

ESTTA Tracking number: **ESTTA729154**

Filing date: **02/24/2016**

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	Meynard Designs, Inc.		
Entity	limited liability company	Citizenship	Massachusetts
Address	135 Second Avenue Waltham, MA 02451 UNITED STATES		

Attorney information	Douglas R. Wolf Wolf, Greenfield & Sacks P.C. 600 Atlantic Avenue Boston, MA 02210 UNITED STATES drwtrademarks@wolfgreenfield.com, sgstrademark@wolfgreenfield.com, jl-wtrademarks@WolfGreenfield.com Phone:6176468000		
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**Applicant Information**

Application No	86728933	Publication date	02/23/2016
Opposition Filing Date	02/24/2016	Opposition Period Ends	03/24/2016
Applicant	International C&J LTD. Zhongzheng Dist. Taipei City 100, R.O.C. TAIWAN		

**Goods/Services Affected by Opposition**

<p>Class 016. First Use: 2015/02/16 First Use In Commerce: 2015/02/16 All goods and services in the class are opposed, namely: Paper stationery; Cardboard; Corrugated-papers; Printing papers; Copying papers; Wrapping papers; Packing papers; Hand towels of paper; Face towels of paper; Printed advertising boards of cardboard; Printed advertising boards of paper; and Boxes of cardboard or paper</p>
<p>Class 025. First Use: 2015/02/16 First Use In Commerce: 2015/02/16 All goods and services in the class are opposed, namely: Underwear; Night shirts; Night gowns; Sleep wear; Shirts; Skirts; Suits; Sweaters; Pants; Swim suits; Western-style clothes, namely, shirts, pants, skirts, hats; Coats; Jackets; Folk custom clothing, namely, folk costumes, folk footwear, folk hats and caps, folk belts, kimonos, obi, cheongsam; Chinese tunic suits; Chinese shoes; Celebration ceremony clothing, namely, ceremonial dresses for formal ceremony or celebration; Woman's ceremonial dresses; Uniforms; Raincoats; Boots; Sandals; Slippers; Shoes; Ballet shoes; Bath slippers or sandals; Hiking boots; Rain boots; Sport shoes; Waterproof shoes; Wood shoes, namely, footwear made of wood; Work shoes; Espadrilles; Slippersocks; and Beachwear</p>

**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.	3677917	Application Date	02/15/2006
Registration Date	09/01/2009	Foreign Priority Date	NONE
Word Mark	EARTH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/12/20 First Use In Commerce: 2001/12/20 [ Retail store services featuring footwear and ] on-line retail store services featuring footwear, apparel, scarves, hats, socks [, lotions, cosmetics, shoe care products and cleaning products ]		

U.S. Registration No.	1371439	Application Date	05/20/1985
Registration Date	11/19/1985	Foreign Priority Date	NONE
Word Mark	EARTH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 FOOTWEAR		

U.S. Registration No.	3526963	Application Date	03/04/2008
Registration Date	11/04/2008	Foreign Priority Date	NONE
Word Mark	EARTH		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2000/00/00 First Use In Commerce: 2000/00/00 footwear and apparel, namely, t-shirts,sweaters, pants, skirts, blouses, belts, sweatshirts, scarves, jackets, hats, shorts, and hooded sweatshirts

U.S. Registration No.	3757587	Application Date	08/25/2009
Registration Date	03/09/2010	Foreign Priority Date	NONE

Word Mark	EARTH
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Description of Mark	The mark consists of the word EARTH in black lettering above a green arc on a white background.
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Goods/Services	Class 035. First use: First Use: 2001/09/00 First Use In Commerce: 2001/09/00 retail store services featuring footwear and online retail store services featuring footwear, apparel, [ scarves, ] hats, socks [, lotions, cosmetics, shoe care products and cleaning products ]
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U.S. Registration No.	3757588	Application Date	08/25/2009
Registration Date	03/09/2010	Foreign Priority Date	NONE

