

ESTTA Tracking number: **ESTTA768112**

Filing date: **08/31/2016**

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	2XU Pty Ltd
Granted to Date of previous extension	08/31/2016
Address	243 Burwood Road Hawthorn, 3122 AUSTRALIA

Attorney information	Jennifer Lee Taylor Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105 UNITED STATES tmdocket@mofo.com, jtaylor@mofo.com, droumiantseva@mofo.com, ggabriel@mofo.com
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### Applicant Information

Application No	86475245	Publication date	05/03/2016
Opposition Filing Date	08/31/2016	Opposition Period Ends	08/31/2016
Applicant	H. BEST, LTD. 1411 Broadway, 8th Floor New York, NY 10018 UNITED STATES		

### Goods/Services Affected by Opposition

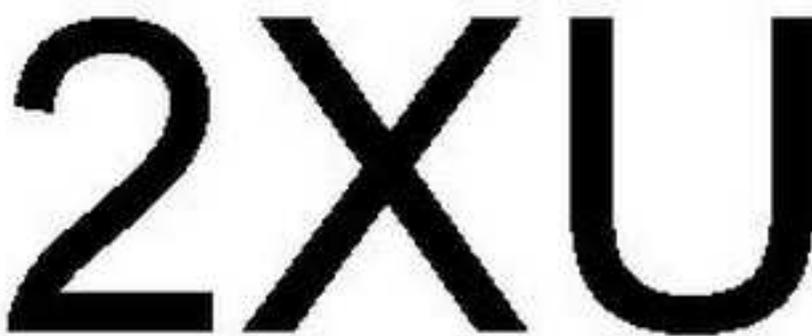
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: RETAIL STORE SERVICES AND ON-LINE RETAIL STORE SERVICES FEATURING CLOTHING, HEADGEAR, SWIMWEAR, FOOTWEAR, LUGGAGE, BAGS, FASHION ACCESSORIES, EYEWEAR, SUNGLASSES, JEWELRY, WATCHES, WALLETS, PERSONAL CARE PRODUCTS, COSMETICS, PERFUMES, FRAGRANCES, TOYS, GAMES, SPORTING GOODS, BOOKS, STATIONERY ITEMS, PLAYTHINGS, HOUSEWARES AND GENERAL CONSUMER MERCHANDISE
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Common law rights in the 2XU mark.

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3194355	Application Date	06/10/2005
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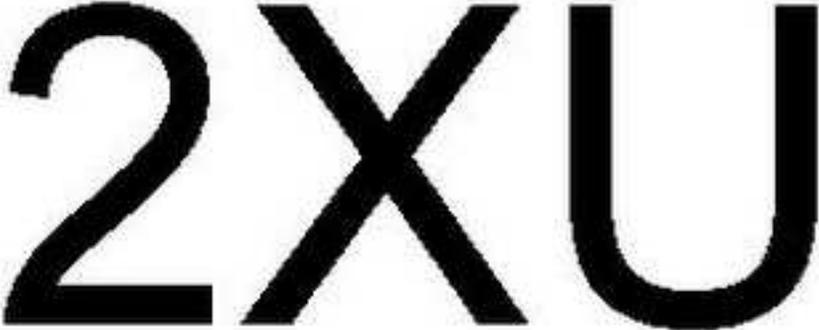
Registration Date	01/02/2007	Foreign Priority Date	01/24/2005
Word Mark	2XU		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0  Men's and women's clothing, namely, surf wear, swim wear, ski wear, tennis wear, beachwear, underwear, rainwear, [ nightwear, loungewear, ] pants, tops, tank tops, singlets, vests, wetsuits, tracksuits, shirts, socks, shorts, jackets, sweaters, jerseys, vests, and sweatshirts; [footwear; ]headwear, namely, hats, caps, beanies, visors; running, sailing and golf wear, namely, socks, shorts, shirts, jackets, and visors; cycling wear, namely, jerseys, jackets, tights, shorts, leg warmers, arm warmers, shoe covers, socks and gloves</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0  Sports articles, namely, exercise beltscontaining pouches for holding liquids and foods</p>		
U.S. Registration No.	4140752	Application Date	03/24/2011
Registration Date	05/15/2012	Foreign Priority Date	NONE
Word Mark	2XU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 0 First Use In Commerce: 0		

