

ESTTA Tracking number: **ESTTA727173**

Filing date: **02/16/2016**

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	Hunter Boot Limited
Granted to Date of previous extension	02/28/2016
Address	36 Melville Street Edinburgh, EH37HA UNITED KINGDOM

Attorney information	Janet F. Satterthwaite Potomac Law Group Suite 700 1300 Pennsylvania Ave NW Washington, DC 20004 UNITED STATES tm@potomaclaw.com, jsatterthwaite@potomaclaw.com Phone:202-486-1578
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Applicant Information

Application No	86473115	Publication date	09/01/2015
Opposition Filing Date	02/16/2016	Opposition Period Ends	02/28/2016
Applicant	Hunter Girl Co. LLC 14068 South 40th Street Phoenix, AZ 85044 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Women and girls long sleeve shirts, women and girls short sleeve shirts, tank tops, scarves, hats and beanies not for use in the sport of hunting
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Applicant Information

Application No	86473127	Publication date	09/15/2015
Opposition Filing Date	02/16/2016	Opposition Period Ends	
Applicant	Hunter Girl Co. LLC 14068 South 40th Street Phoenix, AZ 85044 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Women and girls long sleeve shirts, women
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and girls short sleeve shirts, tank tops, scarves, hats and beanies

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.	1550244	Application Date	05/12/1988
Registration Date	08/01/1989	Foreign Priority Date	NONE
Word Mark	ROYAL HUNTER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1986/03/00 First Use In Commerce: 1986/03/00 WEATHERPROOF BOOTS		

U.S. Registration No.	2740877	Application Date	07/30/1997
Registration Date	07/29/2003	Foreign Priority Date	NONE
Word Mark	HUNTER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1983/11/28 First Use In Commerce: 1983/11/28 footwear		

U.S. Registration No.	3876340	Application Date	01/23/2009
Registration Date	11/16/2010	Foreign Priority Date	07/24/2008
Word Mark	HUNTER		
Design Mark			
Description of Mark	The mark consists of the word "HUNTER" appearing in black inside a red rectangle border with a white background.		
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 Cleaning, polishing, scouring and abrasive preparations; shoe, boot and footwear polishes; boot cream; boot wax; shoe cream; shoe wax; cleaning preparations for shoes, boots and footwear; soaps; fragrances, toilet waters and perfumery; cosmetics; non-medicated toilet preparations		

Class 009. First use: First Use: 0 First Use In Commerce: 0

Protective footwear, namely, industrial boots; outdoor boots for protection against accident or injury; safety boots for use in industry; clothing for protection against accident or injury; safety clothing, namely, clothing for protection against accident or injury, except riding helmets; safety gloves, namely, gloves for protection against accident or injury; data storage devices, namely, blank optical data carriers and blank magnetic data carriers; sunglasses; spectacles

Class 014. First use: First Use: 0 First Use In Commerce: 0

Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes, namely, watches, key chains and key fobs of precious metal, jewellery, precious stones; key rings of precious metal; cuff links; boot and shoe ornaments of precious metal

Class 018. First use: First Use: 0 First Use In Commerce: 0

Leather and imitations of leather; and goods made of these materials and not included in other classes, namely, leather key holders, leather covers for passports; trunks and travelling bags; umbrellas; parasols and walking sticks; luggage; briefcases; travel bags; wallets; purses; wash bags for carrying toiletries; leather shoulder belts; suit carriers; backpacks; boot and footwear bags, namely, shoe bags and boot bags for travel

Class 020. First use: First Use: 0 First Use In Commerce: 0

Shoe racks; footwear racks; boot racks; Wellington boot racks; stands for shoes, footwear, boots and Wellington boots; sleeping bags; sleeping bags for camping; sleeping mats; camping mats, namely, sleeping mats, chair mats; chairs, except tournament chairs; deck chairs; camping chairs; picnic chairs; folding chairs; picnic tables; picnic furniture; picnic hampers; hampers for use as picnic baskets; parts and fittings for all the aforesaid goods

