

ESTTA Tracking number: **ESTTA675241**

Filing date: **06/01/2015**

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	Brink's Network, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1801 Bayberry Court Richmond, VA 23226 UNITED STATES		

Attorney information	Alan S. Cooper Westerman, Hattori, Daniels & Adrian, LLP 1250 Connecticut Ave., NW Suite 700 Washington, DC 20036 UNITED STATES trademarkmail@whda.com, acooper@whda.com, sjmoskowitz@whda.com, mtakakura@whda.com Phone:202.822.1100
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Applicant Information

Application No	86462272	Publication date	05/26/2015
Opposition Filing Date	06/01/2015	Opposition Period Ends	06/25/2015
Applicant	Brinx Life LLC 27 Birchdale Lane Port Washington, NY 11050 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cosmetics; skincare products for men, namely, cleaning creams, face soap, body soap, face wash, body scrubs, facial scrubs, foot scrubs, skin masks, body masks, facial masks, toners, facial moisturizers, skin moisturizers, anti-aging lotion, hand cream, body cream, face cream, eye cream, facial emulsions, night cream, shaving cream
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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.	529622	Application Date	08/15/1947
Registration Date	08/22/1950	Foreign Priority Date	NONE
Word Mark	BRINK'S		

Design Mark	
Description of Mark	NONE
Goods/Services	Class U101 (International Class 035, 036, 038, 041, 042). First use: First Use: 1912/01/01 First Use In Commerce: 1912/01/01 RECEIVING CHECKS, CASHING THE SAME, [MAKING UP PAYROLLS,] CARRYING SAME OR OTHER MONEYS OR SECURITIES, GUARDING AND PROTECTING SAME [AND PAYING PAYROLLS, HANDLING CLEARINGS, SELLING TICKETS, HANDLING PROCEEDS FROM CONVENTIONS, EXHIBITIONS, AND PERFORMANCES, REPAIRING SAFES, CHESTS, CASH PROTECTORS, AND SIMILAR EQUIPMENT]

U.S. Registration No.	1309375	Application Date	04/22/1983
Registration Date	12/11/1984	Foreign Priority Date	NONE
Word Mark	BRINK'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1912/01/01 First Use In Commerce: 1912/01/01 Security Transportation-Namely, ArmoredCar Transport Services of Currency, Securities, and Other Valuables, Domestic and International Air Courier Services, Air Transport and Air Freight of Goods [AND FOR WAREHOUSE SERVICES]		

U.S. Registration No.	2582146	Application Date	09/19/2001
Registration Date	06/18/2002	Foreign Priority Date	NONE
Word Mark	BRINKS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 006. First use: First Use: 1997/07/24 First Use In Commerce: 1997/07/24 [residential and commercial metal safes,][keyed and] combination metal locks[, and hasps]		
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U.S. Registration No.	1313790	Application Date	10/19/1982
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Registration Date	01/08/1985	Foreign Priority Date	NONE
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Word Mark	BRINKS		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	<p>Class 035. First use: First Use: 1981/04/00 First Use In Commerce: 1981/04/00 Coin Processing and Wrapping and Change Services; Payroll Preparation and Consolidation of Deposits, for Others; Cash Maintenance of Bank Automatic Teller Stations; Food Stamp Distribution Services; Selling Tickets and Handling Proceeds from Conventions, Exhibits and Performances, for Others</p> <p>Class 036. First use: First Use: 1981/04/00 First Use In Commerce: 1981/04/00 Receiving and Cashing Checks, for Others</p> <p>Class 039. First use: First Use: 1981/04/00 First Use In Commerce: 1981/04/00 SECURITY TRANSPORTATION-NAMELY, ARMORED CAR TRANSPORT SERVICES OF CURRENCY, SECURITIES AND OTHER VALUABLES, DOMESTIC AND INTERNATIONAL AIR COURIER SERVICES [AND WAREHOUSE SERVICES]</p>		
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U.S. Registration No.	1411610	Application Date	12/30/1985
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Registration Date	09/30/1986	Foreign Priority Date	NONE
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Word Mark	BRINKS		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 035. First use: First Use: 1983/11/00 First Use In Commerce: 1983/11/00 SECURITY ALARM AND MONITORING SYSTEM SERVICES		
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U.S. Registration No.	2585259	Application Date	09/18/2001
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Registration Date	06/25/2002	Foreign Priority Date	NONE
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Word Mark	BRINKS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 1997/07/24 First Use In Commerce: 1997/07/24 [residential and commercial metal safes,] keyed and combination metal locks, and hasps

U.S. Registration No.	3548670	Application Date	05/06/2008
Registration Date	12/23/2008	Foreign Priority Date	NONE
Word Mark	BRINKS		
Design Mark			
Description of Mark	The mark consists of the word "BRINKS" preceded by 5 vertical bars increasing in width to the right.		
Goods/Services	Class 009. First use: First Use: 2006/12/00 First Use In Commerce: 2006/12/00 TIMERS		

