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ESTTA Tracking number: **ESTTA559672**
Filing date: **09/16/2013**

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	Hint Incorporated
Granted to Date of previous extension	09/15/2013
Address	P.O. Box 29078 San Francisco, CA 94129 UNITED STATES

Attorney information	Lori S. Kozak Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Blvd.7th Floor Los Angeles, CA 90025-1040 UNITED STATES lori_kozak@bstz.com, garbo_tat@bstz.com, tm_filings@bstz.com Phone:310.207.3800

Applicant Information

Application No	85587642	Publication date	03/19/2013
Opposition Filing Date	09/16/2013	Opposition Period Ends	09/15/2013
Applicant	Sunrise Apparel Group, LLC 801 S. Figueroa Street, Suite 2500 Los Angeles, CA 90017 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, scarves, socks, and lingerie; and footwear

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3184565	Application Date	10/27/2004
Registration Date	12/12/2006	Foreign Priority Date	NONE
Word Mark	HINT		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2005/04/24 First Use In Commerce: 2005/04/24 Drinking water, bottled water, flavored waters, fruit flavored drinking water

U.S. Registration No.	4357028	Application Date	09/05/2012
Registration Date	06/25/2013	Foreign Priority Date	NONE
Word Mark	HINT DRINK WATER NOT SUGAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/01/00 First Use In Commerce: 2007/01/00 T-shirts, jackets, shorts		

U.S. Registration No.	3979347	Application Date	04/20/2010
Registration Date	06/14/2011	Foreign Priority Date	NONE
Word Mark	HINT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2011/01/21 First Use In Commerce: 2011/01/21 lip balms, lip balms featuring sunscreen		

U.S. Registration No.	4214185	Application Date	07/01/2008
Registration Date	09/25/2012	Foreign Priority Date	NONE
Word Mark	HINT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2012/07/30 First Use In Commerce: 2012/07/30 portable misters containing scented water for personal use		

U.S. Registration No.	3729204	Application Date	03/27/2008
Registration Date	12/22/2009	Foreign Priority Date	NONE
Word Mark	HINTTV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2008/05/19 First Use In Commerce: 2008/05/19 transmission of audio and video material on the Internet; electronic transmission of voice, data and images by video broadcasting Class 041. First use: First Use: 2008/05/19 First Use In Commerce: 2008/05/19		

	educational and entertainment services, namely, a continuing program about health, nutrition, fitness and a healthy lifestyle accessible via the Internet and computer networks; digital video, audio, and multimedia publishing services

U.S. Registration No.	3919978	Application Date	10/18/2006
Registration Date	02/15/2011	Foreign Priority Date	NONE
Word Mark	HINT FIZZ		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2010/11/15 First Use In Commerce: 2010/11/15 drinking water, bottled water, flavored waters, fruit flavored drinking water, sparkling water, aerated water		

Attachments	Hint Notice of Opposition Sunrise Class 25.PDF(2742820 bytes)

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	/Lori S. Kozak/
Name	Lori S. Kozak
Date	09/16/2013

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

Hint, Inc. Opposer, v. Sunrise Apparel Group, LLC Applicant	Trademark Application Serial No. 85/587642 Filed: April 3, 2012 Mark: HINT Published: March 19, 2013

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Hint, Inc., by and through its undersigned attorneys, believes that it will be damaged by the registration of the mark shown in U.S. Trademark Application Serial No. 85/587642 for the mark HINT in International Class 25 and hereby opposes the same. As grounds for opposition, it is alleged that:

1. Upon information and belief, Applicant Sunrise Apparel Group, LLC (hereinafter "Applicant"), is a California limited liability company with an address of 801 S. Figueroa Street, Suite 2500, Los Angeles, CA 90017.

2. Upon information and belief, Applicant seeks to register the mark HINT for goods identified as "Clothing, namely, scarves, socks and lingerie; and footwear" in International Class 25 (hereinafter "Applicant's Goods").

3. Upon information and belief, the subject application was filed on April 3, 2012 and was published for opposition on March 19, 2013.

4. Opposer Hint, Inc. (hereinafter "Opposer") is a corporation organized under the laws of California with an address of P.O. Box 29078, San Francisco, California 94129.