Class 021. First use: First Use: 0 First Use In Commerce: 0

Brushes, namely, shoe and boot brushes; articles for cleaning purposes, namely, cleaning cloths for shoes and boots; beverage glassware; porcelain and earthenware not included in other classes, namely, porcelain mugs, porcelain cups, earthenware mugs, earthenware cups, hip flasks; flasks; vacuum flasks; cool bags, namely, portable coolers for food, drinks and wine; cool boxes, namely, lunch boxes, portable coolers for food, drinks and wine; picnic ware, namely, disposable knives, forks and spoons, serving forks and spoons for salad, serving forks and spoons for food, barbeque tongs, grill covers; fitted picnic baskets; picnic boxes, namely, household containers for foodstuffs; picnic crockery, namely, mugs, cups, bowls, plates, dishes, except feeding dishes for animals, watering cans; mugs, cups, boot and shoe trees; boot and shoe shapers, namely, boot trees, shoe trees, boot stretchers, shoe stretchers; boot and shoe scrapers; boot and shoe scrapers incorporating brushes; boot and shoe jacks; boot and shoe horns; boot and shoe brushes; cloths for cleaning boots and shoes

Class 024. First use: First Use: 0 First Use In Commerce: 0

Textiles and textile goods, not included in other classes, namely, textile hangtags; handkerchiefs; travel rugs, namely, knee rugs and lap rugs; blankets, namely, woollen blankets, silk blankets; liners for sleeping bags; fabric for boot and shoes; tea towels; towels; picnic rugs, namely, textile place mats for outdoor use; blankets for outdoor use; knee rugs, namely, lap robes, lap rugs

Class 025. First use: First Use: 0 First Use In Commerce: 0

Clothing, namely, skirts, culottes, pants, blouses; footwear; headgear, namely, hats and caps; boots; welts for boots and shoes; non-slipping devices for boots, namely, studs for boots, studs for shoes, over soles for boots and shoes; inner soles; heels and soles for footwear; insoles for boots and shoes; liners for boots and shoes; shaped bags and pouches adapted to carry boots and shoes, namely, bags for Wellington boots, bags for waterproof boots, bags for hiking boots and bags for hiking shoes; socks; hats; gloves; scarves; water-

