

ESTTA Tracking number: **ESTTA844963**

Filing date: **09/11/2017**

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	Freestyle Brands, LLC
Granted to Date of previous extension	09/13/2017
Address	6505 W. Park Blvd Suite 306 - PMB #138 Plano, TX 75093 UNITED STATES

Attorney information	MOLLY MACK CRANDALL BROOKS KUSHMAN PC 1000 TOWN CTR FL 22ND SOUTHFIELD, MI 48075-1242 UNITED STATES Email: mcrandall@brookskushman.com, ejbrooks@brookskushman.com, mcantor@brookskushman.com Phone: 248-358-4400
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Applicant Information

Application No	87291228	Publication date	05/16/2017
Opposition Filing Date	09/11/2017	Opposition Period Ends	09/13/2017
Applicant	Wu Chunwei No.12, Yiheng Lane, Longcheng North RD Hechun Town, Lianjiang City Guangdong Province CHINA		

Goods/Services Affected by Opposition


Class 014. First Use: 2016/11/29 First Use In Commerce: 2016/12/09 All goods and services in the class are opposed, namely: Automobile clocks; Cases adapted for holding watches; Cases being parts of watches and clocks; Chronographs as watches; Clocks; Clocks and watches; Diving watches; Jewellery; Jewelry watches; Mechanical and automatic watches; Pocket watches; Sports watches; Watch bands; Watch chains; Watch pouches; Watch straps made of metal or leather or plastic; Women's watches; Wristwatches; Presentation boxes for watches
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1640415	Application Date	05/29/1990
Registration Date	04/09/1991	Foreign Priority Date	NONE
Word Mark	SHARK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1986/03/00 First Use In Commerce: 1986/05/00 watches		

U.S. Registration No.	2578975	Application Date	08/04/1997
Registration Date	06/11/2002	Foreign Priority Date	NONE
Word Mark	SHARK TIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1999/08/27 First Use In Commerce: 1999/08/27 watches, watchbands		

U.S. Registration No.	4871841	Application Date	11/12/2014
Registration Date	12/15/2015	Foreign Priority Date	NONE
Word Mark	SHARK TOOTH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2015/06/09 First Use In Commerce: 2015/06/09 Watches		

Attachments	75335059#TMSN.png(bytes) 86452417#TMSN.png(bytes) Notice of Opposition - SAS SHIELD ANCHOR SHARK 87291228.pdf(213195 bytes)
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Signature	/molly crandall/
Name	MOLLY MACK CRANDALL
Date	09/11/2017

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

In re Trademark Application

Serial No.: 87291228

Filed: January 6, 2017

Trademark: **SAS SHIELD ANCHOR SHARK**

Atty. Docket No.: FSTB0119OC

Published in the Official Gazette on May 16, 2017

FREESTYLE BRANDS, LLC,)
)
 Opposer,)
)
 v.)
)
 WU CHUNWEI,)
)
 Applicant.)

Opposition No. _____

NOTICE OF OPPOSITION

BOX TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir/Madam:

Opposer, Freestyle Brands, LLC ("Freestyle"), a limited liability company organized under the laws of Delaware, with a principal place of business at 6505 W. Park Blvd., Suite 306 – PMB #138, Plano, Texas 75093, believes that it would be damaged by the registration of the mark SAS SHIELD ANCHOR SHARK shown in U.S. Trademark Application Serial No. 87291228 and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. The Applicant, Wu Chunwei, an individual from China located at No. 12, Yiheng Lane, Longcheng North RD, Hechun Town, Lianjiang City, Guangdong Province CHINA, ("Applicant"), is seeking to register SAS SHIELD ANCHOR SHARK as a trademark for the following goods in Class 14:

Automobile clocks; Cases adapted for holding watches; Cases being parts of watches and clocks; Chronographs as watches; Clocks; Clocks and watches; Diving watches; Jewellery; Jewelry watches; Mechanical and automatic watches; Pocket watches; Sports watches; Watch bands; Watch chains; Watch pouches; Watch straps made of metal or leather or plastic; Women's watches; Wristwatches; Presentation boxes for watches

This is evidenced by the publication of the mark in the May 16, 2017 issue of the *Official Gazette*.

This use-based application was filed on January 6, 2017, was assigned U.S. Serial No. 87291228, and claims a date of first use anywhere of November 29, 2016 and a date of first use in US commerce of December 9, 2016.

