

ESTTA Tracking number: **ESTTA595933**

Filing date: **04/01/2014**

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	No Fear International Limited
Granted to Date of previous extension	04/09/2014
Address	Unit A, Brook Park East Shirebrook, NG20 8RY UNITED KINGDOM

Attorney information	James L. Scott Warner Norcross & Judd LLP 111 Lyon Street NW 900 Fifth Third Center Grand Rapids, MI 49503 UNITED STATES trademarks@wnj.com
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Applicant Information

Application No	85913433	Publication date	12/10/2013
Opposition Filing Date	04/01/2014	Opposition Period Ends	04/09/2014
Applicant	Julie Sanchez 2824 Wing Tip Ave NW Salem, OR 97304 OR		

Goods/Services Affected by Opposition


<p>Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Ankle socks; Anklets; Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic pants; Athletic shorts; Babies' pants; Baseball caps and hats; Bermuda shorts; Bib shorts; Board shorts; Boxer shorts; Boxing shorts; Camouflage pants; Capri pants; Cargo pants; Chef's hats; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shorts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Crop pants; Cycling shorts; Fight shorts for mixed martial arts or grappling; Fleece shorts; Flood pants; Gym pants; Gymshorts; Hats; Headgear, namely, hats, caps; Jackets and socks; Jeggings, namely, pants that are partially jeans and partially leggings; Jogging pants; Lounge pants; Moisture-wicking sports pants; Panties, shorts and briefs; Pants; Rain hats; Rugby shorts; Shirts and short-sleeved shirts; Short sets; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Sleep pants; Sliding shorts; Slipper socks; Small hats; Snow pants; Snowboard pants; Socks; Sports caps and hats; Sports pants; Sports shirts with short sleeves; Sun protective clothing, namely, shirts, pants, shorts; Sweat pants; Sweat shorts; T-shirts; T-shirts for adults, children, women, men; Track pants; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Walking shorts; Waterproof jackets and pants; Wind pants; Women's hats and hoods; Yoga</p>

pants

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3830171	Application Date	03/31/2009
Registration Date	08/10/2010	Foreign Priority Date	NONE
Word Mark	FEARLESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1989/04/01 First Use In Commerce: 1989/04/03 Hats; Short-sleeved or long-sleeved t-shirts; Sweaters; Tank tops		

U.S. Registration No.	2000192	Application Date	12/10/1993
Registration Date	09/10/1996	Foreign Priority Date	NONE
Word Mark	FEARLESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1991/03/00 First Use In Commerce: 1991/03/00 shoes, thongs, sandals and tennis shoes		

U.S. Application No.	85722849	Application Date	09/07/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FEARLESS		

Design Mark	FEARLESS
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, t-shirts, shirts, blouses, vests, sweatshirts, sweaters, hooded sweatshirts, jumpers, sweatpants, tracksuits, trousers, dresses, jackets, coats, underwear, swimming trunks, swimmingcostumes, board-shorts, scarves, gloves, socks, visors, belts; footwear; headwear; hats

Attachments	77703622#TMSN.jpeg(bytes) 85722849#TMSN.jpeg(bytes) Notice of Opposition.pdf(252679 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	/JS/
Name	James L. Scott
Date	04/01/2014

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

In the matter of application Serial No. 85913433
Published in the Official Gazette on December 10, 2013

No Fear International Limited)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Julie Sanchez)	
)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

No Fear International Limited, a company of the United Kingdom, having its principal place of business at Unit A, Brook Part East, Shirebrook, United Kingdom NG20 8RY, believes that it will be damaged by registration of the mark shown in application Serial No. 85913433 (the “**Application**”), published in the Official Gazette of December 10, 2013. And No Fear International Limited hereby opposes registration of the mark by Julie Sanchez d/b/a Fearless Runner, a Oregon Limited Liability Company with address at 2824 Wing Tip Ave. NW, Salem, Oregon 97304.

The grounds for opposition are as follows:

1. Opposer is and has through its predecessors been for many years engaged in the manufacture, advertising and retail sale of a variety of goods in Class 25. In connection with these goods, Opposer has used the Fearless Marks (defined below) in interstate commerce since prior to the filing date of the Application.

2. Opposer is the owner of record of U.S. Reg. Nos. 3830171 and 2000192 for the mark FEARLESS for use with clothing products, and allowed U.S. Application Serial No. 85722849 for the mark FEARLESS for use with clothing products (collectively the “**Fearless Marks**”). Current printouts of information from the electronic database records of the USPTO showing the current status and title of the registrations are attached hereto.

3. Opposer’s products bearing the mark FEARLESS have been extensively and continuously offered to the public through various channels of trade. Opposer has also widely advertised its products under the mark FEARLESS throughout the United States and the world.

4. Through Opposer’s advertising and distribution of clothing products and other products bearing the Fearless Marks, the public has come to recognize each of the marks as signifying Opposer and its products, and Opposer has built up extensive and valuable goodwill in connection with the sale products under the mark FEARLESS.