U.S. Registration No.	2330884	Application Date	04/20/1998
Registration Date	03/21/2000	Foreign Priority Date	NONE
Word Mark	BRINKS HOME SECURITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1997/07/24 First Use In Commerce: 1997/07/24 [residential and commercial metal safes,] keyed and combination metal locks Class 020. First use: First Use: 1997/07/24 First Use In Commerce: 1997/07/24 non-metal residential and commercial safes		

Attachments	71531433#TMSN.png(bytes) 76314217#TMSN.png(bytes) 73400308#TMSN.png(bytes) 73575635#TMSN.png(bytes) 76314037#TMSN.png(bytes) 76689349#TMSN.png(bytes) 75470355#TMSN.png(bytes) 155425TMOPP Notice of Opposition 06-01-2015.pdf(66049 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	/Alan S. Cooper/
Name	Alan S. Cooper
Date	06/01/2015

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

In the Matter of Application:

Serial No.: 86/462,272
Filed: November 22, 2014
Applicant: Brinx Life LLC
Mark: BRINX
For: Cosmetics; skincare products for men, namely, cleaning creams, face soap, body soap, face wash, body scrubs, facial scrubs, foot scrubs, skin masks, body masks, facial masks, toners, facial moisturizers, skin moisturizers, anti-aging lotion, hand cream, body cream, face cream, eye cream, facial emulsions, night cream, shaving cream
Classes: IC 003

Published in the Official Gazette of May 26, 2015

BRINK'S NETWORK, INC.)	
)	
Opposer)	
)	
v.)	Opposition No. _____
)	
BRINX LIFE LLC)	
)	
Applicant)	

NOTICE OF OPPOSITION

Brink's Network, Inc., a Delaware corporation located and doing business at 1801

Bayberry Court, Richmond, Virginia 23226 (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Application Serial No. 86/462,272 and hereby oppose same.

The grounds for the opposition are as follows:

(1) Application Serial No. 86/462,272 (the "opposed application") seeks to register the trademark BRINX for the following goods IC 003:

Cosmetics; skincare products for men, namely, cleaning creams, face soap, body soap, face wash, body scrubs, facial scrubs, foot scrubs, skin masks, body masks, facial masks, toners, facial moisturizers, skin moisturizers, anti-aging lotion, hand cream, body cream, face cream, eye cream, facial emulsions, night cream, shaving cream

(2) The opposed application was filed on November 22, 2014, pursuant to § 1(b) of the Federal Trademark Act, 15 U.S.C. § 1051(b), based on Applicant's claim of a bona fide intention to use the mark in interstate commerce.

(3) Well prior to the November 22, 2014 filing date of the opposed application, Opposer's predecessor adopted and used and Opposer and its related companies are still using the trade names, trademarks and service marks BRINK'S and BRINKS (hereinafter collectively "BRINK'S"), alone and in combination with other words and/or design(s), in interstate commerce in connection with a wide range of security related services and products.

(4) In accordance with § 5 of the Federal Trademark Act, all use of the trade name, trademark and service mark BRINK'S, alone and/or in combination with other words and design(s), by Opposer's related companies inures to the benefit of Opposer.

(5) Opposer is the owner of the trade name, trademark and service mark

BRINK'S. Opposer and its predecessor and related companies have continuously used the trade name and mark BRINK'S, alone and in combination with other words and design(s), for a wide range of security related services and products.

(6) By virtue of the prior, continuous and substantial advertising and sales of security related services and products under the mark BRINK'S and the maintenance of premium quality standards relating thereto, purchasers of such services and products as well as the general public have come to recognize the mark BRINK'S as a highly distinctive, singular indication of origin in Opposer, as a consequence of which Opposer has established valuable goodwill and broad exclusive rights in the mark BRINK'S.

(7) The mark BRINK'S, alone and in combination with other words and/or design(s), had become an exceedingly well-known mark having a particular and singular meaning among the general consuming public and thus had become a famous mark within the meaning of § 43(c)(2)(A) of the Federal Trademark Act, as amended, 15 U.S.C. § 1125(c)(2)(A), well prior to the filing date of the opposed application.

(8) Opposer's related company Brink's, Incorporated duly registered the mark BRINK'S, for receiving checks, cashing the same, carrying same or other moneys or securities, and guarding and protecting same, in the U.S. Patent and Trademark Office under Registration No. 529,622, which issued August 22, 1950. Opposer is the record owner of Registration No. 529,622 by virtue of an assignment recorded in the Assignment Branch of the U.S. Patent and Trademark Office. Registration No. 529,622 has attained incontestable status and was most recently renewed in 2010.

