

ESTTA Tracking number: **ESTTA540496**

Filing date: **05/29/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Roots Canada Ltd.
Granted to Date of previous extension	05/29/2013
Address	1400 Castlefield Avenue Toronto, M6B 4C4 CANADA

Attorney information	Joseph R. Dreitler Dreitler True, LLC 137 E. State St. Columbus, OH 43215 UNITED STATES jdreitler@ustrademarklawyer.com, mtrue@ustrademarklawyer.com, ttrofino@ustrademarklawyer.com Phone:614-545-6354
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**Applicant Information**

Application No	85709073	Publication date	01/29/2013
Opposition Filing Date	05/29/2013	Opposition Period Ends	05/29/2013
Applicant	Raney, Germaine 4209 Wellington Shores Drive Wellington, FL 33449 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Boots; Coats; Flip flops; Gloves; Hats; Jackets; Jeans; Pants; Robes; Sandals; Scarves; Shirts; Shoes; Shorts; Slacks; Sleepwear; Slippers; Sneakers; Socks; Suits; Sweaters; Sweatshirts; T-shirts; Ties; Underwear; Vests
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	995891	Application Date	08/13/1973
Registration Date	10/15/1974	Foreign Priority Date	05/14/1973

Word Mark	ROOTS
Design Mark	
Description of Mark	NONE
Goods/Services	Class U039 (International Class 025). First use: First Use: 1973/07/10 First Use In Commerce: 1973/07/10 FOOTWEAR-NAMELY, SHOES SLIPPERS AND BOOTS

U.S. Registration No.	1815610	Application Date	02/09/1989
Registration Date	01/11/1994	Foreign Priority Date	NONE

Word Mark	ROOTS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: SADDLE SOAP AND SHOE POLISH Class 018. First use: LUGGAGE, HANDBAGS, WALLETS, KEY CASES AND LEATHER KEY FOBS Class 025. First use: FOOTWEAR; NAMELY, SHOES, SLIPPERS, BOOTS, GOLF SHOES, GLOVES, HOSIERY, SCARVES, BELTS, T-SHIRTS, SWEATSHIRTS, CLOTHING OF ALL TYPES; NAMELY, SLACKS, SHIRTS, SOCKS, TIES, SUITS, JACKETS, COATS, DRESSES, BLOUSES, SKIRTS AND JEANS Class 042. First use: RETAIL OUTLET SERVICES FOR SELLING FOOTWEAR; NAMELY, SHOES, SLIPPERS, BOOTS, GOLF SHOES; SHOE ACCESSORIES; NAMELY, SADDLE SOAP AND SHOE POLISH; LUGGAGE, WALLETS, HANDBAGS, KEY CASES AND LEATHER KEY FOBS, SCARVES, BELTS, T-SHIRTS, SWEATSHIRTS, HOSIERY, GLOVES, CLOTHING OF ALL TYPES; NAMELY, SLACKS, SOCKS, TIES, SHIRTS, SKIRTS, JACKETS, COATS, DRESSES, BLOUSES, AND JEANS

U.S. Registration No.	3808962	Application Date	08/29/2008
Registration Date	06/29/2010	Foreign Priority Date	NONE

Word Mark	ROOTS GREEN
Design Mark	
Description of Mark	The mark consists of the words "roots green" in stylized lettering with "roots" appearing in darker lettering and "green" in lighter lettering, both below the design of a plant seedling within a shaded square.
Goods/Services	Class 025. First use: First Use: 2008/06/26 First Use In Commerce: 2008/06/26 Clothing, namely, tank tops, shirts, sweaters, pullover shirts, hooded sweatshirts, polos, novelty knit tunics, pants, sweat pants, track pants, shorts, dresses, headwear, namely, ball caps, camp hats, toques; yoga wear, namely, yoga bottoms, pants, shorts, capris and yoga tops including t-shirts, full zip jackets, pullovers, sweaters, tank tops, and camisoles

U.S. Registration No.	3825761	Application Date	08/29/2008
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Registration Date	07/27/2010	Foreign Priority Date	NONE
Word Mark	ROOTS GREEN		
Design Mark			
Description of Mark	The mark consists of the words "roots green" in stylized lettering with "roots" appearing in darker lettering and "green" in lighter lettering, both below the design of a plant seedling within a shaded square.		
Goods/Services	Class 025. First use: First Use: 2008/01/00 First Use In Commerce: 2008/01/00 Clothing, namely, turtlenecks, leggings, socks, tights, scarves		

Attachments	Royal Roots - Notice of Opposition - Final.pdf(925071 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Joseph R. Dreitler/
Name	Joseph R. Dreitler
Date	05/29/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF: TRADEMARK APPLICATION Serial No. 85/709073 – RR ROYAL  
ROOTS in class 25

DATE OF PUBLICATION: January 29, 2013

**ROOTS CANADA LTD.,**

**Opposer,**

v.