5. Opposer is the owner of various trademark registrations for the mark HINT alone and in combination with other terms, including:

Mark	Reg. No.	Goods/Services and Class
HINT	3184565	Drinking water, bottled water, flavored waters, fruit flavored drinking water, in Class 32
HINT DRINK WATER NOT SUGAR	4357028	T-shirts, jackets, shorts, in Class 25
HINT	3979347	Lip balms, lip balms featuring sunscreen, in Class 3
HINT	4214185	Portable misters containing scented water for personal use, in Class 3
HINTTV	3729204	Transmission of audio and video material on the Internet; electronic transmission of voice, data and images by video broadcasting, in Class 38 and educational and entertainment services, namely, a continuing program about health, nutrition, fitness and a healthy lifestyle accessible by the Internet and computer networks; digital video, audio and multimedia publishing services in Class 41.
HINT FIZZ	3919978	Drinking water, bottled water, flavored waters, fruit flavored drinking water, sparkling water, aerated water, in Class 32

Please see attached as Exhibit A printouts from the U.S. Patent & Trademark Office ("USPTO") online TESS database and, where applicable, the USPTO online Assignment database.

6. Opposer offers clothing and other fashion items under its HINT brand, and is active in the fashion industry and at various fashion-related events.

7. Opposer adopted and commenced interstate use of the mark HINT for its beverage, clothing, fashion and lifestyle products and services long prior to any date which may be lawfully claimed by Applicant.

8. Upon information and belief, Applicant filed its application on April 3, 2012 and based its application upon a bona fide intention to use the mark in commerce. Upon information and belief, Applicant has not filed a use statement before the U.S. Patent and Trademark Office.

9. There is no issue as to priority. Opposer has used its HINT mark for many years prior to Applicant's April 3, 2012 filing date, and continues to use its HINT trademark.

10. Opposer has spent a considerable amount of money marketing its various HINT goods and services, and as a result, the mark is well-known among the purchasing public.

11. Opposer's HINT mark became famous prior to Applicant's commencement of use of its HINT mark and prior to the filing date of Applicant's application.

12. Opposer's HINT mark is of significant value to Opposer as an identifier of source in connection with the promotion and offering of its goods and services.

13. Applicant's use of the identical mark HINT in connection with the Applicant's Goods is likely to result in confusion, mistake, and/or deception in that the public will wrongly assume that Opposer has approved of Applicant, is affiliated with Applicant, or has otherwise sanctioned, sponsored or licensed the goods and services of Applicant.

14. Applicant's use of the mark HINT in connection with Applicant's Goods is likely to cause confusion with Opposer's HINT trademarks as used in connection with Opposer's good and services.

15. Opposer would be damaged by the registration of the mark HINT by Applicant as the registration will result in confusion, mistake, and/or deception, and Applicant will be able to trade on Opposer's goodwill and reputation.

16. The registration of Applicant's mark will cause the dilution of the distinctive quality of Opposer's marks, to Opposer's irreparable damage.

WHEREFORE, Opposer prays that this opposition be granted and that Applicant's Application Serial No. 85/587642 for the mark HINT be abandoned.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: 9/15/2013

Lori S. Kozak
Pete Bromaghim

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025
(310) 207-3800
Attorneys for Hint, Inc.

Exhibit A

United States Patent and Trademark Office

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Sep 16 03:20:37 EDT 2013

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

 (Use the "Back" button of the Internet Browser to return to TESS)

HINT

Word Mark	HINT
Goods and Services	IC 032. US 045 046 048. G & S: Drinking water, bottled water, flavored waters, fruit flavored drinking water. FIRST USE: 20050424. FIRST USE IN COMMERCE: 20050424
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78506784
Filing Date	October 27, 2004
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 27, 2005
Registration Number	**3184565**
Registration Date	December 12, 2006
Owner	(REGISTRANT) Keenan, Kara INDIVIDUAL UNITED STATES P.O. Box 29078 San Francisco CALIFORNIA 94129 (LAST LISTED OWNER) HINT, INCORPORATED CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Lori S. Kozak
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	**LIVE**

TRADEMARK ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Kara Keenan		09/18/2006	INDIVIDUAL: UNITED STATES

RECEIVING PARTY DATA

Name:	Hint, Incorporated
Street Address:	2430 Scott Street
City:	San Francisco
State/Country:	CALIFORNIA
Postal Code:	94115
Entity Type:	CORPORATION: CALIFORNIA

PROPERTY NUMBERS Total: 2

Property Type	Number	Word Mark
Serial Number:	78506793	HINT KIDS
Serial Number:	78506784	HINT

CORRESPONDENCE DATA

Fax Number: (310)820-5988
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
Phone: 310-207-3800
Email: amie_park@bstz.com
Correspondent Name: Lori Stockton Kozak
Address Line 1: 12400 Wilshire Boulevard
Address Line 2: Seventh Floor
Address Line 4: Los Angeles, CALIFORNIA 90025

ATTORNEY DOCKET NUMBER:	7265.T002
NAME OF SUBMITTER:	Lori Stockton Kozak
Signature:	/Lori Stockton Kozak/

