

ESTTA Tracking number: **ESTTA547269**

Filing date: **07/08/2013**

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	Red Sky Morning, LLC related to Miller International, Inc.
Granted to Date of previous extension	07/10/2013
Address	8500 Zuni Street Denver, CO 80260 UNITED STATES
Party who filed Extension of time to oppose	Miller International, Inc.
Relationship to party who filed Extension of time to oppose	Please see explanation in "The Parties" Section of the Notice of Opposition.

Attorney information	Sabrina C. Stavish Sheridan Ross P.C. 1560 Broadway, Suite 1200 Denver, CO 80202 UNITED STATES sstavish@sheridanross.com, phirschman@sheridanross.com, dgonzales@sheridanross.com Phone:303-863-9700
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Applicant Information

Application No	85682779	Publication date	03/12/2013
Opposition Filing Date	07/08/2013	Opposition Period Ends	07/10/2013
Applicant	Grant, Renee 48 Walnut Street Palwing, NY 12564 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2012/07/16 First Use In Commerce: 2012/07/16
All goods and services in the class are opposed, namely: clothing, namely, tops, bottoms, tee shirts, sweatshirts, sweatpants, headwear, footwear, jackets and pants

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3257685	Application Date	08/17/2004
Registration Date	07/03/2007	Foreign Priority Date	NONE
Word Mark	FATE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/12/00 First Use In Commerce: 1992/12/00 Waterproof, water resistant and polyester jackets and pants		

U.S. Application No.	85274711	Application Date	03/23/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FATE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: jewelry, namely, shell necklaces Class 025. First use: ski and snow outdoor, namely, men's, women's, and children's jackets, vests, performance undergarments, snow pants, gloves snow hats; and men's women's and children's clothing, namely, denim shorts and jeans, T-shirts and exercise shirts, woven shirts, shorts, board shorts, sandals, flip-flops, caps, bandanas, hooded sweatshirts, sweat shirts, sweat pants		

Attachments	FINAL Notice of Opposition.pdf(423853 bytes) EXHIBIT 1.pdf(687675 bytes) EXHIBIT 2.pdf(60158 bytes) EXHIBIT 3.pdf(30988 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	/Donna P. Gonzales/
Name	Donna P. Gonzales
Date	07/08/2013

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD

In the Matter of Trademark Application
Serial No. 85/682,779
Filed July 20, 2012
For the mark TEAM FATE
Published in the *Official Gazette* on March 12, 2013

RED SKY MORNING, LLC, related company to)	
MILLER INTERNATIONAL, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
RENEE GRANT, an individual,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer Red Sky Morning, LLC believes it will be damaged by registration on the Principal Register of the mark TEAM FATE, Trademark Application Serial No. 85/682,779, which was published for opposition on March 12, 2013, and, by and through its undersigned attorneys, hereby oppose the registration of said application, and avers as follows:

THE PARTIES

1. Renee Grant ("Applicant") is an individual of U.S. citizenship, residing at 48 Walnut Street, Pawling, New York 12564.
2. Red Sky Morning, LLC ("Opposer") is a Colorado limited liability company, having an address of 8500 Zuni Street, Denver, Colorado 80260.
3. Miller International, Inc. ("Miller") is a Colorado corporation, having an address of 8500 Zuni Street, Denver, Colorado 80260.

4. This opposition is filed with the name of “Red Sky Morning, LLC”, a company in privity with Miller. Opposer and Miller are in “privity” with each other, as they have a “mutual...relationship to the same rights of property.” See *Int’l Nutrition Co. v. Horphag Research, Ltd.*, 220 F.3d 1325, 1329 (Fed. Cir. 2000) (citing *Litchfield v. Crane*, 123 U.S. 549, 551 (1887)). Miller is the current designer, distributor, and retailer for Opposer’s products sold under the FATE mark. Furthermore, in addition to Opposer’s and Miller’s identical principal place of business, additional evidence showing privity is demonstrated by their mutual use of the trade name “Fate Clothing Inc”. (Copies of Trade Name Records from the Colorado Secretary of State at Exhibit 1.) The use of “Fate” in this trade name encompasses the same use of the asserted mark FATE and demonstrates that Opposer and Miller have a mutual relationship to the same rights in and to the mark FATE.