**Germaine Raney,**

**Applicant.**

**Opposition No.:** \_\_\_\_\_

**NOTICE OF OPPOSITION**

Roots Canada Ltd. (hereinafter "Opposer" or "Roots"), a corporation organized under the laws of Canada, having offices at 1400 Castlefield Avenue, Toronto, Ontario, Canada M6B 4C4, believes that it will be damaged by the registration of U.S. Serial No. 85/709073 – RR ROYAL ROOTS for “Boots; Coats; Flip flops; Gloves; Hats; Jackets; Jeans; Pants; Robes; Sandals; Scarves; Shirts; Shoes; Shorts; Slacks; Sleepwear; Slippers; Sneakers; Socks; Suits; Sweaters; Sweatshirts; T-shirts; Ties; Underwear; Vests” by Germaine Raney -- and hereby opposes registration of the same under the provisions of *Section 13 of the Trademark Act of July 5, 1946, 15 U.S.C. § 1063*. As grounds therefor, it is alleged that:

1. Roots and its related companies and affiliates have, since long prior to August 21, 2012, Applicant’s constructive use date of RR ROYAL ROOTS for “Boots; Coats; Flip flops; Gloves; Hats; Jackets; Jeans; Pants; Robes; Sandals; Scarves; Shirts; Shoes; Shorts; Slacks;

Sleepwear; Slippers; Sneakers; Socks; Suits; Sweaters; Sweatshirts; T-shirts; Ties; Underwear; Vests” in Class 25, by Germaine Raney (hereinafter referred to as “Applicant”), been engaged in the offering of a wide variety of footwear and clothing products under the mark ROOTS. Roots and its various related and affiliated entities shall hereafter be collectively referred to as “Opposer”.

2. Roots is a well-known manufacturer, distributor, retailer and on-line retailer of footwear, clothing, leather products, personal care products and housewares, among other things, all of which Roots distributes around the world under the ROOTS® trademark. Roots has promoted and sold shoes under its well-known and famous ROOTS® trademark for over 35 years. Roots has sold clothing and other related goods under the ROOTS® trademark in the United States since as early as 1995. For over 25 years, Roots has promoted and sold apparel under the ROOTS® trademark. Roots has built a large and successful business in the United States under the ROOTS® trademark. For example, the ROOTS® trademark gained tremendous popularity in the United States when Roots was selected to design the U.S. Olympic team uniforms for the 2002 Winter Olympic Games in Salt Lake City.

3. Roots owns numerous U.S. registrations and pending applications for its well-known and famous ROOTS® trademark for a wide variety of products. Roots’ U.S. registrations for apparel, footwear and hats are identified below:

<b>Trademark</b>	<b>Status</b>	<b>Goods/Services</b>
ROOTS SN:72-465489 RN:995,891	Registered: October 15, 1974	(Int'l Class: 25) Footwear-namely, shoes slippers and boots
ROOTS SN:73-779721 RN:1,815,610	Registered: January 11, 1994	(Int'l Class: 25) Footwear; namely, shoes, slippers, boots, golf shoes, gloves, hosiery, scarves, belts, t-shirts, sweatshirts, clothing of all types; namely, slacks, shirts, socks, ties, suits, jackets, coats, dresses, blouses, skirts and jeans

ROOTS GREEN & Design SN: 77558869 RN: 3808962	Registered: June 29, 2010	(Int'l Class 25) Clothing, namely, tank tops, shirts, sweaters, pullover shirts, hooded sweatshirts, polos, novelty knit tunics, pants, sweat pants, track pants, shorts, dresses, headwear, namely, ball caps, camp hats, toques; yoga wear, namely, yoga bottoms, pants, shorts, capris and yoga tops including t-shirts, full zip jackets, pullovers, sweaters, tank tops, and camisoles.
ROOTS GREEN & Design SN 77558845 RN: 3825761	Registered: July 27, 2010	(Int'l Class 25) Clothing, namely, turtlenecks, leggings, socks, tights, scarves

Copies of current printouts from the USPTO's TARR database showing the current status and title of these registrations (collectively, the "Roots Marks") are attached to this Notice of Opposition as Exhibit A.