	<p>proof footwear; galoshes; garters; headbands; jackets; jerseys; jumpers; knitwear, namely, knitted gloves, jerseys, jumpers, sweaters, cardigans, pullovers, waistcoats and tank-tops; neck ties; outer clothing, namely, outer jackets, outer coats, raincoats, trenchcoats and outdoor gloves; aprons; overalls; overcoats; pajamas; pants; sandals; flip-flops; shirts; shoes; slippers; sun visors and caps; sweaters; swimsuits; T-shirts; top hats; top coats; trousers; undergarments; underpants and underwear; fishing vests; waistcoats; and waterproof clothing, namely, waterproof jackets, waterproof coats, waterproof raincoats and waterproof pants; sports clothing, namely, sports singlets, sports T-shirts, sports sweatshirts, sports sweat pants, sports tracksuits, sports jerseys; sports footwear, namely, rubber shoes, training shoes and athletic shoes; after-sports footwear; belts and money belts</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>Retail store services, retail outlets, online retail store services featuring gifts, cleaning, polishing, scouring and abrasive preparations, shoe, boot and footwear polishes, boot cream, boot wax, shoe cream, shoe wax, cleaning preparations for shoes, boots and footwear, soaps, fragrances, toilet waters and perfumery, cosmetics, non-medicated toilet preparations, boots for use as protective footwear, outdoor boots for protection against accident or injury, safety boots for use in industry, clothing for protection against accident or injury, safety clothing, except riding helmets, safety gloves, data storage devices, sunglasses, spectacles, jewellery, precious stones, key rings, cuff links, boot and shoe ornaments of precious metal, printed matter and stationery, pens, pencils, writing instruments, leather and imitations of leather, trunks and travelling bags, umbrellas, parasols and walking sticks, luggage, briefcases, travel bags, wallets, purses, wash bags, belts, leather covers for passports, suit carriers, backpacks, leather gloves, boot and footwear bags, shoe racks, footwear racks, boot racks, Wellington boot racks, stands for shoes, footwear, boots and Wellington boots, sleeping bags, sleeping bags for camping, sleeping mats, camping mats, chairs, except tournament chairs, deckchairs, camping chairs, picnic chairs, folding chairs, picnic tables, picnic furniture, picnic hampers, picnic hamper baskets, household or kitchen utensils and containers; shoe and boot brushes, articles for cleaning purposes, namely, cleaning cloths for shoes and boots, glassware, porcelain and earthenware, except feeding dishes for animals, hip flasks, flasks, vacuum flasks, cool bags, cool boxes, picnic ware, fitted picnic baskets, picnic boxes, picnic crockery, picnic utensils, cooking utensils for use with barbecues, hand implements for use in barbecue cooking, watering cans, mugs, cups, crockery, boot and shoe trees, boot and shoe shapers, boot and shoe scrapers, boot and shoe scrapers incorporating brushes, boot and shoe jacks, boot and shoe horns, boot and shoe brushes, cloths for cleaning boots and shoes, tents, awnings, tarpaulins, textiles and textile goods, handkerchiefs, travel rugs, blankets, liners for sleeping bags, fabric for boots and shoes, tea towels, towels, picnic rugs, clothing, footwear, headgear, boots, welts for boots and shoes, non-slipping devices for boots, inner soles, heels and soles for footwear, insoles for boots and shoes, liners for boots and shoes, bags and pouches adapted to carry boots and shoes, socks, hats, gloves, scarves, waterproof footwear, galoshes, garters, headbands, jackets, jerseys, jumpers, knitwear, neck ties, outer clothing, aprons, overalls, overcoats, pajamas, pants, sandals, flip-flops, shirts, shoes, slippers, sun visors and caps, sweaters, swimsuits, T-shirts, top hats, top coats, trousers, underclothing, underpants and underwear, fishing vests, waistcoats and waterproof clothing, sports clothing, sports footwear, after-sports footwear, belts and money belts, mats, doormats, matting, rugs, toys, except toys for domestic pets and toys for domestic dogs, games, playthings, outdoor games, outdoor puzzles, gymnastic and sporting equipment except gymnastic and sporting equipment for use with animals, information, advisory and consultancy services, in the field of the aforesaid retail services</p>
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U.S. Registration No.	4513417	Application Date	02/04/2013
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Registration Date	04/15/2014	Foreign Priority Date	NONE
Word Mark	HUNTER ARGYLL		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>Clothing, namely, skirts, culottes, pants, blouses, shirts, dresses ; footwear;headgear, namely, hats, caps; boots; wellington boots; waterproof boots; waterproof footwear; galoshes; waterproof clogs; shoes; shoes of rubber, leather or other materials; sandals; flip-flops; slippers; welts for boots and shoes; non-slipping soles and cleats for boots; inner soles; heels and soles for footwear; in-soles for boots and shoes; liners for boots and shoes; socks for use with Wellington boots and waterproof boots; socks; hats; top hats; sun visors and caps; headbands; gloves, scarves; garters; waterproof clothing namely, waterproof jackets,waterproof coats, waterproof raincoats and waterproof pants; outer clothing andouterwear, namely, jackets, coats, overcoats, top coats, raincoats; jerseys; jumpers; knitwear, namely, knitted gloves,jerseys, jumpers, sweaters, cardigans, pullovers, waistcoats and tank-tops; sweaters; gilets; waistcoats; neck ties; overalls; pajamas; pants; shirts; blouses;swimsuits; t-shirts; trousers; shorts; culottes; underclothing; underpants and underwear; fishing vests and waistcoats;sports clothing; sports footwear, namely, rubber shoes, training shoes and athletic shoes; after-sports footwear; beltsand money belts</p>		