	Articles of clothing for support, compression, and recovery purposes, namely, body suits, leggings, tops, pants, arm covers, calf covers, bib suits, socks and stockings all for medical or therapeutic use
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U.S. Registration No.	4690263	Application Date	05/30/2013
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Registration Date	02/24/2015	Foreign Priority Date	NONE
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Word Mark	2XU
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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: 0 First Use In Commerce: 0</p> <p>The bringing together for the benefit of others of a variety of goods excluding transport thereof enabling customers to conveniently view and purchase those goods in the fields of clothing, apparel, footwear, headgear, sporting goods, sports apparel, exercise apparel, compression garments, compression undergarments, compression sleeves and compression leggings; retail store services, online retail store services, mail order catalog services, electronic catalog services, and retail services by direct solicitation by sales agents, all in the fields of clothing, footwear, headgear, sporting goods, sports apparel and accessories therefor; specialty retail store services and online retail store services in the fields of clothing, apparel, footwear, headgear, sporting goods, sports apparel, exercise apparel, compression garments, compression undergarments, compression sleeves and compression leggings; direct mail advertising services; advertising services; marketing and promotional services, namely, retail marketing services and online marketing services and sales promotions in the nature of sales promotions at point of sale or purchase and sales promotions by means of display, presentation and demonstration; direct mail marketing services; customer loyalty reward programs, namely, providing incentive award programs through issuance and processing of loyalty points for purchase of a company's goods and services; customer loyalty reward programs, namely, providing incentive award programs for customers through the distribution of prepaid stored value cards for the purpose of promoting and rewarding loyalty; gift registry services</p>
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Related Proceedings	Opposition No. 91225301.
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Attachments	<p>79012320#TMSN.png( bytes )</p> <p>79096610#TMSN.png( bytes )</p> <p>79132207#TMSN.png( bytes )</p> <p>Ntc_of_Opposition_to_Serial_No_86475245.pdf(771751 bytes )</p>
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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	/Jennifer Lee Taylor/
Name	Jennifer Lee Taylor
Date	08/31/2016

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

2XU PTY LTD,

Opposer,

vs.

H. BEST, LTD.

Applicant.

Opposition No.: To Be Assigned

Application No.: 86/475,245

Mark: (X)

Filed: December 9, 2014

Published for Opposition: May 3, 2016

**NOTICE OF OPPOSITION**

2XU Pty Ltd (“Opposer”), an Australian corporation with offices at 243 Burwood Road, Hawthorn, VIC 3122, Australia, believes that it will be injured by registration of the mark shown in Application Serial No. 86/475,245 (“the Application”), filed by H. Best, Ltd. (“Applicant”), a Delaware corporation with offices at 1411 Broadway, 8th Floor New York, NY 10018.

The grounds for opposition are as follows:

1. Opposer designs, develops, and sells high-performance sportswear. Opposer was founded in 2005. Its clients include elite athletes on 43 different NBA and NFL teams as well as the U.S. Marine Corps, the Navy Seals, and the Army Rangers, and its products are promoted through alliances with U.S. Ski and Snowboard Association, the U.S. Adventure Race Association, the Runner’s World Challenge, and World Triathlon Corporation, owner and organizer of Ironman competitions. Opposer’s products are sold online through its own website, in its own stores and in major sports stores across the United States, and through 24 distributors across over 50 countries in North, Central and South America, Europe, and Asia.

**PRIORITY**

2. Since at least as early as June 2007, and substantially prior to Applicant's filing date for its intent-to-use application Serial No. 86/475,245, Opposer has continuously offered and promoted its 2XU mark in connection with the sale of its goods in International Classes 25 and 28 and retail services in International Class 35 and owns common law rights in this mark.

3. Opposer owns U.S. Registration No. 3,194,355 for the 2XU mark for: "Men's and women's clothing, namely, surf wear, swim wear, ski wear, tennis wear, beachwear, underwear, rainwear, pants, tops, tank tops, singlets, vests, wetsuits, tracksuits, shirts, socks, shorts, jackets, sweaters, jerseys, vests, and sweatshirts; headwear, namely, hats, caps, beanies, visors; running, sailing and golf wear, namely, socks, shorts, shirts, jackets, and visors; cycling wear, namely, jerseys, jackets, tights, shorts, leg warmers, arm warmers, shoe covers, socks and gloves" in International Class 25, and "Sports articles, namely, exercise belts containing pouches for holding liquids and foods" in International Class 28. The application to register the 2XU mark as shown in Registration No. 3,194,355 was filed on June 10, 2005 and registered on January 2, 2007, well prior to Applicant's filing date for U.S. Application Serial No. 86/475,245. Attached hereto as Exhibit A is a true and correct copy of the registration certificate and a printout from the TSDR electronic database of the U.S. Patent and Trademark Office ("USPTO") showing the current status and title of Registration No. 3,194,355. U.S. Registration No. 3,194,355 has now become incontestable.