Word Mark	EARTH
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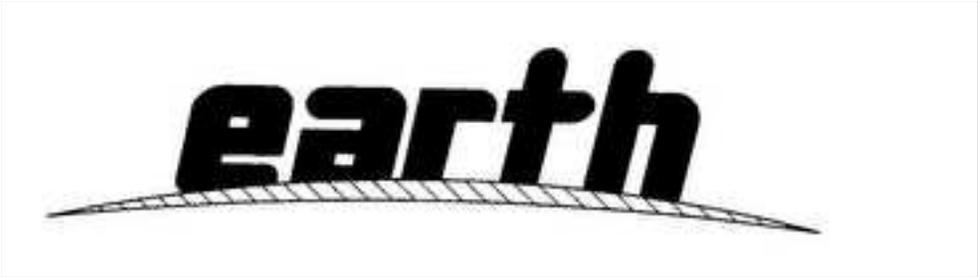
Description of Mark	The mark consists of the word "EARTH" in white letters, above a green arc, on a black oval background.
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Goods/Services	Class 035. First use: First Use: 2001/09/00 First Use In Commerce: 2001/09/00 retail store services featuring footwear and online retail store services featuring footwear, apparel, scarves, hats, socks, lotions, cosmetics, shoe care products and cleaning products
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U.S. Registration No.	3585728	Application Date	03/04/2008
Registration Date	03/10/2009	Foreign Priority Date	NONE

Word Mark	EARTH
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Design Mark	
Description of Mark	The mark consists of the lowercase word "EARTH" in black with a green crescent below it.
Goods/Services	Class 025. First use: First Use: 2000/00/00 First Use In Commerce: 2000/00/00 footwear and apparel, namely, t-shirts, sweaters, pants, skirts, blouses, belts, sweatshirts, [scarves,] jackets, hats, shorts, and hooded sweatshirts

U.S. Registration No.	2668138	Application Date	03/22/2001
Registration Date	12/31/2002	Foreign Priority Date	NONE
Word Mark	EARTH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 Footwear, namely, shoes, [ overshoes boots, overshoes rubbers, slippers, ] sandals, clogs, [sneakers, canvas tops, walking shoes, running shoes, jogging shoes,] athletic shoes, [hiking shoes,] and boots, [beach shoes, stockings, and socks;] clothing, namely, t-shirts, jeans, [pants,] caps, hats, belts, [shirts, sweatshirts, sweaters,] jackets[, and coats]		

U.S. Registration No.	4184009	Application Date	02/16/2011
Registration Date	07/31/2012	Foreign Priority Date	NONE
Word Mark	EARTH ORIGINS		
Design Mark			
Description of Mark	The mark consists of the words "EARTH ORIGINS" with a stylized representation of a sun rising over a mountain shape with the words "EARTH ORIGINS" below and to the right.		
Goods/Services	Class 025. First use: First Use: 2011/08/00 First Use In Commerce: 2011/08/00 footwear		

U.S. Registration No.	3879799	Application Date	04/13/2010
Registration Date	11/23/2010	Foreign Priority Date	NONE
Word Mark	E EARTH SPIRIT		
Design Mark			
Description of Mark	The mark consists of the words "EARTH" and "SPIRIT" with a starburst "e" logo between them.		
Goods/Services	Class 025. First use: First Use: 2010/03/29 First Use In Commerce: 2010/03/29 footwear and apparel, namely, shirts and hooded sweatshirts		

U.S. Registration No.	2428926	Application Date	06/02/1999
Registration Date	02/13/2001	Foreign Priority Date	NONE
Word Mark	KALSO EARTH SHOE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 footwear		

U.S. Registration No.	4249379	Application Date	03/09/2012
Registration Date	11/27/2012	Foreign Priority Date	NONE
Word Mark	KALSÅ# EARTH SHOE		

Design Mark	
Description of Mark	The mark consists of "EARTH SHOE" in lower case letters with "KALSO" extending vertically along the side with all termson a tree background.
Goods/Services	Class 025. First use: First Use: 2011/08/00 First Use In Commerce: 2011/08/00 footwear

U.S. Registration No.	3955954	Application Date	04/29/2010
Registration Date	05/03/2011	Foreign Priority Date	NONE

Word Mark	EARTHIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2011/01/00 First Use In Commerce: 2011/01/00 Footwear		

U.S. Registration No.	3955941	Application Date	04/22/2010
Registration Date	05/03/2011	Foreign Priority Date	NONE
Word Mark	EARTHIES		

Design Mark	
Description of Mark	The mark consists of a stylized capital letter "E" followed by followed by lower-case script of the letters "arthies."
Goods/Services	Class 025. First use: First Use: 2011/01/00 First Use In Commerce: 2011/01/00 footwear

U.S. Registration No.	2753975	Application Date	09/19/2001
Registration Date	08/19/2003	Foreign Priority Date	NONE
Word Mark	EARTH ORIGINS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 [ Clothing, namely socks, t-shirts, jeans, pants, caps, belts, shirts, hats, sweat-shirts, sweaters, jackets, coats and ] footwear		