(9) Opposer's related company Brink's, Incorporated duly registered the

mark BRINK'S, for security transportation services, namely, armored car transport services of currency, securities and other valuables, domestic and international air courier services, air transport and air freight of goods, in the U.S. Patent and Trademark Office under Registration No. 1,309,375, which issued December 11, 1984. Opposer is the record owner of Registration No. 1,309,375 by virtue of an assignment recorded in the Assignment Branch of the U.S. Patent and Trademark Office. Registration No. 1,309,375 has attained incontestable status and was renewed in 2014.

(10) Opposer duly registered the mark BRINKS, for keyed and combination metal locks and hasps, in the U.S. Patent and Trademark Office under Registration No. 2,582,146, which issued June 18, 2012 and has attained incontestable status.

(11) Opposer's predecessor Brink's, Incorporated duly registered the mark BRINKS & Design, for security transportation, namely, armored car transport services of currency, securities and other valuables, and domestic and international air courier services, in addition to other security-related services, in the U.S. Patent and Trademark Office under Registration No. 1,313,790, which issued January 8, 1985. Opposer is the record owner of Registration No. 1,313,790 by virtue of an assignment recorded in the Assignment Branch of the U.S. Patent and Trademark Office. Registration No. 1,313,790 has attained incontestable status and was renewed in 2014.

(12) Opposer's predecessor Brink's, Incorporated duly registered the mark BRINKS & Design, for security alarm and monitoring system services, in the U.S. Patent and Trademark Office under Registration No. 1,411,610, which issued September 30, 1986. Opposer is the record owner of Registration No. 1,411,610 by virtue of an

assignment recorded in the Assignment Branch of the U.S. Patent and Trademark Office. Registration No. 1,411,610 has attained incontestable status and was renewed in 2006.

(13) Opposer duly registered the mark BRINKS & Design, for keyed and combination metal locks and hasps, in the U.S. Patent and Trademark Office under Registration No. 2,585,259 which issued June 25, 2002. Registration No. 2,585,259 has attained incontestable status and was renewed in 2012.

(14) Opposer duly registered the mark BRINKS & Design, for timers, in the U.S. Patent and Trademark Office under Registration No. 3,548,670 which issued December 23, 2008.

(15) Opposer duly registered the mark BRINKS HOME SECURITY & Design, for keyed and combination metal locks and non-metal residential and commercial safes, in the U.S. Patent and Trademark Office under Registration No. 2,330,884 which issued March 21, 2000. Registration No. 2,330,884 has attained incontestable status and was renewed in 2010.

(16) Registration Nos. 529,622, 1,309,375, 2,582,146, 1,313,790, 1,411,610, 2,585,259, 3,548,670 and 2,330,884 are *prima facie* evidence of the validity of and Opposer's exclusive right to use the marks BRINK'S, BRINKS, BRINKS & Design and BRINKS HOME SECURITY & Design, and are constructive notice of Opposer's ownership thereof, all as provided by §§ 7(b) and 22 of the Federal Trademark Act, 15 U.S.C. §§ 1057(b) and 1072, respectively. The right to use the marks BRINK'S, BRINKS, BRINKS & Design and BRINKS HOME SECURITY & Design having become

incontestable, Registration Nos. 529,622, 1,309,375, 2,582,146, 1,313,790, 1,411,610, 2,585,259 and 2,330,884 are conclusive evidence of Opposer's exclusive right to use the marks shown therein in commerce as provided by §§ 15 and 33(b) of the Federal Trademark Act. 15 U.S.C. §§ 1065 and 1115(b).

(17) The use of the trademark BRINKX in connection with the products described in the opposed application is likely to dilute the distinctive qualities of the famous mark BRINK'S within the meaning of §§ 13(a) and 43(c) of the Federal Trademark Act, 15 U.S.C. §§ 1063(a) and 1125(c), respectively, thereby damaging Opposer.

(18) Applicant is not lawfully entitled to the registration which it seeks for the reason, *inter alia*, that the trademark BRINX, as used in connection with products described in the opposed application, so resembles Opposer's previously used and registered mark BRINK'S as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 2(d) of The Federal Trademark Act, 15 U.S.C. § 1052(d), thereby damaging Opposer.

WHEREFORE, Opposer believes that the present opposition should be sustained and the registration of Applicant's mark refused.

The Commissioner for Trademarks is authorized to deduct the necessary filing fees from Westerman Hattori Daniels & Adrian Deposit Account No. 502866.

BRINK'S NETWORK, INC.

Dated: June 1, 2015

By: /Alan S. Cooper/

Alan S. Cooper

Samantha Moskowitz

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Attorneys for Opposer

Certificate of Service

In accordance with Rule 2.101(b) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of the foregoing Notice of Opposition was served on the following attorney of record for Applicant by depositing the same in the U.S. mail, first class postage prepaid, this 1st day of June 2015:

Sarah I. Cohen, Esq.
Gabriel & Pelaez PLLC
72-11 Austin Street PMB No. 406
Forest Hills, New York 11375

/Alan S. Cooper/