4. The certificates of registration identified in paragraph 3 are valid and subsisting and record title is in Opposer; the certificates of registration are *prima facie* evidence of the validity of the registrations, the Registrant's ownership of the marks, and of the Registrant's exclusive right to use the marks in commerce in connection with the goods and services specified in the certificates of registration under the provisions of 15 U.S.C. § 1057(b) and constructive notice of the Registrant's claim of ownership under 15 U.S.C. § 1072. Registration Nos. 995,891 and 1,815,610 are incontestable, which provides conclusive evidence of their validity under 15 U.S.C. § 1115(b).

5. On August 21, 2012, Applicant filed application Serial No. 85/709073 – RR ROYAL ROOTS for "Boots; Coats; Flip flops; Gloves; Hats; Jackets; Jeans; Pants; Robes; Sandals; Scarves; Shirts; Shoes; Shorts; Slacks; Sleepwear; Slippers; Sneakers; Socks; Suits; Sweaters; Sweatshirts; T-shirts; Ties; Underwear; Vests".

6. The goods described by Applicant's RR ROYAL ROOTS mark for "Boots; Coats; Flip flops; Gloves; Hats; Jackets; Jeans; Pants; Robes; Sandals; Scarves; Shirts; Shoes; Shorts; Slacks; Sleepwear; Slippers; Sneakers; Socks; Suits; Sweaters; Sweatshirts; T-shirts; Ties; Underwear; Vests" in Class 25, are virtually identical and in some cases identical to Opposer's goods sold under its Roots Marks.

7. Upon information and belief, the goods for which Applicant seeks to register the designation RR ROYAL ROOTS will involve offering the same goods under very similar marks that includes "ROOTS" to the same persons to whom Opposer provides such goods under its Roots Marks.

8. Upon information and belief, the Applicant's goods will be marketed, promoted and offered through the same marketing channels as are the goods provided by Opposer under its Roots Marks.

9. The designation RR ROYAL ROOTS which the Applicant seeks to register is very similar to Opposer's famous Roots Marks.

10. The Opposer, since long prior to Applicant's alleged first use and first use in interstate commerce dates of RR ROYAL ROOTS for "Boots; Coats; Flip flops; Gloves; Hats; Jackets; Jeans; Pants; Robes; Sandals; Scarves; Shirts; Shoes; Shorts; Slacks; Sleepwear; Slippers; Sneakers; Socks; Suits; Sweaters; Sweatshirts; T-shirts; Ties; Underwear; Vests", has spent and continues to spend, large sums of money in the promotion and advertisement of its various goods and services identified and distinguished by its Roots Marks, and by reason of such promotion and advertising and the high quality of its products and services carrying the Opposer's trademarks, Opposer now enjoys a valuable goodwill and an enviable and famous reputation with respect to its trademarks and its goods and services.

11. The distinctive trademark ROOTS and other variations owned by Opposer have attained widespread public recognition and acquired great value as an identification of the source of goods and services in or by Opposer for more than thirty-five (35) years of continuous and widespread use on products and services and the expenditure of significant sums of dollars in advertising and promoting Opposer's Roots Marks to its customers and potential customers; and the said Roots Marks distinguish Opposer's goods and services from the goods and services of others.

12. The designations RR ROYAL ROOTS which Applicant seeks to register is nothing more than Opposer's mark ROOTS preceded by the descriptive term "Royal". Consumers will assume RR ROYAL ROOTS for the goods sought to be registered is simply a new and/or more expensive or extraordinarily high quality line of ROOTS products. Potential customers who hear "RR ROYAL ROOTS" when used in connection with goods identical to those offered by Opposer under the Roots Marks will think that Applicant and/or its RR ROYAL ROOTS goods are connected with or sponsored by Opposer.