Attachments	78815529#TMSN.png( bytes ) 77412301#TMSN.png( bytes ) 77812080#TMSN.png( bytes ) 77812125#TMSN.png( bytes ) 77412319#TMSN.png( bytes ) 76229924#TMSN.png( bytes ) 85244050#TMSN.png( bytes ) 85012470#TMSN.png( bytes ) 75721375#TMSN.png( bytes ) 85565490#TMSN.png( bytes ) 85026105#TMSN.png( bytes ) 85020417#TMSN.png( bytes ) 76314305#TMSN.png( bytes ) Notice of Opposition.pdf(5868598 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	/drw/
Name	Douglas R. Wolf
Date	02/24/2016

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

Applicant: International C&J LTD.  
Application No.: 86/728933  
Filed: August 18, 2015



Mark:

_____	)	
Meynard Designs, Inc.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
International C&J Ltd.	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Meynard Designs, Inc. (“Opposer”), a limited liability company organized and existing under the laws of the Commonwealth of Massachusetts, having a place of business at 135 Second Avenue, Waltham, Massachusetts, 02451, believes it would be damaged by registration of the mark depicted in Application Serial No. 86/728,933 (the “’933 Application”), filed by International C&J Ltd. on August 18, 2015, which mark was published for opposition in the *Official Gazette* on February 23, 2016, and hereby opposes the same.

The grounds for this Opposition are as follows:



1. Applicant seeks to register the mark \_\_\_\_\_ as a trademark for:

Underwear; Night shirts; Night gowns; Sleep wear; Shirts; Skirts; Suits; Sweaters; Pants; Swim suits; Western-style clothes, namely, shirts, pants, skirts, hats; Coats; Jackets; Folk custom clothing, namely, folk costumes, folk footwear, folk hats and caps, folk belts, kimonos, obi, cheongsam; Chinese tunic suits; Chinese shoes;

Celebration ceremony clothing, namely, ceremonial dresses for formal ceremony or celebration; Woman's ceremonial dresses; Uniforms; Raincoats; Boots; Sandals; Slippers; Shoes; Ballet shoes; Bath slippers or sandals; Hiking boots; Rain boots; Sport shoes; Waterproof shoes; Wood shoes, namely, footwear made of wood; Work shoes; Espadrilles; Slipper socks; and Beachwear,

in International Class 25.

2. The opposed application was filed on August 18, 2015 under Section 1(a) of the Lanham Act, based upon actual use of the mark in commerce and alleging a first use date of February 16, 2015.

3. Opposer owns federal Registration No. 3,677,917 for the mark EARTH (in standard character form) for “[Retail store services featuring footwear and] on-line retail store services featuring footwear, apparel, scarves, hats, socks[, lotions, cosmetics, shoe care products and cleaning products],” in International Class 35.

4. Opposer owns federal Registration No. 1,371,439 for the mark EARTH (in standard character form) for “footwear,” in International Class 25.

5. Opposer owns federal Registration No. 3,526,963 for the mark EARTH (in standard character form) for “footwear and apparel, namely, t-shirts, sweaters, pants, skirts, blouses, belts, sweatshirts, scarves, jackets, hats, shorts, and hooded sweatshirts,” in International Class 25.

6. Opposer owns federal Registration No. 3,757,587 for  for “retail store services featuring footwear and online retail store services featuring footwear, apparel, scarves, hats, socks, lotions, cosmetics, shoe care products and cleaning products,” in International Class 35.

7. Opposer owns federal Registration No. 3,757,588 for  for “retail store services featuring footwear and online retail store services featuring footwear, apparel, scarves, hats, socks, lotions, cosmetics, shoe care products and cleaning products,” in International Class 35.

8. Opposer owns federal Registration No. 3,585,728 for  for “footwear and apparel, namely, t-shirts, sweaters, pants, skirts, blouses, belts, sweatshirts, [scarves,] jackets, hats, shorts, and hooded sweatshirts,” in International Class 25.

9. Opposer owns federal Registration No. 2,668,138 for  for “footwear, namely, shoes, [ overshoes boots, overshoes rubbers, slippers, ] sandals, clogs, [sneakers, canvas tops, walking shoes, running shoes, jogging shoes,] athletic shoes, [hiking shoes,] and boots, [beach shoes, stockings, and socks;] clothing, namely, t-shirts, jeans, [pants,] caps, hats, belts, [shirts, sweatshirts, sweaters,] jackets[, and coats],” in International Class 25.