5. In the field of trademark, the concept of privity generally includes, *inter alia*, the relationship of “related companies” within the meaning of Trademark Act § 45, 15 U.S.C. § 1127. TBMP § 206.02. Opposer and Miller are “related companies” within the meaning of Trademark Act § 45, 15 U.S.C. § 1127, which provides that a “related company” means “any person whose use of a mark is controlled by the owner of the mark with respect to the nature and quality of the goods or services on or in connection with which the mark is used.” Opposer submits that use of the asserted mark “FATE” is controlled by Miller with respect to the nature and quality of the goods in connection with which the mark is used, as Miller arranges for manufacturing of the goods for Opposer and is the current retailer.

6. By virtue of being “related companies”, in privity with each other, Opposer may file this Notice of Opposition, notwithstanding the fact that Miller was the party granted the extension of time to oppose. See TBMP §§ 206.02; 303.05(b).

APPLICATION PROCEEDINGS

7. Upon information and belief, Applicant filed Trademark Application Serial No. 85/682,779 in the United States Patent and Trademark Office on July 20, 2012 to register the mark TEAM FATE for use in connection with “clothing, namely, tops, bottoms, tee shirts, sweatshirts, sweatpants, headwear, footwear, and jackets and pants” in Class 25 (“Applicant’s Goods”).

8. Application Serial No. 85/682,779 was filed on the basis of use of the mark, claiming a first use date (anywhere and in commerce) of July 16, 2012.

9. Application Serial No. 85/682,779 for TEAM FATE was published for opposition in the *Official Gazette* on March 12, 2013.

10. Opposer filed on April 8, 2013 a request for extension of time to file a Notice of Opposition. The request was granted, allowing Opposer until July 10, 2013 to file the Notice of Opposition. This Notice of Opposition is being filed by the July 10, 2013 deadline.

GROUND FOR OPPOSITION

11. Opposer is the owner of U.S. Trademark Registration No. 3,257,685 for the mark FATE in connection with “waterproof, water resistant and polyester jackets and pants” in Class 25, which was filed on August 17, 2004, on the basis of use of the mark since at least as early as December 1992, and registered on July 3, 2007. (Registration Certificate and TSDR status attached at Exhibit 2.)

12. On February 7, 2013, Opposer filed a Combined Declaration of Use in Commerce and Incontestability under Sections 8 and 15 in connection with Registration No. 3,257,685 for the mark FATE, and the Combined Declaration was accepted and acknowledged on February 23, 2013. (See Exhibit 2.)

13. Opposer is also the owner of U.S. Application Serial No. 85/274,711 for the mark FATE for “jewelry, namely, shell necklaces” in Class 14, and “ski and snow outerwear, namely, men’s, women’s, and children’s jackets, vests, performance undergarments, snow pants, gloves, snow hats; and men’s, women’s and children’s clothing, namely, denim shorts and jeans, T-shirts and exercise shirts, woven shirts, shorts, board shorts, sandals, flip-flops, caps, bandanas, hooded sweatshirts, sweat shirts, sweat pants” in Class 25, which was filed on March 23, 2011, on the basis of an intent to use the mark in commerce. (TSDR status attached at Exhibit 3.)

14. Opposer and its predecessors in interest have devoted substantial time, money, and effort since at least as early as 1992 in establishing and maintaining a high standard of quality for all goods provided under its mark FATE. As a result, Opposer’s mark FATE has become widely and favorably known to the public. In view of this public recognition, Opposer has developed substantial goodwill and name recognition in its FATE mark.

15. As a result of the public’s association of FATE with Opposer, as well as Opposer’s prior rights in the nature of an earlier U.S. trademark filing date for its Registration No. 3,257,685 and for Application No. 85/274,711, and earlier first use in commerce dates in the FATE mark, Applicant’s use and registration of the confusingly similar mark TEAM FATE in connection with clothing is likely to cause confusion, mistake or deception as to the source, origin or affiliation of Applicant’s Goods in view of the similar nature of the marks, similar nature of goods, similar nature of customers, similar, if not identical, channels of trade, and other factors.

16. If U.S. Trademark Application Serial No. 85/682,779 for TEAM FATE is permitted to issue despite this likelihood of confusion, Opposer’s right to use of its mark FATE in connection with Opposer’s goods will be impaired and Opposer will be damaged.

WHEREFORE, Opposer prays that registration of the mark in Application Serial No. 85/682,779 be refused, and that this Opposition be sustained in favor of Opposer.

Dated: July 8, 2013

Respectfully submitted,

By: 

SABRINA C. STAVISH

PAMELA N. HIRSCHMAN

DONNA P. GONZALES

SHERIDAN ROSS P.C.