13. The use, promotion and registration of RR ROYAL ROOTS by the Applicant, a direct competitor of Opposer, will cause customers throughout the United States to assume, erroneously, and to be confused, misled and/or deceived, that the Applicant's RR ROYAL ROOTS goods are affiliated with, endorsed or sponsored by Opposer, all to the Opposer's irreparable damage.

14. Opposer's ROOTS® trademark is famous under the Lanham Act.

15. The application to register RR ROYAL ROOTS was filed after Opposer's ROOTS® trademark became famous.

16. Registration of Applicant's RR ROYAL ROOTS mark will likely dilute the distinctive quality of the ROOTS® trademark because the registration of RR ROYAL ROOTS mark will lessen the capacity of Opposer's ROOTS® trademark to identify and distinguish goods and services offered exclusively by Roots.

17. Registration of RR ROYAL ROOTS is likely to dilute the ROOTS® trademark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).

18. For the reasons set forth in paragraphs 1 through 17, Opposer believes, and in so believing asserts, that the goodwill in its distinctive ROOTS trademark will be damaged under *Section 2(d)* and will also be diluted under *Section 43 (c)*, and that the Applicant should be denied the registration of the RR ROYAL ROOTS mark for the goods for which it has filed application Serial No. 85/709073 – RR ROYAL ROOTS.

19. By reason of the foregoing, Applicant's application of RR ROYAL ROOTS for “Boots; Coats; Flip flops; Gloves; Hats; Jackets; Jeans; Pants; Robes; Sandals; Scarves; Shirts; Shoes; Shorts; Slacks; Sleepwear; Slippers; Sneakers; Socks; Suits; Sweaters; Sweatshirts; T-shirts; Ties; Underwear; Vests” is likely to cause confusion with and dilute Opposer's marks for the identical and related goods, and thus is not registrable under Section 13 of the Trademark Act of 1946 (15 U.S.C. § 1063).

WHEREFORE, Opposer prays that this Opposition be sustained and that application Serial No. 85/709073 – RR ROYAL ROOTS - be refused registration.

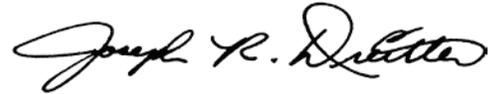
The fee of \$300.00 to oppose this application as provided by *Sections 13 and 31 of the Trademark Act of 1946* is paid by charging Opposer's attorneys' credit card.

Please recognize Joseph R. Dreitler and Mary R. True, both members of the Bar of the State of Ohio, as its attorneys to prosecute this Notice of Opposition and to transact all business

in the Patent and Trademark Office in connection herewith. Please address all communications to: Joseph R. Dreitler, c/o Dreitler True, LLC, 137 E. State Street, Columbus, Ohio 43215.

Dated: May 29, 2013

Respectfully submitted,



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Joseph R. Dreitler  
Mary R. True  
DREITLER TRUE, LLC  
137 E. STATE STREET – SUITE 101  
Columbus, Ohio 43215  
Telephone: (614) 545-6354  
E-mail: [jdreitler@ustrademarklawyer.com](mailto:jdreitler@ustrademarklawyer.com)

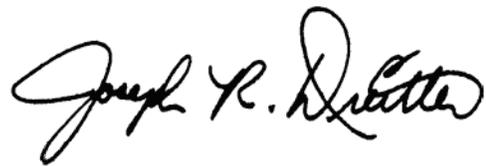
Attorneys for Opposer  
*Roots Canada Ltd.*

Attachments - 2

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Notice of Opposition was served via both email at [hrran@aol.com](mailto:hrran@aol.com) and First Class U.S. mail this 29th day of May, 2013, upon the following:

Germaine Raney  
4209 Wellington Shores Drive  
Wellington, Florida 33449

A handwritten signature in black ink, appearing to read "Joseph R. Quatter". The signature is written in a cursive style with a large, looping initial "J".