10. Opposer owns federal Registration No. 4,184,009 for  for “footwear,” in International Class 25.

11. Opposer owns federal Registration No. 3,879,799 for  for “footwear and apparel, namely, shirts and hooded sweatshirts,” in International Class 25.

12. Opposer owns federal Registration No. 2,428,926 for the mark KALSO EARTH SHOE (stylized) (SHOE disclaimed) for “footwear,” in International Class 25.

13. Opposer owns federal Registration No. 4,249,379 for  (SHOE disclaimed) for “footwear,” in International Class 25.

14. Opposer owns federal Registration No. 3,955,954 for the mark EARTHIES (in standard character form) for footwear.

15. Opposer owns federal Registration No. 3,955,941 for  for footwear.

16. Opposer owns federal Registration No. 2,753,975 for the mark EARTH ORIGINS (in standard character form) for footwear.

17. Pursuant to 15 U.S.C. § 1057(b), each of Opposer's registrations identified above is prima facie evidence of the validity of the registered mark, of Opposer's ownership thereof, and of Opposer's exclusive right to use said mark in commerce in connection with the goods specified in the registration. Pursuant to Trademark Rule 2.122(d), the current printout of information from the electronic database records of the USPTO, showing the status and title of each of said registrations, is attached hereto as Exhibit A.

18. The goods identified in the application for  are identical or closely related to the goods and services offered by Opposer under the marks identified above, and travel through the same channels of trade to the same classes of consumers.

19. Applicant's mark  is confusingly similar to each of Opposer's above-identified marks.

20. Purchasers and potential purchasers of Applicant's identified goods would likely believe that such goods originated with or were authorized or approved by Opposer, when, in fact, they are not. Any dissatisfaction with Applicant's goods would reflect upon, and irreparably damage, Opposer's reputation and goodwill as embodied in Opposer's above-identified marks.

21. If Applicant is granted a registration on the application herein opposed, it would thereby obtain a prima facie exclusive right to use , which would be a further source of significant damage to Opposer.

\*\*\*\*\*

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's mark, and pray that this Opposition be sustained, that Application Serial No. 86/728,933 be rejected, and the mark applied for therein be refused registration.

Respectfully submitted,



By \_\_\_\_\_

Stephanie G. Stella

Douglas R. Wolf

John L. Welch

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Ave.

Federal Reserve Plaza

Boston, MA 02210

617-646-8000

Attorneys for Opposer Meynard Designs, Inc.

Date: February 24, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served on counsel for Applicant, this 24th day of February, 2016, by sending same via Federal Express, with a courtesy copy sent via email, to:

Mr. C. G. Mersereau  
Nikolai & Mersereau P.A.  
900 2nd Avenue S. Suite 1550  
Minneapolis, MN 55402-3352  
[chuck.mersereau@nm-iplaw.com](mailto:chuck.mersereau@nm-iplaw.com)



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Stephanie G. Stella

Attorney Docket No.: M0849.50142US00

# EXHIBIT A



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# EARTH

**Word Mark** EARTH

**Goods and Services** IC 035. US 100 101 102. G & S: [ Retail store services featuring footwear and ] on-line retail store services featuring footwear, apparel, scarves, hats, socks [, lotions, cosmetics, shoe care products and cleaning products ]. FIRST USE: 20011220. FIRST USE IN COMMERCE: 20011220

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 78815529

**Filing Date** February 15, 2006

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** June 20, 2006

**Registration Number** 3677917

**Registration Date** September 1, 2009

**Owner** (REGISTRANT) Meynard Designs Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 02451

**Attorney of** Douglas R. Wolf

**Record**

**Prior Registrations** 1371439;2199118;2249826;AND OTHERS

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

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

**Live/Dead Indicator** LIVE

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**No assignment has been recorded at the USPTO**

**For Registration Number: 3677917**

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Web interface last modified: July 25, 2014 v.2.5

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# Typed Drawing

<b>Word Mark</b>	EARTH
<b>Goods and Services</b>	IC 025. US 039. G & S: FOOTWEAR. FIRST USE: 19700000. FIRST USE IN COMMERCE: 19700000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73538529
<b>Filing Date</b>	May 20, 1985
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 10, 1985
<b>Change In Registration</b>	CHANGE IN REGISTRATION HAS OCCURRED
<b>Registration Number</b>	<b>1371439</b>
<b>Registration Date</b>	November 19, 1985
<b>Owner</b>	(REGISTRANT) TONUS, INC. CORPORATION NEW YORK 50 GLENDALE ROAD OSSINING NEW YORK 10561  (LAST LISTED OWNER) MEYNARD DESIGNS INC. CORPORATION MASSACHUSETTS 135 2nd Avenue WALTHAM MASSACHUSETTS 024511107
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Douglas R. Wolf
<b>Prior Registrations</b>	1294415;1313517
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150902.