U.S. Registration No.	4541643	Application Date	02/04/2013
Registration Date	06/03/2014	Foreign Priority Date	01/30/2013
Word Mark	HUNTER BALMORAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>footwear; boots; wellington boots; waterproof boots; waterproof footwear;</p>		

	galoshes; waterproof clogs; shoes; shoes of rubber, leather or other materials; sandals; flip-flops; slippers; welts for boots and shoes; non-slipping soles and cleats for boots; inner soles; heels and soles for footwear; insoles for boots and shoes; liners for boots and shoes; socks for use with Wellington boots and waterproof boots; socks; sports footwear, namely, rubber shoes, training shoes and athletic shoes; after-sports footwear; Balmoral-type shoes; Balmoral-type footwear; Balmoral-type shoes of leather
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Attachments	79065344#TMSN.png(bytes) 85840005#TMSN.png(bytes) 85839994#TMSN.png(bytes) Consolidated Notice of Opposition HUNTER GIRL.pdf(96169 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	/Janet F. Satterthwaite/
Name	Janet F. Satterthwaite
Date	02/16/2016

- (b) No. 2,740,877, issued July 29, 2003, for the mark HUNTER in class 25 for “footwear.”
- (c) No. 3,876,340, for the mark HUNTER and Design, issued November 16, 2010, for goods in classes 3,9,14,18,20,21, 24 and 25; in Class 25, the registration covers “Clothing, namely, skirts, culottes, pants, blouses; footwear; headgear, namely, hats and caps; boots; welts for boots and shoes; non-slipping devices for boots, namely, studs for boots, studs for shoes, over soles for boots and shoes; inner soles; heels and soles for footwear; insoles for boots and shoes; liners for boots and shoes; shaped bags and pouches adapted to carry boots and shoes, namely, bags for Wellington boots, bags for waterproof boots, bags for hiking boots and bags for hiking shoes; socks; hats; gloves; scarves; waterproof footwear; galoshes; garters; headbands; jackets; jerseys; jumpers; knitwear, namely, knitted gloves, jerseys, jumpers, sweaters, cardigans, pullovers, waistcoats and tank-tops; neck ties; outer clothing, namely, outer jackets, outer coats, raincoats, trenchcoats and outdoor gloves; aprons; overalls; overcoats; pajamas; pants; sandals; flip-flops; shirts; shoes; slippers; sun visors and caps; sweaters; swimsuits; T-shirts; top hats; top coats; trousers; undergarments; underpants and underwear; fishing vests; waistcoats; and waterproof clothing, namely, waterproof jackets, waterproof coats, waterproof raincoats and waterproof pants; sports clothing, namely, sports singlets, sports T-shirts, sports sweatshirts, sports sweat pants, sports tracksuits, sports jerseys; sports footwear, namely, rubber shoes, training shoes and athletic shoes; after-sports footwear; belts and money belts.”