5. Applicant filed an application on April 24, 2013 to register the mark FEARLESS RUNNER (the “**Applied-For Mark**”) for “Ankle socks; Anklets; Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic pants; Athletic shorts; Babies' pants; Baseball caps and hats; Bermuda shorts; Bib shorts; Board shorts; Boxer shorts; Boxing shorts; Camouflage pants; Capri pants; Cargo pants; Chef's hats; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shorts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Crop pants; Cycling shorts; Fight shorts for mixed martial arts or grappling; Fleece shorts; Flood pants; Gym pants; Gym shorts; Hats; Headgear, namely, hats, caps; Jackets and socks; Jeggings, namely, pants that are partially jeans and partially leggings; Jogging pants; Lounge pants; Moisture-wicking sports pants; Panties, shorts and briefs; Pants; Rain hats; Rugby shorts; Shirts

and short-sleeved shirts; Short sets; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Sleep pants; Sliding shorts; Slipper socks; Small hats; Snow pants; Snowboard pants; Socks; Sports caps and hats; Sports pants; Sports shirts with short sleeves; Sun protective clothing, namely, shirts, pants, shorts; Sweat pants; Sweat shorts; T-shirts; T-shirts for adults, children, women, men; Track pants; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Walking shorts; Waterproof jackets and pants; Wind pants; Women's hats and hoods; Yoga pants” in Class 25 (collectively the “**Applicant’s Goods**”). The Application was assigned Serial No. 85913433, and the mark was published for opposition in the Official Gazette of December 10, 2013.

6. Applicant’s Goods are identical to or substantially similar to the goods with which Opposer uses the Fearless Marks.

7. There is no issue of priority. The date of the Application is later than use of and filing of applications to register the Fearless Marks.

8. The Applied-For Mark is highly similar to Opposer’s Fearless Marks. The Applied-For Mark features “FEARLESS” prominently and creates an overall commercial impression and connotation that is confusingly similar with that created by Opposer’s Fearless Marks.

9. The Applied-For Mark is confusingly similar to Opposer’s Fearless Marks, and its registration and use by Applicant is likely to cause confusion, deception, and mistake as to the origin of Applicant’s products and to confuse, mislead and deceive members of the public into believing that Applicant’s Goods originate from, or are sponsored, approved or licensed by Opposer, or are in some way connected to Opposer.

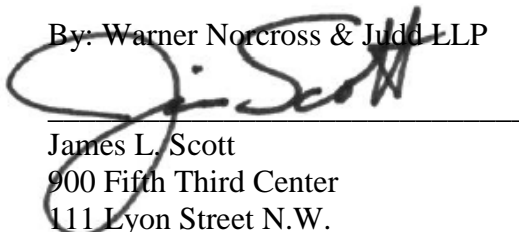
10. If Applicant were granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to use the Applied-For Mark. Such registration would be a source of damage and injury to Opposer.

Opposer believes that it will be damaged by registration of the mark in the Application and requests that the Application be rejected and registration of the mark denied.

Respectfully submitted,

NO FEAR INTERNATIONAL LIMITED

By: Warner Norcross & Judd LLP



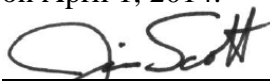
James L. Scott
900 Fifth Third Center
111 Lyon Street N.W.
Grand Rapids, MI 49503
(616) 752-2469
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Notice of Opposition is being sent by regular U.S. mail, first class, postage prepaid to Applicant's Correspondent of Record:

Julie Sanchez
2824 Wing Tip Ave. NW
Salem, Oregon 97304-4367

on April 1, 2014.



James L. Scott



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Typed Drawing

Word Mark FEARLESS

Goods and Services IC 025. US 022 039. G & S: shoes, thongs, sandals and tennis shoes. FIRST USE: 19910300. FIRST USE IN COMMERCE: 19910300

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74468513

Filing Date December 10, 1993

Current Basis 1A

Original Filing Basis 1B

Published for Opposition October 18, 1994

Registration Number 2000192

Registration Date September 10, 1996

Owner (REGISTRANT) NO FEAR, INC. CORPORATION CALIFORNIA 2251 Faraday Ave. Carlsbad CALIFORNIA 92008

(LAST LISTED OWNER) NO FEAR INTERNATIONAL LIMITED CORPORATION UNITED KINGDOM BROOK PARK EAST, UNIT A SHIREBROOK UNITED KINGDOM NG20 8RY

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record James L. Scott

Prior Registrations 1600980
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061108.
Renewal 1ST RENEWAL 20061108
Live/Dead Indicator LIVE

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FEARLESS

Word Mark	FEARLESS
Goods and Services	IC 025. US 022 039. G & S: Hats; Short-sleeved or long-sleeved t-shirts; Sweaters; Tank tops. FIRST USE: 19890401. FIRST USE IN COMMERCE: 19890403
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77703622
Filing Date	March 31, 2009
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 25, 2010
Registration Number	3830171
Registration Date	August 10, 2010
Owner	(REGISTRANT) Simo Holdings, Inc. CORPORATION CALIFORNIA 1812 Aston Avenue Carlsbad CALIFORNIA 92008

(LAST LISTED OWNER) NO FEAR INTERNATIONAL LIMITED COMPANY UNITED KINGDOM
BROOK PARK EAST UNIT A SHIREBROOK UNITED KINGDOM NG208RY

Assignment Recorded ASSIGNMENT RECORDED
Prior Registrations 1600980;1996125;**2000192**
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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FEARLESS

Word Mark FEARLESS

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, t-shirts, shirts, blouses, vests, sweatshirts, sweaters, hooded sweatshirts, jumpers, sweatpants, tracksuits, trousers, dresses, jackets, coats, underwear, swimming trunks, swimming costumes, board-shorts, scarves, gloves, socks, visors, belts; footwear; headwear; hats

Standard Characters Claimed Mark

Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85722849

Filing Date September 7, 2012

Current Basis 1B

Original Filing Basis 1B

Published for Opposition July 9, 2013

Owner (APPLICANT) No Fear International Limited COMPANY UNITED KINGDOM Unit A, Brook Park East

Shirebrook UNITED KINGDOM NG208RY

Attorney of Record James L. Scott

Prior Registrations 1600980;1996125;**2000192**;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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