**Renewal** 2ND RENEWAL 20150902

**Live/Dead  
Indicator** LIVE

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## Trademark Assignment Abstract of Title

**Total Assignments: 6****Serial #:** [73538529](#)**Filing Dt:** 05/20/1985**Reg #:** [1371439](#)**Reg. Dt:** 11/19/1985**Registrant:** TONUS, INC.**Mark:** EARTH**Assignment: 1****Reel/Frame:** [0502/0051](#)**Recorded:** 08/01/1985**Pages:** 2**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL**Assignor:** [KALSO, ANNE S.J.](#)**Exec Dt:** 06/19/1985**Entity Type:** UNKNOWN**Citizenship:** NONE**Entity Type:** CORPORATION**Citizenship:** NEW YORK**Assignee:** [TONUS INC.](#)50 GLENDALE ROAD  
OSSINING, NEW YORK 10562**Correspondent:** KUHM MULLER AND BAZERMAN1412 BROADWAY  
NEW YORK, NY 10018**Assignment: 2****Reel/Frame:** [1144/0421](#)**Recorded:** 05/02/1994**Pages:** 3**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL**Assignor:** [TONUS, INC.](#)**Exec Dt:** 03/09/1994**Entity Type:** CORPORATION**Citizenship:** NEW YORK**Entity Type:** CORPORATION**Citizenship:** CAYMAN ISLANDS**Assignee:** [MONDIAL TRADING CO. LTD.](#)

MARY STREET GRAND CAYMAN ISLAND GRAND CAYMANS B.W.I.

**Correspondent:** WOLF, GREENFIELD & SACKS, P.C.DAVID WOLF, ESQ. (W0034/4000)  
600 ATLANTIC AVENUE, 17TH FLOOR  
BOSTON, MASSACHUSETTS 02210**Assignment: 3****Reel/Frame:** [2055/0058](#)**Recorded:** 03/13/2000**Pages:** 3**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** [MONDIAL TRADING COMPANY, LTD.](#)**Exec Dt:** 03/01/2000**Entity Type:** CORPORATION**Citizenship:** CAYMAN ISLANDS**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Assignee:** [MICHEL MEYNARD, INC.](#)763 SALEM END ROAD  
FRAMINGHAM, MASSACHUSETTS 01702**Correspondent:** WOLF, GREENFIELD & SACKS, P.C.DAVID WOLF  
600 ATLANTIC AVENUE  
FEDERAL RESERVE PLAZA  
BOSTON, MA 02210**Assignment: 4****Reel/Frame:** [2162/0134](#)**Recorded:** 09/27/2000**Pages:** 6