1560 Broadway, Suite 1200

Denver, CO 80202

303-863-9700

sstavish@sheridanross.com

phirschman@sheridanross.com

dgonzales@sheridanross.com

Attorneys for Red Sky Morning, LLC

CERTIFICATE OF SERVICE

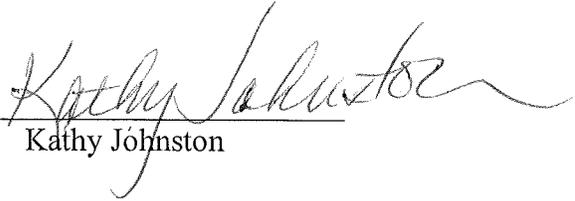
I hereby certify that on July 8, 2013, true and correct copies of the foregoing Notice of Opposition were placed in the United States Mail, postage prepaid, addressed to the following:

APPLICANT

Ms. Renee Grant
48 Walnut Street
Pawling, NY 12564

APPLICANT'S ATTORNEY OF RECORD

Mr. Christopher Ditico
RAJ ABHYANKER, P.C.
1580 W. El Camino Real, Suite 8
Mountain View, CA 94040-2462



Kathy Johnston

EXHIBIT 1

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Scott | Español



Colorado
Secretary of State
Scott Gessler



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Details			
Trade name	Fate Clothing Inc		
Registrant name	Red Sky Morning, LLC		
Status	Effective	Formation Date	03/05/2012
ID number	20121141592	Form	Limited Liability Company
Renewal month	n/a	Expiration Date	n/a
Primary residence or usual place of business street address	n/a		
Primary residence or usual place of business mailing address	n/a		

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Details			
Trade name	Fate Clothing Inc		
Registrant name	MILLER INTERNATIONAL, INC.		
Status	Effective	Formation Date	03/05/2012
ID number	20121141584	Form	Corporation
Renewal month	n/a	Expiration Date	n/a
Primary residence or usual place of business street address	n/a		
Primary residence or usual place of business mailing address	n/a		

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EXHIBIT 2

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,257,685

Registered July 3, 2007

**TRADEMARK
PRINCIPAL REGISTER**

FATE

FATE CLOTHING, INC. (COLORADO CORPORATION)
3100 CARBON PLACE NO. 102
BOULDER, CO 80301

FOR: WATERPROOF, WATER RESISTANT AND
POLYESTER JACKETS AND PANTS, IN CLASS 25
(U.S. CLS. 22 AND 39).

FIRST USE 12-0-1992; IN COMMERCE 12-0-1992.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-469,029, FILED 8-17-2004.

ZACHARY BELLO, EXAMINING ATTORNEY

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Mark: FATE

FATE

US Serial Number: 78469029 **Application Filing Date:** Aug. 17, 2004
US Registration Number: 3257685 **Registration Date:** Jul. 03, 2007
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Feb. 23, 2013
Publication Date: Apr. 17, 2007

Mark Information

Mark Literal Elements: FATE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Waterproof, water resistant and polyester jackets and pants
International Class(es): 025 - Primary Class **U.S Class(es):** 022, 039
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 1992 **Use in Commerce:** Dec. 1992

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: RED SKY MORNING, LLC
Owner Address: 8500 ZUNI STREET
DENVER, COLORADO 80260
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** COLORADO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Sabrina C. Stavish **Docket Number:** 6746RSM-1
Attorney Primary Email: ststavish@sheridanross.com **Attorney Email:** Yes

Address: _____

Authorized:

Correspondent

Correspondent Name/Address: Sabrina C. Stavish
SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER, COLORADO 80202
UNITED STATES