# **Exhibit A**

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Tue Apr 2 05:03:19 EDT 2013

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**Word Mark** ROOTS

**Goods and Services** IC 025. US 039. G & S: FOOTWEAR-NAMELY, SHOES SLIPPERS AND BOOTS. FIRST USE: 19730710. FIRST USE IN COMMERCE: 19730710

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 72465489

**Filing Date** August 13, 1973

**Current Basis** 1A;44E

**Original Filing Basis** 1A;44D

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** 0995891

**Registration Date** October 15, 1974

**Owner** (REGISTRANT) BUDMAN, MICHAEL INDIVIDUAL CANADA 1052 YONGE STREET TORONTO, ONTARIO CANADA  
(REGISTRANT) GREEN, DON DBA DON-MICHAEL INDIVIDUAL CANADA 1052 YONGE STREET TORONTO, ONTARIO CANADA  
(LAST LISTED OWNER) ROOTS CANADA LTD. CORPORATION ASSIGNEE OF CANADA 1162 CALEDONIA ROAD TORONTO, ONTARIO M6A 2W5 CANADA

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** BETH M. GOLDMAN

**Priority Date** May 14, 1973

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECTION 8(10-YR) 20041129.

**Renewal** 2ND RENEWAL 20041129

**Other Data** THE COURT HAS ORDERED THE COMMISSIONER OF PATENTS AND TRADEMARKS TO RECTIFY THE TRADEMARK REGISTER TO SHOW THAT REGISTRATION NO. 995,891 IS TO BE RESTRICTED TO THE AREA COMPRISING THE ENTIRE UNITED STATES EXCEPT FOR THE STATE OF NEW JERSEY. REGISTRATION NO. 995,891 HAS BEEN INVOLVED IN CIVIL ACTION NO. 79-2966 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY.

**Live/Dead Indicator** LIVE

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[Assignments on the Web](#) > [Trademark Query](#)

## Trademark Assignment Abstract of Title

## Total Assignments: 5

Serial #: [72465489](#)

Filing Dt: 08/13/1973

Reg #: [995891](#)

Reg. Dt: 10/15/1974

Registrant: BUDMAN, MICHAEL

Mark: ROOTS

## Assignment: 1

Reel/Frame: [0268/0603](#)

Received:

Recorded: 06/12/1975

Pages: 3

Conveyance: AN AFFIDAVIT AND CERTIFIED COPY OF A DOCUMENT FILED UNDER THE PARTNERSHIPS REGISTRATION ACT, SHOWING CHANGE OF NAME.

Assignor: [DON-MICHAEL](#)

Exec Dt: 02/05/1975

Composed of:

Entity Type: PARTNERSHIP

COMPOSED OF GREEN, DON AND BUDMAN, MICHAEL AS PARTNERS

Citizenship: NONE

Assignee: [BRIAN-JOEL](#)

Entity Type: UNKNOWN

Citizenship: NONE

Correspondent: DENNISON ASSOCIATES

133 RICHMOND STREET WEST

TORONTO, CAX M5H -2L7

## Assignment: 2

Reel/Frame: [0661/0292](#)

Received:

Recorded: 07/21/1989

Pages: 0

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignors: [GREEN, DON](#)

Exec Dt: 05/01/1989

DBA/ AKA/ TA: DBA BRIAN-JOEL

Entity Type: UNKNOWN

Citizenship: NONE

[BUDMAN, MICHAEL](#)

Exec Dt: 00/00/0000

DBA/ AKA/ TA: DBA BRIAN-JOEL

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: [ROOTS CANADA LTD.](#)

Entity Type: CORPORATION

Citizenship: CANADA

1162 CALEDONIA ROAD

TORONTO, ONTARIO, NONE

Correspondent: ROGERS, BERESKIN &amp; PARR

COMMERCE COURT POSTAL STATION

P.O. BOX 313

TORONTO, CAX M5L -1G1

## Assignment: 3

Reel/Frame: [1664/0574](#)

Received: 12/17/1997

Recorded: 12/11/1997

Pages: 30

Conveyance: SECURITY AGREEMENT

Assignor: [ROOTS CANADA LTD.](#)