**Conveyance:** CHANGE OF NAME

**Assignor:** [MICHEL MEYNARD, INC.](#)

**Assignee:** [MEYNARD DESIGNS, INC.](#)

763 SALEM END ROAD  
FRAMINGHAM, MASSACHUSETTS 01702

**Correspondent:** WOLF, GREENFIELD & SACKS, P.C.

DAVID WOLF  
600 ATLANTIC AVENUE  
FEDERAL RESERVE PLAZA  
BOSTON, MA 02210

## Assignment: 5

**Reel/Frame:** [2169/0509](#)

**Recorded:** 09/29/2000

**Pages:** 6

**Conveyance:** CHANGE OF NAME

**Assignor:** [MICHEL MEYNARD, INC.](#)

**Assignee:** [MEYNARD DESIGNS, INC.](#)

763 SALEM END ROAD  
FRAMINGHAM, MASSACHUSETTS 01702

**Correspondent:** WOLF, GREENFIELD, SACKS, P.C.

DAVID WOLF  
600 ATLANTIC AVENUE  
FEDERAL RESERVE PLAZA  
BOSTON, MA 02210

## Assignment: 6

**Reel/Frame:** [2761/0046](#)

**Recorded:** 12/09/2003

**Pages:** 3

**Conveyance:** CHANGE OF ADDRESS

**Assignor:** [MEYNARD DESIGNS INC.](#)

**Assignee:** [MEYNARD DESIGNS INC.](#)

151 NEWTON STREET  
WALTHAM, MASSACHUSETTS 02453

**Correspondent:** WOLF, GREENFIELD & SACKS, P.C.

DAVID WOLF  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210

**Exec Dt:** 03/27/2000

**Entity Type:** CORPORATION

**Citizenship:** MASSACHUSETTS

**Entity Type:** CORPORATION

**Citizenship:** MASSACHUSETTS

**Exec Dt:** 03/27/2000

**Entity Type:** CORPORATION

**Citizenship:** MASSACHUSETTS

**Entity Type:** CORPORATION

**Citizenship:** MASSACHUSETTS

**Exec Dt:** 12/09/2003

**Entity Type:** CORPORATION

**Citizenship:** MASSACHUSETTS

**Entity Type:** CORPORATION

**Citizenship:** MASSACHUSETTS

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# EARTH

**Word Mark** EARTH

**Goods and Services** IC 025. US 022 039. G & S: footwear and apparel, namely, t-shirts, sweaters, pants, skirts, blouses, belts, sweatshirts, scarves, jackets, hats, shorts, and hooded sweatshirts. FIRST USE: 20000000. FIRST USE IN COMMERCE: 20000000

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 77412301

**Filing Date** March 4, 2008

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** August 19, 2008

**Registration Number** 3526963

**Registration Date** November 4, 2008

**Owner** (REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107

**Attorney of** Douglas R. Wolf

**Record**

**Prior Registrations** 1371439;2199118;2249826;AND OTHERS

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

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

**Live/Dead Indicator** LIVE

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**For Registration Number: 3526963**

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<b>Word Mark</b>	EARTH
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: retail store services featuring footwear and online retail store services featuring footwear, apparel, [ scarves, ] hats, socks [, lotions, cosmetics, shoe care products and cleaning products ]. FIRST USE: 20010900. FIRST USE IN COMMERCE: 20010900
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
<b>Trademark Search Facility Classification Code</b>	SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors
<b>Serial Number</b>	77812080
<b>Filing Date</b>	August 25, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 22, 2009
<b>Registration Number</b>	<b>3757587</b>
<b>Registration Date</b>	March 9, 2010
<b>Owner</b>	(REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107
<b>Attorney of</b>	Douglas R. Wolf

**Record****Prior Registrations** 2668138;3391226**Description of Mark** The color(s) green, white and black is/are claimed as a feature of the mark. The mark consists of the word EARTH in black lettering above a green arc on a white background.**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR).**Live/Dead Indicator** LIVE

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<b>Word Mark</b>	EARTH
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: retail store services featuring footwear and online retail store services featuring footwear, apparel, scarves, hats, socks, lotions, cosmetics, shoe care products and cleaning products. FIRST USE: 20010900. FIRST USE IN COMMERCE: 20010900
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.03.21 - Ovals that are completely or partially shaded 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
<b>Trademark Search Facility Classification Code</b>	SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors SHAPES-MISC Miscellaneous shaped designs SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals
<b>Serial Number</b>	77812125
<b>Filing Date</b>	August 25, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 22, 2009
<b>Registration Number</b>	<b>3757588</b>
<b>Registration Date</b>	March 9, 2010
<b>Owner</b>	(REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107

<b>Attorney of Record</b>	David Wolf, Esq.
<b>Prior Registrations</b>	2668138;3391226
<b>Description of Mark</b>	The color(s) black, white and green is/are claimed as a feature of the mark. The mark consists of the word "EARTH" in white letters, above a green arc, on a black oval background.
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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<b>Word Mark</b>	EARTH
<b>Goods and Services</b>	IC 025. US 022 039. G & S: footwear and apparel, namely, t-shirts, sweaters, pants, skirts, blouses, belts, sweatshirts, [scarves,] jackets, hats, shorts, and hooded sweatshirts. FIRST USE: 20000000. FIRST USE IN COMMERCE: 20000000
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
<b>Trademark Search Facility Classification Code</b>	SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-COLORS-2 Design listing or lined for two colors
<b>Serial Number</b>	77412319
<b>Filing Date</b>	March 4, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 23, 2008
<b>Registration Number</b>	<b>3585728</b>
<b>Registration Date</b>	March 10, 2009
<b>Owner</b>	(REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107
<b>Attorney of</b>	Douglas R. Wolf

**Record**

**Prior Registrations** 1371439;2199118;2249826;AND OTHERS

**Description of Mark** The color(s) green and black is/are claimed as a feature of the mark. The mark consists of the lowercase word "EARTH" in black with a green crescent below it.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

