

ESTTA Tracking number: **ESTTA748417**

Filing date: **05/25/2016**

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	Sunsets, Inc.		
Entity	Corporation	Citizenship	California
Address	24511 Frampton Ave. HARBOR CITY, CA 90710 UNITED STATES		

Correspondence information	Greg Stager Sunsets, Inc. 24511 Frampton Ave. HARBOR CITY, CA 90710 UNITED STATES GREG@SUNSETSINC.COM Phone:3107843600		
----------------------------	---	--	--

Applicant Information

Application No	86436900	Publication date	05/17/2016
Opposition Filing Date	05/25/2016	Opposition Period Ends	06/16/2016
Applicant	AERIN LLC 595 Madison Avenue, 5th Floor New York, NY 10022 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0
Opposed goods and services in the class: Sweatpants; Sweatshirts; Swimwear; T-shirts; Tops

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4801800	Application Date	02/11/2011
Registration Date	09/01/2015	Foreign Priority Date	NONE
Word Mark	AERIN ROSE		

Design Mark	<h1>AERIN ROSE</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2000/01/15 First Use In Commerce: 2000/01/15 Women's clothing, namely, swimsuits, cover-ups, bras, panties, camisoles, flip-flops, shorts, sarongs, wrap skirts, shirts, pants and shape wear, namely, girdles, bras, leg shapers, and body shapers

Attachments	85239747#TMSN.png(bytes) Aerin LLC.pdf(13741 bytes)
-------------	---

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	/gps/
Name	Greg Stager
Date	05/25/2016

Applicant: Aerin LLC
Application Serial Number: 86436900

Opposed by: Sunsets, Inc.
Mark: Aerin Rose
Serial Number 85239747

We are asking that you reject the use of the mark Aerin LLC as it causes likelihood of confusion with our mark Aerin Rose. Seeing that their request is in the same category 025 for clothing, and specifically swimwear, there is an extremely high probability that customers and consumers will be confused by the similarity in the names, specifically the term "Aerin" as this name is rarely used in life or commerce.

Thank you.

Sincerely,

Greg Stager
President
Sunsets, Inc.