Exec Dt: 09/26/1997

Entity Type: CORPORATION

Citizenship: CANADA

Assignee: [CIBC WOOD GUNDY CAPITAL](#)Entity Type: DIVISION OF THE CANADIAN  
IMPERIAL BANK OF COMMERCE

BCE PLACE, 6TH FLOOR  
 161 BAY STREET  
 TORONTO, ONTARIO, CANADA M5J 2S8

**Citizenship:** CANADA

**Correspondent:** SHOEMAKER & MATTARE, LTD.

KEVIN G. SMITH, ESQ.  
 SUITE 1203 - CRYSTAL PLAZA BLDG. 1  
 2001 JEFFERSON DAVIS HWY.  
 ARLINGTON, VA 22202

#### Assignment: 4

**Reel/Frame:** [1668/0001](#)      **Received:** 01/05/1998      **Recorded:** 12/12/1997      **Pages:** 29

**Conveyance:** SECURITY AGREEMENT

**Assignor:** [ROOTS CANADA LTD.](#)

**Exec Dt:** 09/26/1997

**Entity Type:** AN ONTARIO CANADA  
CORPORATION

**Citizenship:** NONE

**Entity Type:** CANADIAN BANK CHARTERED  
UNDER THE FEDERAL BANK ACT

**Citizenship:** NONE

**Assignee:** [CANADIAN IMPERIAL BANK OF COMMERCE](#)

MANAGING DIRECTOR, DIVERSIFIED INDUSTRIES  
 COMMERCE COURT WEST, 7TH FLOOR  
 CANADA M51 1A2

**Correspondent:** SHOEMAKER AND MATTARE, LTD.

KEVIN G. SMITH  
 SUITE 1203 - CRYSTAL PLAZA BLDG. 1  
 2001 JEFFERSON DAVIS HWY  
 ARLINGTON, VA 22202

#### Assignment: 5

**Reel/Frame:** [4807/0195](#)      **Received:** 06/20/2012      **Recorded:** 06/20/2012      **Pages:** 5

**Conveyance:** DISCHARGE OF SECURITY INTERESTS

**Assignors:** [CANADIAN IMPERIAL BANK OF COMMERCE](#)

**Exec Dt:** 06/08/2012

**Entity Type:** BANK CHARTERED UNDER FEDERAL  
BANK ACT

**Citizenship:** CANADA

**Exec Dt:** 06/08/2012

**Entity Type:** DIVISION OF THE CANADIAN  
IMPERIAL BANK OF COMMERCE

**Citizenship:** CANADA

**Entity Type:** CORPORATION

**Citizenship:** CANADA

[CIBC WOOD GUNDY CAPITAL](#)

**Assignee:** [ROOTS CANADA LTD.](#)

1400 CASTLEFIELD AVE  
 TORONTO ONTARIO, CANADA M6B4C4

**Correspondent:** STEPHEN G. JANOSKI

ROYLANCE, ABRAMS, BERDO & GOODMAN, LLP  
 SUITE 600  
 1300 19TH STREET, NW  
 WASHINGTON, DC 20036



**Trademarks > Trademark Electronic Search System (TESS)**

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<b>Word Mark</b>	ROOTS
<b>Goods and Services</b>	IC 003. US 004. G & S: SADDLE SOAP AND SHOE POLISH IC 018. US 003. G & S: LUGGAGE, HANDBAGS, WALLETS, KEY CASES AND LEATHER KEY FOBS IC 025. US 039. G & S: FOOTWEAR; NAMELY, SHOES, SLIPPERS, BOOTS, GOLF SHOES, GLOVES, HOSIERY, SCARVES, BELTS, T-SHIRTS, SWEATSHIRTS, CLOTHING OF ALL TYPES; NAMELY, SLACKS, SHIRTS, SOCKS, TIES, SUITS, JACKETS, COATS, DRESSES, BLOUSES, SKIRTS AND JEANS IC 042. US 101. G & S: RETAIL OUTLET SERVICES FOR SELLING FOOTWEAR; NAMELY, SHOES, SLIPPERS, BOOTS, GOLF SHOES; SHOE ACCESSORIES; NAMELY, SADDLE SOAP AND SHOE POLISH; LUGGAGE, WALLETS, HANDBAGS, KEY CASES AND LEATHER KEY FOBS, SCARVES, BELTS, T-SHIRTS, SWEATSHIRTS, HOSIERY, GLOVES, CLOTHING OF ALL TYPES; NAMELY, SLACKS, SOCKS, TIES, SHIRTS, SKIRTS, JACKETS, COATS, DRESSES, BLOUSES, AND JEANS
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73779721
<b>Filing Date</b>	February 9, 1989
<b>Current Basis</b>	44E
<b>Original Filing Basis</b>	44E
<b>Published for Opposition</b>	April 28, 1992
<b>Registration Number</b>	1815610
<b>Registration Date</b>	January 11, 1994
<b>Owner</b>	(REGISTRANT) ROOTS CANADA LTD. CORPORATION CANADA 1162 CALEDONIA ROAD TORONTO, ONTARIO M6A 2W5 CANADA
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED

**Attorney of Record** BETH H GOLDMAN

**Prior Registrations** 0995891

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040225.