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

**Live/Dead Indicator** LIVE

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**Word Mark** EARTH

**Goods and Services** IC 025. US 022 039. G & S: Footwear, namely, shoes, [ overshoes boots, overshoes rubbers, slippers, ] sandals, clogs, [sneakers, canvas tops, walking shoes, running shoes, jogging shoes,] athletic shoes, [hiking shoes,] and boots, [beach shoes, stockings, and socks;] clothing, namely, t-shirts, jeans, [pants,] caps, hats, belts, [shirts, sweatshirts, sweaters,] jackets[, and coats]. FIRST USE: 20000601. FIRST USE IN COMMERCE: 20000601

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters  
26.17.25 - Other lines, bands or bars

**Serial Number** 76229924

**Filing Date** March 22, 2001

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** October 8, 2002

**Registration Number** 2668138

**Registration Date** December 31, 2002

**Owner** (REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107

**Attorney of Record** Douglas R. Wolf  
**Prior Registrations** 1371439;1372733;2199118;2211331;2249826;AND OTHERS  
**Description of Mark** The mark is lined for the color green, but color is not a feature of the mark.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120222.  
**Renewal** 1ST RENEWAL 20120222  
**Live/Dead Indicator** LIVE

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**Word Mark** EARTH ORIGINS

**Goods and Services** IC 025. US 022 039. G & S: footwear. FIRST USE: 20110800. FIRST USE IN COMMERCE: 20110800

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise  
01.05.25 - Sun, other representations of the sun  
06.01.04 - Mountains (landscapes); Scenery with mountains  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

**Serial Number** 85244050

**Filing Date** February 16, 2011

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** October 25, 2011

**Registration Number** 4184009

**Registration Date** July 31, 2012

**Owner** (REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107

**Attorney of** David Wolf

**Record****Prior Registrations** 2753975;3507355**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the words "EARTH ORIGINS" with a stylized representation of a sun rising over a mountain shape with the words "EARTH ORIGINS" below and to the right.**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

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**For Registration Number: 4184009**

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<b>Word Mark</b>	E EARTH SPIRIT
<b>Goods and Services</b>	IC 025. US 022 039. G & S: footwear and apparel, namely, shirts and hooded sweatshirts. FIRST USE: 20100329. FIRST USE IN COMMERCE: 20100329
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	01.01.05 - Stars - one or more stars with seven or more points 26.01.21 - Circles that are totally or partially shaded.
<b>Trademark Search Facility Classification Code</b>	LETS-1 E A single letter, multiples of a single letter or in combination with a design SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles
<b>Serial Number</b>	85012470
<b>Filing Date</b>	April 13, 2010
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 7, 2010
<b>Registration Number</b>	<b>3879799</b>
<b>Registration Date</b>	November 23, 2010
<b>Owner</b>	(REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107
<b>Attorney of Record</b>	David Wolf, Esq.

**Prior Registrations** 3015844

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the words "EARTH" and "SPIRIT" with a starburst "e" logo between them.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# KALSO EARTH SHOE

<b>Word Mark</b>	KALSO EARTH SHOE
<b>Goods and Services</b>	IC 025. US 022 039. G & S: footwear. FIRST USE: 19991200. FIRST USE IN COMMERCE: 19991200
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75721375
<b>Filing Date</b>	June 2, 1999
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	January 4, 2000
<b>Registration Number</b>	<b>2428926</b>
<b>Registration Date</b>	February 13, 2001
<b>Owner</b>	(REGISTRANT) MEYNARD DESIGNS, INC. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107  (LAST LISTED OWNER) MEYNARD DESIGNS, INC. CORPORATION MASSACHUSETTS 135 2ND AVENUE WALTHAM MASSACHUSETTS 024511107
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	David Wolf
<b>Prior Registrations</b>	1294415;1372733;2211331

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SHOE" APART FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 8 (6-YR). SECTION 8(10-YR) 20110128.