4. Opposer owns U.S. Registration No. 4,140,752 for the 2XU mark for "Articles of clothing for support, compression, and recovery purposes, namely, body suits, leggings, tops, pants, arm covers, calf covers, bib suits, socks and stockings all for medical or therapeutic use" in International Class 10. The application to register the 2XU mark as shown in Registration No. 4,140,752 was filed on March 24, 2011 and registered on May 15, 2012, well prior to Applicant's filing date for U.S. Application Serial No. 86/475,245. Attached hereto as Exhibit B is a true and correct copy of the registration certificate and a printout from the TSDR electronic database of the USPTO showing the current status and title of Registration No. 4,140,752.

5. Opposer owns U.S. Registration No. 4,690,263 for the 2XU mark for:

The bringing together for the benefit of others of a variety of goods excluding transport thereof enabling customers to conveniently view and purchase those goods in the fields of clothing, apparel, footwear, headgear, sporting goods, sports apparel, exercise apparel, compression garments, compression undergarments, compression sleeves and compression leggings; retail store services, online retail store services, mail order catalog services, electronic catalog services, and retail services by direct solicitation by sales agents, all in the fields of clothing, footwear, headgear, sporting goods, sports apparel and accessories therefor; specialty retail store services and online retail store services in the fields of clothing, apparel, footwear, headgear, sporting goods, sports apparel, exercise apparel, compression garments, compression undergarments, compression sleeves and compression leggings; direct mail advertising services; advertising services; marketing and promotional services, namely, retail marketing services and online marketing services and sales promotions in the nature of sales promotions at point of sale or purchase and sales promotions by means of display, presentation and demonstration; direct mail marketing services; customer loyalty reward programs, namely, providing incentive award programs through issuance and processing of loyalty points for purchase of a company's goods and services; customer loyalty reward programs, namely, providing incentive award programs for customers through the distribution of prepaid stored value cards for the purpose of promoting and rewarding loyalty; gift registry services

in International Class 35. The application to register the 2XU mark as shown in Registration No. 4,690,263 was filed on May 30, 2013, well prior to Applicant's filing date for U.S. Application Serial No. 86/475,245. Registration No. 4,690,263 was registered on February 24, 2015. Attached hereto as Exhibit C is a true and correct copy of the registration certificate and a printout from the TSDR electronic database of the USPTO showing the current status and title of Registration No. 4,690,263.

6. Opposer owns the goodwill and reputation of the goods and services connected with and symbolized by the 2XU mark. As a result of continuous advertising and promotion of Opposer's goods and retail services offered under the 2XU mark since 2007, Opposer has built up highly valuable goodwill in Opposer's 2XU mark and said goodwill has become closely and uniquely identified and associated with Opposer and Opposer's goods and services.

7. On December 9, 2014, long after Opposer started using and applied to register its 2XU mark, Applicant filed its U.S. Application Serial No. 86/475,245 in International Class 35

under Section 1(b) for the mark (X). The application was published in the *Official Gazette* on May 3, 2016.

8. By its Application Serial No. 86/475,245, Applicant seeks to register the mark (X) for “retail store services and on-line retail store services featuring clothing, headgear, swimwear, footwear, luggage, bags, fashion accessories, eyewear, sunglasses, jewelry, watches, wallets, personal care products, cosmetics, perfumes, fragrances, toys, games, sporting goods, books, stationery items, playthings, housewares and general consumer merchandise” in International Class 35.

#### LIKELIHOOD OF CONFUSION

9. Applicant’s (X) mark is so substantially similar in sight, sound, meaning, and commercial impression to Opposer’s 2XU mark as to be likely to cause confusion, or to cause mistake, or to deceive. The symbol “X” is the dominant element in both Applicant’s and Opposer’s marks. Accordingly, consumers may be led to believe that Applicant’s proposed services are offered by or associated with Opposer.