**Renewal** 1ST RENEWAL 20040225

**Other Data** SUBJECT TO CONCURRENT USE PROCEEDING WITH REGISTRATION NO. 1,413,446. APPLICANT CLAIMS EXCLUSIVE RIGHT TO USE THE MARK IN THE AREA COMPRISING ALL OF THE UNITED STATES EXCEPT FOR THE STATE OF NEW JERSEY, PURSUANT TO THE OCTOBER 14, 1987 DECREE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY IN CIVIL ACTION NO. 79-2966, AFFIRMED BY THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT IN APPEAL NO. 87-5776.

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 4**Serial #: [73779721](#)

Filing Dt: 02/09/1989

Reg #: [1815610](#)

Reg. Dt: 01/11/1994

Registrant: ROOTS CANADA LTD.

Mark: ROOTS

**Assignment: 1**Reel/Frame: [0661/0292](#)

Received:

Recorded: 07/21/1989

Pages: 0

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignors: [GREEN, DON](#)

DBA/ AKA/ TA: DBA BRIAN-JOEL

[BUDMAN, MICHAEL](#)

DBA/ AKA/ TA: DBA BRIAN-JOEL

Exec Dt: 05/01/1989

Entity Type: UNKNOWN

Citizenship: NONE

Exec Dt: 00/00/0000

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: [ROOTS CANADA LTD.](#)

1162 CALEDONIA ROAD

TORONTO, ONTARIO, NONE

Entity Type: CORPORATION

Citizenship: CANADA

Correspondent: ROGERS, BERESKIN &amp; PARR

COMMERCE COURT POSTAL STATION

P.O. BOX 313

TORONTO, CAX M5L -1G1

**Assignment: 2**Reel/Frame: [1664/0574](#)

Received: 12/17/1997

Recorded: 12/11/1997

Pages: 30

Conveyance: SECURITY AGREEMENT

Assignor: [ROOTS CANADA LTD.](#)

Exec Dt: 09/26/1997

Entity Type: CORPORATION

Citizenship: CANADA

Assignee: [CIBC WOOD GUNDY CAPITAL](#)

BCE PLACE, 6TH FLOOR

161 BAY STREET

TORONTO, ONTARIO, CANADA M5J 2S8

Entity Type: DIVISION OF THE CANADIAN  
IMPERIAL BANK OF COMMERCE

Citizenship: CANADA

Correspondent: SHOEMAKER &amp; MATTARE, LTD.

KEVIN G. SMITH, ESQ.

SUITE 1203 - CRYSTAL PLAZA BLDG. 1

2001 JEFFERSON DAVIS HWY.

ARLINGTON, VA 22202

**Assignment: 3**Reel/Frame: [1668/0001](#)

Received: 01/05/1998

Recorded: 12/12/1997

Pages: 29

Conveyance: SECURITY AGREEMENT

**Assignor:** [ROOTS CANADA LTD.](#)

**Exec Dt:** 09/26/1997

**Entity Type:** AN ONTARIO CANADA CORPORATION

**Citizenship:** NONE

**Assignee:** [CANADIAN IMPERIAL BANK OF COMMERCE](#)  
MANAGING DIRECTOR, DIVERSIFIED INDUSTRIES  
COMMERCE COURT WEST, 7TH FLOOR  
CANADA M51 1A2

**Entity Type:** CANADIAN BANK CHARTERED UNDER THE FEDERAL BANK ACT  
**Citizenship:** NONE

**Correspondent:** SHOEMAKER AND MATTARE, LTD.  
KEVIN G. SMITH  
SUITE 1203 - CRYSTAL PLAZA BLDG. 1  
2001 JEFFERSON DAVIS HWY  
ARLINGTON, VA 22202

## Assignment: 4

**Reel/Frame:** [4807/0195](#)      **Received:** 06/20/2012      **Recorded:** 06/20/2012      **Pages:** 5

**Conveyance:** DISCHARGE OF SECURITY INTERESTS

**Assignors:** [CANADIAN IMPERIAL BANK OF COMMERCE](#)

**Exec Dt:** 06/08/2012

**Entity Type:** BANK CHARTERED UNDER FEDERAL BANK ACT

**Citizenship:** CANADA

[CIBC WOOD GUNDY CAPITAL](#)

