorable Judge Roslyn O. Silver  
Senior District Judge  
United States District Court  
District of Arizona - Phoenix Division  
Sandra Day O'Connor U.S. Courthouse, Suite 130  
401 West Washington Street, SPC 1  
Phoenix, AZ 85003-2118

Re: JFXD TRX ACQ, LLC in reference to Case No. 2:23-cv-02330-PHX-ROS and CV-22-02042-PHX-SPL: Notice of Bankruptcy/Chapter 11

### **COURT ORDERED STATEMENT OF OWNERSHIP OF RIGHTS**

Dear Judge Silver:

You have asked me to offer information to confirm ownership of rights in this case by JFXD TRX ACQ, LLC. We can offer the following:

- A) I have acted as sole prosecuting and litigating IP attorney on behalf of Fitness Anywhere, LLC, since at least 2014. I did so as a partner at the law firm of Vedder Price P.C. (2014-2018) and then an equity partner of Duane Morris LLP (2018-2022).
- B) In the fall of 2022, I was informed Fitness Anywhere, LLC had been acquired and the brand continued undisturbed. I was then asked to file the UDPR action for the return of TRX's property.
- C) Without my knowledge, a different law firm (Fried Frank) conducted the acquisition, due diligence, preparation and even the filing of an IP assignment with the USPTO. I was not informed of any ownership change linked with the acquisition of the brand, of the Chapter 11 rules nor did I take part in the filing of this assignment.
- D) My employment with Plaintiff (JFXD TRX ACQ, LLC) as General Counsel began on January 1, 2023.



- E) As quickly as possible on the role, I reached out to the first attorneys representing <trx.com> to explain this situation. I offered that the owner of the brand, JFXD TRX ACQ, LLC substitute into the action on file and service already done against Fitness Anywhere LLC be used in an effort of expediency. The attorneys refused.
- F) These attorneys also refused to notify the Court of the status of Finesse Anywhere LLC. Trying to avoid Default by the Court in an action I could not represent, I secured from the Fitness Anywhere, LLC General Counsel a notice of bankruptcy. Attached as **Exhibit A** is a copy of the email sent to the Law Clerk of Judge Steven P. Logan trying to clarify this situation. Part of this email reads:

*Dear Clerk of Judge Logan:*

*Fitness Anywhere LLC, the sole defendant in this case is under Chapter 11 bankruptcy. The General Counsel has signed the attached notice for the Court to consider.*

*I am the general counsel of JFXD TRX ACQ LLC, the purchaser of the Chapter 11 assets. I have been unable to find the optimal way to enter this notice Fitness Anywhere LLC as we are not a party in this litigation at this time. I have left a voicemail on the number provided in the December 2, 2022 order as best to proceed.*

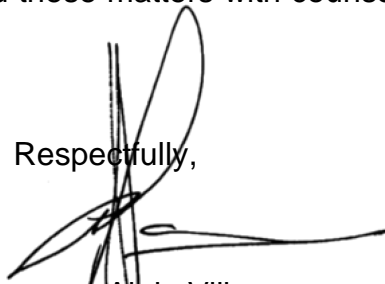
*I have copied the Plaintiff's attorneys for convenience.*

*Sincerely,*

*Alain*

- G) I also did not have local counsel in Arizona to enter any document in this record.
- H) I have also tried and failed to discuss these matters directly with counsels #2 and #3 of Defendants who have refused to return my calls or my emails. It also appears counsel #1 and this client has not discussed these matters with counsels #2 and #3.

Respectfully,



Alain Villeneuve  
General Counsel of TRX



## **EXHIBIT A**



Alain Villeneuve <avilleneuve@trxtraining.com>

---

## CV-22-02042-PHX-SPL : Notice of Bankruptcy / Chapter 11

---

AZDdb\_Logan Chambers <logan\_chambers@azd.uscourts.gov>

Fri, Feb 10, 2023 at 1:43 AM

To: Alain Villeneuve <avilleneuve@trxtraining.com>, AZDdb\_Logan Chambers <logan\_chambers@azd.uscourts.gov>, "Munro, John E." <JEMunro@duanemorris.com>, Jeffrey Johnson <jjohnson@iplawusa.com>, "John Berryhill, Ph.d., Esq." <john@johnberryhill.com>

Good afternoon, Mr. Villeneuve:

Thank you for notifying us of the Chapter 11 bankruptcy, but the Court cannot take any action unless the notice is filed on the docket. Unfortunately, I am also unable to advise you on the best way to proceed.

Sorry I could not be of more help. And please let me know if you have any additional questions.

Anya Stangl  
Law Clerk to the Honorable Steven P. Logan  
United States District Court for the District of Arizona  
(602) 322-7550

---

**From:** Alain Villeneuve <avilleneuve@trxtraining.com>

**Sent:** Friday, February 3, 2023 2:41 PM

**To:** AZDdb\_Logan Chambers <logan\_chambers@azd.uscourts.gov>; Munro, John E. <JEMunro@duanemorris.com>; Jeffrey Johnson <jjohnson@iplawusa.com>; John Berryhill, Ph.d., Esq. <john@johnberryhill.com>

**Subject:** Fwd: CV-22-02042-PHX-SPL : Notice of Bankruptcy / Chapter 11

### CAUTION - EXTERNAL:

Dear Clerk of Judge Logan:

Fitness Anywhere LLC, the sole defendant in this case is under Chapter 11 bankruptcy. The General Counsel has signed the attached notice for the Court to consider.

I am the general counsel of JFXD TRX ACQ LLC, the purchaser of the Chapter 11 assets. I have been unable to find the optimal way to enter this notice Fitness Anywhere LLC as we are not a party in this litigation at this time. I have left a voicemail on the number provided in the December 2, 2022 order as best to proceed.

I have copied the Plaintiff's attorneys for convenience.

Sincerely,

Alain

**MAKE YOUR BODY  
YOUR MACHINE®**

---

**Alain Villeneuve** Senior Vice-President & General Counsel  
Patent Att., IL, WA and UK Registered  
p. 312-404-1569  
[trxtraining.com](http://trxtraining.com)

**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.