**Renewal** 1ST RENEWAL 20110128

**Live/Dead Indicator** LIVE

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FRAMINGHAM, MASSACHUSETTS 01702**Correspondent:** WOLF, GREENFIELD & SACKS, P.C.DAVID WOLF  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210**Assignment: 2****Reel/Frame:** [2162/0134](#)**Recorded:** 09/27/2000**Pages:** 6**Conveyance:** CHANGE OF NAME**Assignor:** [MICHEL MEYNARD, INC.](#)**Exec Dt:** 03/27/2000**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Assignee:** [MEYNARD DESIGNS, INC.](#)763 SALEM END ROAD  
FRAMINGHAM, MASSACHUSETTS 01702**Correspondent:** WOLF, GREENFIELD & SACKS, P.C.DAVID WOLF  
600 ATLANTIC AVENUE  
FEDERAL RESERVE PLAZA  
BOSTON, MA 02210**Assignment: 3****Reel/Frame:** [2169/0509](#)**Recorded:** 09/29/2000**Pages:** 6**Conveyance:** CHANGE OF NAME**Assignor:** [MICHEL MEYNARD, INC.](#)**Exec Dt:** 03/27/2000**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Entity Type:** CORPORATION**Citizenship:** MASSACHUSETTS**Assignee:** [MEYNARD DESIGNS, INC.](#)763 SALEM END ROAD  
FRAMINGHAM, MASSACHUSETTS 01702**Correspondent:** WOLF, GREENFIELD, SACKS, P.C.DAVID WOLF  
600 ATLANTIC AVENUE

FEDERAL RESERVE PLAZA  
BOSTON, MA 02210

**Assignment: 4**

**Reel/Frame:** [2761/0046](#)

**Recorded:** 12/09/2003

**Pages:** 3

**Conveyance:** CHANGE OF ADDRESS

**Assignor:** [MEYNARD DESIGNS INC.](#)

**Exec Dt:** 12/09/2003

**Entity Type:** CORPORATION

**Citizenship:** MASSACHUSETTS

**Entity Type:** CORPORATION

**Citizenship:** MASSACHUSETTS

**Assignee:** [MEYNARD DESIGNS INC.](#)

151 NEWTON STREET  
WALTHAM, MASSACHUSETTS 02453

**Correspondent:** WOLF, GREENFIELD & SACKS, P.C.

DAVID WOLF  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210

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**Word Mark** KALSØ EARTH SHOE

**Goods and Services** IC 025. US 022 039. G & S: footwear. FIRST USE: 20110800. FIRST USE IN COMMERCE: 20110800

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 05.01.02 - Maple tree; Trees or bushes with a generally rounded shape, including deciduous trees

**Serial Number** 85565490

**Filing Date** March 9, 2012

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** September 11, 2012

**Registration Number** 4249379

**Registration Date** November 27, 2012

**Owner** (REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107

**Attorney of Record** Douglas R. Wolf

**Prior Registrations** 2428926

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SHOE" APART FROM THE MARK AS

SHOWN

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of "EARTH SHOE" in lower case letters with "KALSO" extending vertically along the side with all terms on a tree background.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**For Registration Number: 4249379**

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# EARTHIES

**Word Mark** EARTHIES

**Goods and Services** IC 025. US 022 039. G & S: Footwear. FIRST USE: 20110100. FIRST USE IN COMMERCE: 20110100

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85026105

**Filing Date** April 29, 2010

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** November 23, 2010

**Registration Number** 3955954

**Registration Date** May 3, 2011

**Owner** (REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107

**Attorney of Record** David Wolf, Esq.

**Prior Registrations** 3366425

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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<b>Word Mark</b>	EARTHIES
<b>Goods and Services</b>	IC 025. US 022 039. G & S: footwear. FIRST USE: 20110100. FIRST USE IN COMMERCE: 20110100
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	85020417
<b>Filing Date</b>	April 22, 2010
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 23, 2010
<b>Registration Number</b>	<b>3955941</b>
<b>Registration Date</b>	May 3, 2011
<b>Owner</b>	(REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107
<b>Attorney of Record</b>	David Wolf, Esq.
<b>Prior Registrations</b>	3366425
<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of a stylized capital letter "E" followed by followed by lowercase script of the letters "arthies."
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL

**Live/Dead  
Indicator**

LIVE

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# EARTH ORIGINS

**Word Mark** EARTH ORIGINS

**Goods and Services** IC 025. US 022 039. G & S: [ Clothing, namely socks, t-shirts, jeans, pants, caps, belts, shirts, hats, sweatshirts, sweaters, jackets, coats and ] footwear. FIRST USE: 19990000. FIRST USE IN COMMERCE: 19990000

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

**Serial Number** 76314305

**Filing Date** September 19, 2001

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** January 29, 2002

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

**Registration Number** 2753975

**Registration Date** August 19, 2003

**Owner** (REGISTRANT) Meynard Designs, Inc. CORPORATION MASSACHUSETTS 135 2nd Avenue Waltham MASSACHUSETTS 024511107

**Attorney of Record** Douglas R. Wolf

**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 8 (6-YR). SECTION 8(10-YR) 20120912.  
**Renewal** 1ST RENEWAL 20120912  
**Live/Dead Indicator** LIVE

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