**Exec Dt:** 06/08/2012

**Entity Type:** DIVISION OF THE CANADIAN IMPERIAL BANK OF COMMERCE

**Citizenship:** CANADA

**Assignee:** [ROOTS CANADA LTD.](#)  
1400 CASTLEFIELD AVE  
TORONTO ONTARIO, CANADA M6B4C4

**Entity Type:** CORPORATION

**Citizenship:** CANADA

**Correspondent:** STEPHEN G. JANOSKI  
ROYLANCE, ABRAMS, BERDO & GOODMAN, LLP  
SUITE 600  
1300 19TH STREET, NW  
WASHINGTON, DC 20036

Search Results as of: 04/02/2013 09:04 AM

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Web interface last modified: July 10, 2012 v.2.3.2

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TESS was last updated on Tue Apr 2 05:03:19 EDT 2013

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**ROOTS GREEN**

<b>Word Mark</b>	ROOTS GREEN
<b>Goods and Services</b>	IC 025. US 022 039. G & S: Clothing, namely, tank tops, shirts, sweaters, pullover shirts, hooded sweatshirts, polos, novelty knit tunics, pants, sweat pants, track pants, shorts, dresses, headwear, namely, ball caps, camp hats, toques; yoga wear, namely, yoga bottoms, pants, shorts, capris and yoga tops including t-shirts, full zip jackets, pullovers, sweaters, tank tops, and camisoles. FIRST USE: 20080626. FIRST USE IN COMMERCE: 20080626
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	05.03.10 - Other branches with leaves, with or without fruit 05.13.25 - Bales of hay or straw; Hay in bales; Other plants including bales of hay or straw; Straw in bales 26.09.21 - Squares that are completely or partially shaded
<b>Trademark Search Facility Classification Code</b>	SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons SHAPES-MISC Miscellaneous shaped designs VEG Plant life such as trees,flowers,fruits,grains,nuts,wreaths,and leaves
<b>Serial Number</b>	77558869
<b>Filing Date</b>	August 29, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	April 13, 2010
<b>Registration Number</b>	<b>3808962</b>
<b>Registration Date</b>	June 29, 2010
<b>Owner</b>	(REGISTRANT) Roots Canada Ltd. CORPORATION CANADA 1400 Castlefield Avenue Toronto CANADA M6B4C4
<b>Attorney of Record</b>	Beth M. Goldman
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GREEN" APART FROM THE MARK AS SHOWN

<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of the words "roots green" in stylized lettering with "roots" appearing in darker lettering and "green" in lighter lettering, both below the design of a plant seedling within a shaded square.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**For Serial Number: 77558869**

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<b>Word Mark</b>	ROOTS GREEN
<b>Goods and Services</b>	IC 025. US 022 039. G & S: Clothing, namely, turtlenecks, leggings, socks, tights, scarves. FIRST USE: 20080100. FIRST USE IN COMMERCE: 20080100
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	05.03.10 - Other branches with leaves, with or without fruit 05.13.25 - Bales of hay or straw; Hay in bales; Other plants including bales of hay or straw; Straw in bales 26.09.21 - Squares that are completely or partially shaded
<b>Trademark Search Facility</b>	SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons
<b>Classification Code</b>	VEG Plant life such as trees,flowers,fruits,grains,nuts,wreaths,and leaves
<b>Serial Number</b>	77558845
<b>Filing Date</b>	August 29, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	August 25, 2009
<b>Registration Number</b>	<b>3825761</b>
<b>Registration Date</b>	July 27, 2010
<b>Owner</b>	(REGISTRANT) Roots Canada Ltd. CORPORATION CANADA 1400 Castlefield Avenue Toronto CANADA M6B4C4
<b>Attorney of Record</b>	Beth M. Goldman
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GREEN" APART FROM THE MARK AS SHOWN
<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of the words "roots green" in stylized lettering with "roots" appearing in darker lettering and "green" in lighter lettering, both below the design of a plant seedling within a shaded square.

**Type of Mark**      TRADEMARK  
**Register**            PRINCIPAL  
**Live/Dead  
Indicator**          LIVE

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