10. The services covered by Application Serial No. 86/475,245 and intended to be offered under the (X) mark are competitive, complementary, and closely related to the goods and services offered in connection with Opposer’s 2XU mark and covered by Opposer’s prior registrations. Opposer offers retail store services and on-line retail store services featuring clothing, with a focus on sports, active wear and fashion apparel, under its 2XU mark. Applicant intends to offer retail store services and on-line retail store services featuring the same type of clothing under its (X) mark. The remaining accessories and articles proposed to be offered by Applicant in connection with its retail services under its (X) mark are complementary and closely related to the goods offered by Opposer and covered by its prior registrations. The substantial relatedness of Applicant’s services and Opposer’s goods and services may cause consumers to be confused, mistaken, or deceived about the source or affiliation of Applicant’s services and Opposer’s goods and services.

11. Opposer is informed, believes and on that basis alleges that Applicant's consumers for services identified in Application Serial No. 86/475,245 are likely to consist of many of the same consumers who are familiar with Opposer's 2XU mark used in connection with Opposer's goods and services.

12. Opposer is informed, believes and on that basis alleges that Applicant will offer and market its services through channels of trade that will overlap with those used by Opposer to offer and market Opposer's goods and services under the Opposer's 2XU mark.

13. In view of the fact that Applicant's (X) mark is extremely similar to Opposer's 2XU mark; that Applicant's services, as identified in the application, and Opposer's goods and services are competitive, complementary and closely related; and that the customers and trade channels for Applicant's services and Opposer's goods and services will be the same or overlapping, Applicant's (X) mark is likely to cause confusion with Opposer's 2XU mark, or to cause mistake, or to deceive as to the origin, source, or sponsor of Applicant's services. Opposer would thereby be injured by Applicant's intended use and registration of mark in Application Serial No. 86/475,245 in International Class 35.

WHEREFORE, Opposer prays that Application Serial No. 86/475,245 be rejected in its entirety, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Filing Fee: The U.S. Patent & Trademark Office is authorized to charge \$300.00 for the Notice of Opposition and any applicable fees to Deposit Account 03-1952 (Reference No. 12125-6007502).

Respectfully submitted,



Dated: August 31, 2016

By: \_\_\_\_\_

Jennifer Lee Taylor  
Attorney for Opposer  
2XU Pty Ltd

Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-6538  
Facsimile: (415) 268-7522

# **EXHIBIT A**

**Int. Cls.: 25 and 28**

**Prior U.S. Cls.: 22, 23, 38, 39 and 50**

**Reg. No. 3,194,355**

**United States Patent and Trademark Office**

**Registered Jan. 2, 2007**

**TRADEMARK  
PRINCIPAL REGISTER**

**2XU**

2XU PTY LTD (AUSTRALIA COMPANY)  
1/713 GLENFERRIE ROAD  
HAWTHORN VIC 3122  
AUSTRALIA

FOR: MEN'S AND WOMEN'S CLOTHING, NAMELY SURF WEAR, SWIM WEAR, SKI WEAR, TENNIS WEAR, BEACHWEAR, UNDERWEAR, RAINWEAR, NIGHTWEAR, LOUNGEWEAR, PANTS, TOPS, TANK TOPS, SINGLETs, VESTS, WETSUITS, TRACKSUITS, SHIRTS, SOCKS, SHORTS, JACKETS, SWEATERS, JERSEYS, VESTS, AND SWEATSHIRTS; FOOTWEAR; HEADWEAR NAMELY HATS, CAPS, BEANIES, VISORS; RUNNING, SAILING AND GOLF WEAR, NAMELY, SOCKS, SHORTS, SHIRTS, JACKETS, AND VISORS; CYCLING WEAR, NAMELY JERSEYS, JACKETS, TIGHTS, SHORTS, LEG WARMERS, ARM WARMERS, SHOE COVERS, SOCKS AND GLOVES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: SPORTS ARTICLES, NAMELY, EXERCISE BELTS CONTAINING POUCHES FOR HOLDING LIQUIDS AND FOODS , IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

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

PRIORITY DATE OF 1-24-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0853952 DATED 6-10-2005, EXPIRES 6-10-2015.

SER. NO. 79-012,320, FILED 6-10-2005.