- (d) No. 4513417 for the mark HUNTER ARGYLL, for Clothing, namely, skirts, culottes, pants, blouses, shirts, dresses ; footwear; headgear, namely, hats, caps; boots; wellington boots; waterproof boots; waterproof footwear; galoshes; waterproof clogs; shoes; shoes of rubber, leather or other materials; sandals; flip-flops; slippers; welts for boots and shoes; non-slipping soles and cleats for boots; inner soles; heels and soles for footwear; insoles for boots and shoes; liners for boots and shoes; socks for use with Wellington boots and waterproof boots; socks; hats; top hats; sun visors and caps; headbands; gloves, scarves; garters; waterproof clothing namely, waterproof jackets, waterproof coats, waterproof raincoats and waterproof pants; outer clothing and outerwear, namely, jackets, coats, overcoats, top coats, raincoats; jerseys; jumpers; knitwear, namely, knitted gloves, jerseys, jumpers, sweaters, cardigans, pullovers, waistcoats and tank-tops; sweaters; gilets; waistcoats; neck ties; overalls; pajamas; pants; shirts; blouses; swimsuits; t-shirts; trousers; shorts; culottes; underclothing; underpants and underwear; fishing vests and waistcoats; sports clothing; sports footwear, namely, rubber shoes, training shoes and athletic shoes; after-sports footwear; belts and money belts;
- (e) No. 4541643 for HUNTER BALMORAL for footwear; boots; wellington boots; waterproof boots; waterproof footwear; galoshes; waterproof clogs; shoes; shoes of rubber, leather or other materials; sandals; flip-flops; slippers; welts for boots and shoes; non-slipping soles and cleats for boots; inner soles; heels and soles for footwear; insoles for boots and shoes; liners for boots and shoes; socks for use with Wellington boots and waterproof boots; socks;

sports footwear, namely, rubber shoes, training shoes and athletic shoes; after-sports footwear; Balmoral-type shoes; Balmoral-type footwear; Balmoral-type shoes of leather.

2. Opposer has used marks consisting of or containing the term HUNTER throughout the United States since at least 1983. Opposer's HUNTER brand has been extensively advertised.

3. By virtue of Opposer's extensive use and promotion of Opposer's Marks, and substantial sales of products bearing those marks, the public has come to associate these mark with Opposer.

4. The subject application Nos. 86473115 and 86473127 were filed based on intent to use on December 5, 2014, and cover "Women and girls long sleeve shirts, women and girls short sleeve shirts, tank tops, scarves, hats and beanies not for use in the sport of hunting" and "Women and girls long sleeve shirts, women and girls short sleeve shirts, tank tops, scarves, hats and beanies," respectively, in Class 25.

PRIORITY AND LIKELIHOOD OF CONFUSION

5. On information and belief, Applicant did not use its marks before December 5, 2014.

6. The first use date on which Opposer may rely in the United States is long prior to December 5, 2014.

7. On information and belief, the first use date on which Opposer may rely in the United States is prior to any date that can be relied on by the Applicant.

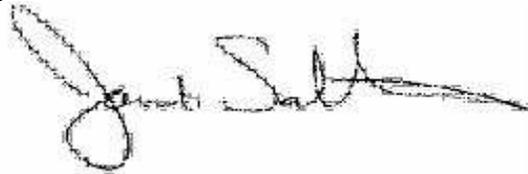
8. Opposer will be injured if the subject applications are registered because the mark that is the subject of the application is so similar to Opposer's Marks as to be likely to cause confusion as to the source or sponsorship by Opposer of Applicant's goods.

Respectfully submitted,

Hunter Boot Limited

Dated: February 16, 2016

By:

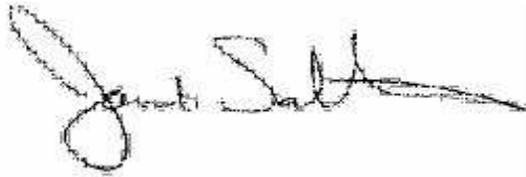
A handwritten signature in black ink, appearing to read "Janet Satterthwaite", written over a horizontal line.

Janet F. Satterthwaite
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Washington DC 20004
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jsatterthwaite@potomacclaw.com
tm@potomacclaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2016, I caused a copy of the foregoing Notice of Opposition to be served by first class mail to Applicant's counsel

JAMES A. ULLMAN
QUARLES & BRADY LLP
2 N CENTRAL AVE
PHOENIX, ARIZONA UNITED STATES 85004-2322

A handwritten signature in black ink, appearing to read "Janet Satterthwaite", written over a horizontal line.

Janet F. Satterthwaite