CH $65.00 78506793

Date:	09/21/2006

Total Attachments: 1
source=HINT001#page1.tif

Assignment of Trademark

WHEREAS, Kara Keenan, an individual with an address of 2430 Scott Street, San Francisco, California 94115 (hereinafter "Assignor"), is the record title owner of the marks HINT and HINT KIDS for "drinking water, bottled water, flavored waters, fruit flavored drinking water," as set forth in U.S. Application Serial Nos. 78/506784 and 78/506793; and

WHEREAS, Hint, Incorporated, a California corporation with a principal address of 2430 Scott Street, San Francisco, California 94115 (hereinafter "Assignee"), is desirous of acquiring said marks and the above-referenced applications for federal registration thereof;

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Assignor does hereby assign to Assignee all right, title and interest in and to the said marks, together with the entire good will of the business symbolized by the marks, the above identified applications for federal registration thereof, including the right to sue for past infringements.

KARA KEENAN

Date: 9.18.06

By: Kara Keenan

Kara Keenan

TESS was last updated on Mon Sep 16 03:20:37 EDT 2013

Record 1 out of 1

HINT DRINK WATER NOT SUGAR

Word Mark	HINT DRINK WATER NOT SUGAR
Goods and Services	IC 025. US 022 039. G & S: T-shirts, jackets, shorts. FIRST USE: 20070100. FIRST USE IN COMMERCE: 20070100
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85721265
Filing Date	September 5, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 1, 2013
Registration Number	**4357028**
Registration Date	June 25, 2013
Owner	(REGISTRANT) Hint Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129
Attorney of Record	Lori S. Kozak
Prior Registrations	3184565;3220650;3979347;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	**LIVE**

TESS was last updated on Mon Sep 16 03:20:37 EDT 2013

Record 1 out of 1

HINT

Word Mark	HINT
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: lip balms, lip balms featuring sunscreen. FIRST USE: 20110121. FIRST USE IN COMMERCE: 20110121
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85018801
Filing Date	April 20, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 3, 2010
Registration Number	**3979347**
Registration Date	June 14, 2011
Owner	(REGISTRANT) Hint Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129
Attorney of Record	Lori S. Kozak
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	**LIVE**

TESS was last updated on Mon Sep 16 03:20:37 EDT 2013

Record 1 out of 1

HINT

Word Mark	HINT
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: portable misters containing scented water for personal use. FIRST USE: 20120730. FIRST USE IN COMMERCE: 20120730
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77512796
Filing Date	July 1, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 5, 2009
Registration Number	**4214185**
Registration Date	September 25, 2012
Owner	(REGISTRANT) Hint, Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129
Attorney of Record	Lori S. Kozak
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	**LIVE**

United States Patent and Trademark Office

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Record 1 out of 1

HINTTV

Word Mark	HINTTV
Goods and Services	IC 038. US 100 101 104. G & S: transmission of audio and video material on the Internet; electronic transmission of voice, data and images by video broadcasting. FIRST USE: 20080519. FIRST USE IN COMMERCE: 20080519 IC 041. US 100 101 107. G & S: educational and entertainment services, namely, a continuing program about health, nutrition, fitness and a healthy lifestyle accessible via the Internet and computer networks; digital video, audio, and multimedia publishing services. FIRST USE: 20080519. FIRST USE IN COMMERCE: 20080519
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	LETS-2 TV Two letters or combinations of multiples of two letters
Serial Number	77433744
Filing Date	March 27, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	January 20, 2009
Registration Number	**3729204**

Registration Date	December 22, 2009
Owner	(REGISTRANT) Hint Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129
Attorney of Record	Lori S. Kozak
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	**LIVE**

United States Patent and Trademark Office

Trademarks > Trademark Electronic Search System (TESS)

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Record 1 out of 1

HINT FIZZ

Word Mark	HINT FIZZ
Goods and Services	IC 032. US 045 046 048. G & S: drinking water, bottled water, flavored waters, fruit flavored drinking water, sparkling water, aerated water. FIRST USE: 20101115. FIRST USE IN COMMERCE: 20101115
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77024446
Filing Date	October 18, 2006
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 21, 2007
Registration Number	**3919978**
Registration Date	February 15, 2011
Owner	(REGISTRANT) Hint, Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129
Attorney of Record	Lori S. Kozak
Prior Registrations	3181686;3184565
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIZZ" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	**LIVE**

PROOF OF SERVICE

I, Garbo Tat, hereby declare that I am employed by the law firm of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025-1040; that I am over 18 years of age and not a party to the within action; and that I served the following document: NOTICE OF OPPOSITION, this 16th day of September, 2013, by causing a true copy to be deposited in the United States Mail, first class postage prepaid to Applicant at the following address:

Jill M. Pietrini
SHEPPARD MULLIN RICHTER & HAMPTON, LLP
1901 Avenue of the Stars, Ste 1600
Los Angeles, CA 90067-6055

Date: 9/16/2013

Name: Garbo Tat