PAUL CROWLEY, EXAMINING ATTORNEY

**Trademarks > Trademark Electronic Search System (TESS)**

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IC 028. US 022 023 038 050. G &amp; S: Sports articles, namely, exercise belts containing pouches for holding liquids and foods

**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 79012320**Filing Date** June 10, 2005**Current Basis** 66A**Original Filing Basis** 66A**Published for Opposition** October 17, 2006**Registration Number** 3194355**International Registration Number** 0853952

**Registration Date** January 2, 2007  
**Owner** (REGISTRANT) 2XU Pty Ltd COMPANY AUSTRALIA 243 Burwood Road Hawthorn VIC 3122 AUSTRALIA  
**Attorney of Record** Ronald E. Shapiro  
**Priority Date** January 24, 2005  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECTION 71  
**Live/Dead Indicator** LIVE

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# **EXHIBIT B**

United States of America  
United States Patent and Trademark Office

2XU

**Reg. No. 4,140,752**

**Registered May 15, 2012**

**Int. Cl.: 10**

**TRADEMARK**

**PRINCIPAL REGISTER**

2XU PTY LTD (AUSTRALIA COMPANY)  
243 BURWOOD ROAD  
HAWTHORN VIC 3122  
AUSTRALIA

FOR: ARTICLES OF CLOTHING FOR SUPPORT, COMPRESSION, AND RECOVERY PURPOSES, NAMELY, BODY SUITS, LEGGINGS, TOPS, PANTS, ARM COVERS, CALF COVERS, BIB SUITS, SOCKS AND STOCKINGS ALL FOR MEDICAL OR THERAPEUTIC USE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

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

OWNER OF INTERNATIONAL REGISTRATION 1074982 DATED 3-24-2011, EXPIRES 3-24-2021.

OWNER OF U.S. REG. NO. 3,194,355.

SER. NO. 79-096,610, FILED 3-24-2011.

LINDA LAVACHE, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office



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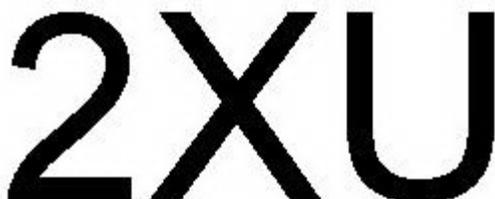
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<b>Word Mark</b>	2XU
<b>Goods and Services</b>	IC 010. US 026 039 044. G & S: Articles of clothing for support, compression, and recovery purposes, namely, body suits, leggings, tops, pants, arm covers, calf covers, bib suits, socks and stockings all for medical or therapeutic use
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	79096610
<b>Filing Date</b>	March 24, 2011
<b>Current Basis</b>	66A
<b>Original Filing Basis</b>	66A
<b>Published for Opposition</b>	February 28, 2012
<b>Registration Number</b>	<b>4140752</b>
<b>International Registration Number</b>	1074982
<b>Registration Date</b>	May 15, 2012
<b>Owner</b>	(REGISTRANT) 2XU Pty Ltd COMPANY AUSTRALIA 243 Burwood Road Hawthorn VIC 3122 AUSTRALIA
<b>Attorney of Record</b>	Scott S. Havlick
<b>Prior Registrations</b>	3194355
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead</b>	LIVE