Phone: 303.863.9700

Fax: 303.863.0223

Correspondent e-mail: sstavish@sheridanross.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 23, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Feb. 23, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Feb. 23, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Feb. 07, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jan. 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 16, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 01, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 18, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 03, 2007	REGISTERED-PRINCIPAL REGISTER	
Apr. 17, 2007	PUBLISHED FOR OPPOSITION	
Mar. 28, 2007	NOTICE OF PUBLICATION	
Feb. 27, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Feb. 27, 2007	ASSIGNED TO LIE	77075
Jan. 23, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 18, 2007	EXPARTE APPEAL TERMINATED	469029
Apr. 13, 2006	EX PARTE APPEAL-INSTITUTED	469029
Apr. 13, 2006	EXPARTE APPEAL RECEIVED AT TTAB	
Oct. 14, 2005	CORRESPONDENCE E-MAILED	
Oct. 14, 2005	FINAL REFUSAL WRITTEN	77073
Sep. 28, 2005	AMENDMENT FROM APPLICANT ENTERED	70629
Sep. 19, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Sep. 19, 2005	PAPER RECEIVED	
Mar. 19, 2005	NON-FINAL ACTION E-MAILED	6325
Mar. 19, 2005	NON-FINAL ACTION WRITTEN	77073
Mar. 19, 2005	ASSIGNED TO EXAMINER	77073
Sep. 07, 2004	AMENDMENT FROM APPLICANT ENTERED	71441
Aug. 31, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	71441
Aug. 31, 2004	TEAS VOLUNTARY AMENDMENT RECEIVED	
Aug. 25, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 111

Date in Location: Feb. 23, 2013

Assignment Abstract Of Title Information**Summary**

Total Assignments: 5

Registrant: Fate Clothing, Inc.

Assignment 1 of 5

Conveyance: UCC FINANCING STATEMENT

Reel/Frame: [4261/0043](#)

Pages: 3

Date Recorded: Aug. 13, 2010

Supporting Documents: [assignment-tm-4261-0043.pdf](#)**Assignor**Name: [FATE CLOTHING, INC.](#)

Execution Date: Jul. 17, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: COLORADO

AssigneeName: [COMPASS BANK](#)

Legal Entity Type: STATE BANKING CORPORATION

State or Country Where Organized: ALABAMA

Address: 999 18TH STREET
SUITE 2800
DENVER, COLORADO 80202**Correspondent**

Correspondent Name: JENNIFER DANIEL COLLINS

Correspondent Address: 1700 LINCOLN STREET
3200 WELLS FARGO CENTER
DENVER, CO 80203-4532**Domestic Representative - Not Found****Assignment 2 of 5**

Conveyance: UCC FINANCING STATEMENT AMENDMENT

Reel/Frame: [4262/0245](#)

Pages: 3

Date Recorded: Aug. 17, 2010

Supporting Documents: [assignment-tm-4262-0245.pdf](#)**Assignor**Name: [BBVA COMPASS BANK](#)

Execution Date: Jul. 08, 2010

Legal Entity Type: STATE BANKING CORPORATION

State or Country Where Organized: ALABAMA

DBA, AKA, TA, Formerly: FORMERLY COMPASS BANK

AssigneeName: [FATE INVESTMENTS LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: COLORADO

Address: 1700 BROADWAY
SUITE 2020
DENVER, COLORADO 80290**Correspondent**

Correspondent Name: JENNIFER DANIEL COLLINS

Correspondent Address: 1700 LINCOLN STREET
3200 WELLS FARGO CENTER
DENVER, CO 80203-4532**Domestic Representative - Not Found****Assignment 3 of 5**

Conveyance: UCC TRANSFER STATEMENT PURSUENT TO COLORADO REVISED STATUTES 4-9-619

Reel/Frame: [4262/0261](#)

Pages: 3

Date Recorded: Aug. 17, 2010

Supporting Documents: [assignment-tm-4262-0261.pdf](#)**Assignor**Name: [FATE CLOTHING, INC.](#)

Execution Date: Aug. 04, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: COLORADO

Assignee

Name: [FATE INVESTMENTS LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: COLORADO
Address: 1700 BROADWAY
SUITE 2020
DENVER, COLORADO 80290

Correspondent

Correspondent Name: JENNIFER DANIEL COLLINS
Correspondent Address: 1700 LINCOLN STREET
3200 WELLS FARGO CENTER
DENVER, CO 80203-4532

Domestic Representative - Not Found**Assignment 4 of 5**

Conveyance: SECURITY INTEREST
Reel/Frame: [4491/0342](#) **Pages:** 4
Date Recorded: Mar. 04, 2011
Supporting Documents: [assignment-tm-4491-0342.pdf](#)

Assignor

Name: [RED SKY MORNING, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY
Execution Date: Mar. 03, 2011
State or Country Where Organized: COLORADO

Assignee

Name: [FATE INVESTMENTS LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: COLORADO
Address: 1700 BROADWAY
SUITE 2020
DENVER, COLORADO 80290

Correspondent

Correspondent Name: JENNIFER DANIEL COLLINS
Correspondent Address: 1700 LINCOLN STREET
3200 WELLS FARGO CENTER
DENVER, CO 80203-4532