**Indicator**

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# **EXHIBIT C**

United States of America  
United States Patent and Trademark Office

2XU

Reg. No. 4,690,263

Registered Feb. 24, 2015

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

2XU PTY LTD (AUSTRALIA COMPANY)  
243 BURWOOD ROAD  
HAWTHORN VIC 3122  
AUSTRALIA

FOR: THE BRINGING TOGETHER FOR THE BENEFIT OF OTHERS OF A VARIETY OF GOODS EXCLUDING TRANSPORT THEREOF ENABLING CUSTOMERS TO CONVENIENTLY VIEW AND PURCHASE THOSE GOODS IN THE FIELDS OF CLOTHING, APPAREL, FOOTWEAR, HEADGEAR, SPORTING GOODS, SPORTS APPAREL, EXERCISE APPAREL, COMPRESSION GARMENTS, COMPRESSION UNDERGARMENTS, COMPRESSION SLEEVES AND COMPRESSION LEGGINGS; RETAIL STORE SERVICES, ONLINE RETAIL STORE SERVICES, MAIL ORDER CATALOG SERVICES, ELECTRONIC CATALOG SERVICES, AND RETAIL SERVICES BY DIRECT SOLICITATION BY SALES AGENTS, ALL IN THE FIELDS OF CLOTHING, FOOTWEAR, HEADGEAR, SPORTING GOODS, SPORTS APPAREL AND ACCESSORIES THEREFOR; SPECIALTY RETAIL STORE SERVICES AND ONLINE RETAIL STORE SERVICES IN THE FIELDS OF CLOTHING, APPAREL, FOOTWEAR, HEADGEAR, SPORTING GOODS, SPORTS APPAREL, EXERCISE APPAREL, COMPRESSION GARMENTS, COMPRESSION UNDERGARMENTS, COMPRESSION SLEEVES AND COMPRESSION LEGGINGS; DIRECT MAIL ADVERTISING SERVICES; ADVERTISING SERVICES; MARKETING AND PROMOTIONAL SERVICES, NAMELY, RETAIL MARKETING SERVICES AND ONLINE MARKETING SERVICES AND SALES PROMOTIONS IN THE NATURE OF SALES PROMOTIONS AT POINT OF SALE OR PURCHASE AND SALES PROMOTIONS BY MEANS OF DISPLAY, PRESENTATION AND DEMONSTRATION; DIRECT MAIL MARKETING SERVICES; CUSTOMER LOYALTY REWARD PROGRAMS, NAMELY, PROVIDING INCENTIVE AWARD PROGRAMS THROUGH ISSUANCE AND PROCESSING OF LOYALTY POINTS FOR PURCHASE OF A COMPANY'S GOODS AND SERVICES; CUSTOMER LOYALTY REWARD PROGRAMS, NAMELY, PROVIDING INCENTIVE AWARD PROGRAMS FOR CUSTOMERS THROUGH THE DISTRIBUTION OF PREPAID STORED VALUE CARDS FOR THE PURPOSE OF PROMOTING AND REWARDING LOYALTY; GIFT REGISTRY SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).



*Michelle K. Lee*  
Deputy Director of the United States  
Patent and Trademark Office

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

OWNER OF INTERNATIONAL REGISTRATION 1165665 DATED 5-30-2013, EXPIRES 5-30-2023.

**Reg. No. 4,690,263** OWNER OF U.S. REG. NOS. 3,194,355 AND 4,140,752.

SER. NO. 79-132,207, FILED 5-30-2013.

SARA BENJAMIN, EXAMINING ATTORNEY



**Trademarks > Trademark Electronic Search System (TESS)**

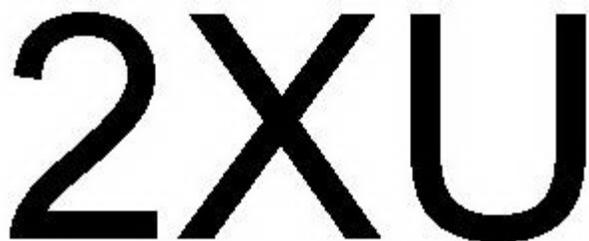
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**Word Mark** 2XU

**Goods and Services** IC 035. US 100 101 102. G & S: The bringing together for the benefit of others of a variety of goods excluding transport thereof enabling customers to conveniently view and purchase those goods in the fields of clothing, apparel, footwear, headgear, sporting goods, sports apparel, exercise apparel, compression garments, compression undergarments, compression sleeves and compression leggings; retail store services, online retail store services, mail order catalog services, electronic catalog services, and retail services by direct solicitation by sales agents, all in the fields of clothing, footwear, headgear, sporting goods, sports apparel and accessories therefor; specialty retail store services and online retail store services in the fields of clothing, apparel, footwear, headgear, sporting goods, sports apparel, exercise apparel, compression garments, compression undergarments, compression sleeves and compression leggings; direct mail advertising services; advertising services; marketing and promotional services, namely, retail marketing services and online marketing services and sales promotions in the nature of sales promotions at point of sale or purchase and sales promotions by means of display, presentation and demonstration; direct mail marketing services; customer loyalty reward programs, namely, providing incentive award programs through issuance and processing of loyalty points for purchase of a company's goods and services; customer loyalty reward programs, namely, providing incentive award programs for customers through the distribution of prepaid stored value cards for the purpose of promoting and rewarding loyalty; gift registry services

**Standard Characters Claimed**

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

**Serial Number** 79132207

**Filing Date** May 30, 2013

**Current Basis** 66A

**Original Filing Basis** 66A

**Published for Opposition** December 9, 2014

**Registration Number** 4690263

**International Registration Number** 1165665

**Registration Date** February 24, 2015

**Owner** (REGISTRANT) 2XU Pty Ltd COMPANY AUSTRALIA 243 Burwood Road Hawthorn VIC 3122 AUSTRALIA

**Attorney of Record** Andrew Roppel

**Prior Registrations** 3194355;4140752

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