Domestic Representative - Not Found**Assignment 5 of 5**

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 03/03/2011
Reel/Frame: [4491/0346](#) **Pages:** 3
Date Recorded: Mar. 04, 2011
Supporting Documents: [assignment-tm-4491-0346.pdf](#)

Assignor

Name: [FATE INVESTMENTS LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY
Execution Date: Mar. 03, 2011
State or Country Where Organized: COLORADO

Assignee

Name: [RED SKY MORNING, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: COLORADO
Address: 8500 ZUNI STREET
DENVER, COLORADO 80260

Correspondent

Correspondent Name: JENNIFER DANIEL COLLINS
Correspondent Address: 1700 LINCOLN STREET
3200 WELLS FARGO CENTER
DENVER, CO 80203-4532

Domestic Representative - Not Found**Proceedings****Summary**

Number of Proceedings: 1

Type of Proceeding: Exparte Appeal

Proceeding Number: [78469029](#)

Filing Date: Apr 13, 2006

Status: Terminated

Status Date: Jan 18, 2007

Interlocutory Attorney:

Plaintiff(s)

Name: Fate Clothing, Inc.

Correspondent Address: ANDREW HARTMAN, ESQ.
COOLEY GODWARD LLP
380 Interlocken Crescent Suite 900
Broomfield CO , 80021-8023
UNITED STATES

Correspondent e-mail: trademarks@cooley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FATE	Section 8 and 15 - Accepted and Acknowledged	78469029	3257685

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Apr 13, 2006	
2	APPEAL ACKNOWLEDGED	Apr 13, 2006	
3	INSTITUTED	Apr 13, 2006	
4	APPLICANT'S MOTION TO SUSPEND	May 17, 2006	
5	SUSPENDED	May 18, 2006	
6	BOARD'S DECISION: DISMISSED	Jan 18, 2007	
7	TERMINATED	Jan 18, 2007	

EXHIBIT 3

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Mark: FATE

FATE

US Serial Number: 85274711

Application Filing Date: Mar. 23, 2011

Register: Principal

Mark Type: Trademark

Status: A first request for extension of time to file a Statement of Use has been granted.

Status Date: Oct. 15, 2012

Publication Date: Mar. 20, 2012

Notice of Allowance Date: May 15, 2012

Mark Information

Mark Literal Elements: FATE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3257685

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: jewelry, namely, shell necklaces

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(b)

For: ski and snow outdoorwear, namely, men's, women's, and children's jackets, vests, performance undergarments, snow pants, gloves snow hats; and men's women's and children's clothing, namely, denim shorts and jeans, T-shirts and exercise shirts, woven shirts, shorts, board shorts, sandals, flip-flops, caps, bandanas, hooded sweatshirts, sweat shirts, sweat pants

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Red Sky Morning, LLC

Owner Address: 8500 Zuni Street
Denver, COLORADO 80260
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: COLORADO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Miriam D. Trudell **Docket Number:** 6746RSM-1-1
Attorney Primary Email Address: mtrudell@sheridanross.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Miriam D. Trudell
Sheridan Ross P.C.
1560 Broadway, Suite 1200
Denver, COLORADO 80202
UNITED STATES
Phone: 303.863.9700 **Fax:** 303.863.0223
Correspondent e-mail: mtrudell@sheridanross.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Apr. 18, 2013	TEAS EXTENSION RECEIVED	
Oct. 16, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 15, 2012	EXTENSION 1 GRANTED	76985
Oct. 12, 2012	EXTENSION 1 FILED	76985
Oct. 15, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Oct. 12, 2012	TEAS EXTENSION RECEIVED	
May 15, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 20, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 20, 2012	PUBLISHED FOR OPPOSITION	
Feb. 29, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 10, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Feb. 08, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 08, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 08, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 08, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 08, 2012	EXAMINERS AMENDMENT -WRITTEN	73711
Jan. 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 10, 2012	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 09, 2012	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
Dec. 28, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Dec. 28, 2011	ASSIGNED TO LIE	68123
Dec. 06, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 06, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 05, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 05, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 21, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 21, 2011	NON-FINAL ACTION E-MAILED	6325
Jun. 21, 2011	NON-FINAL ACTION WRITTEN	73711
Jun. 20, 2011	ASSIGNED TO EXAMINER	73711
Mar. 28, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 26, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: SAPPENFIELD, ANN ELIZA

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Oct. 15, 2012