2. Freestyle is the owner of U.S. Trademark Registration No. 1640415 for the mark SHARK in connection with "watches" in Class 14. This registration issued April 9, 1991, and is incontestable, valid and subsisting, uncancelled and unrevoked (hereinafter, "Freestyle's '415 Registration" and/or "Freestyle's SHARK Mark").

3. Freestyle is the owner of U.S. Trademark Registration No. 2578975 for the mark SHARK TIDE in connection with "watches, watchbands" in Class 14. This registration issued June 11, 2002, and is incontestable, valid and subsisting, uncancelled and unrevoked (hereinafter, "Freestyle's '975 Registration" and/or "Freestyle's SHARK TIDE Mark").

4. Freestyle is the owner of U.S. Trademark Registration No. 4871841 for the mark SHARK TOOTH in connection with "watches" in Class 14. This registration issued December

15, 2015, and is valid and subsisting, uncanceled and unrevoked (hereinafter, "Freestyle's '841 Registration" and/or "Freestyle's SHARK TOOTH Mark").

5. Freestyle's '415 Registration constitutes prima facie evidence of the validity of Freestyle's SHARK Mark and registration, of Freestyle's ownership of and exclusive right to use Freestyle's SHARK Mark in commerce, and provides constructive notice of Freestyle's rights.

6. Freestyle's '975 Registration constitutes prima facie evidence of the validity of Freestyle's SHARK TIDE Mark and registration, of Freestyle's ownership of and exclusive right to use Freestyle's SHARK TIDE Mark in commerce, and provides constructive notice of Freestyle's rights.

7. Freestyle's '841 Registration constitutes prima facie evidence of the validity of Freestyle's SHARK TOOTH Mark and registration, of Freestyle's ownership of and exclusive right to use Freestyle's SHARK TOOTH Mark in commerce, and provides constructive notice of Freestyle's rights.

8. Freestyle (or its predecessor in interest) has used Freestyle's SHARK Mark in the United States in connection with watches and related accessories since at least as early as 1986.

9. Freestyle (or its predecessor in interest) has used Freestyle's SHARK TIDE Mark in the United States in connection with watches and related accessories since at least as early as 1999.

10. Freestyle (or its predecessor in interest) has used Freestyle's SHARK TOOTH Mark in the United States in connection with watches and related accessories since at least as early as 2015.

11. Freestyle's SHARK Mark, Freestyle's SHARK TIDE Mark, and Freestyle's SHARK TOOTH Mark are extremely strong and well-known and represent considerable goodwill to Freestyle.

12. There is no issue as to priority. Freestyle (or its predecessor in interest) has used its Freestyle SHARK Mark for almost 30 years, and Freestyle's '415 Registration, '975 Registration, and '841 Registration issued long prior to the filing date of Application Serial No. 87291228.

13. Applicant had at least constructive knowledge of Freestyle's trademark rights based on Freestyle's '415 Registration, Freestyle's '975 Registration, and Freestyle's '841 Registration.

14. Freestyle has a family of trademarks with the recognizable common term "SHARK" for watches and watch-related accessories such that the public associates marks containing the common term "SHARK" with Freestyle.

15. Applicant's mark is closely similar in appearance, sound, meaning, connotation, and commercial impression to Freestyle's SHARK Mark, Freestyle's SHARK TIDE Mark, and Freestyle's SHARK TOOTH Mark. In fact, Applicant's mark SAS SHIELD ANCHOR SHARK encompasses Freestyle's SHARK Mark in its entirety.

16. Applicant's mark contains the same common term "SHARK" as Freestyle's family of SHARK marks.

17. The goods identified by Applicant's mark are identical to, or are closely related to, the goods covered by Freestyle's '415 Registration, Freestyle's '975 Registration, and Freestyle's '841 Registration, namely, watches. The goods are likely to be marketed to the same consumers and/or travel in the same channels of trade.


18. Applicant's SAS SHIELD ANCHOR SHARK mark so resembles Freestyle's previously-used and registered SHARK, SHARK TIDE, and SHARK TOOTH marks as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 USC Sec. 1052(d).

19. Applicant's SAS SHIELD ANCHOR SHARK mark consists of matter which falsely suggests a connection with Freestyle under Section 2(a) of the Lanham Act, as amended, 15 USC Sec.1052(a).

20. For the foregoing reasons, Freestyle will be damaged by the registration of Applicant's SAS SHIELD ANCHOR SHARK mark.

WHEREFORE, Freestyle requests that registration of Applicant's SAS SHIELD ANCHOR SHARK mark shown in application Serial No. 87291228 be refused and this opposition be sustained.

Respectfully submitted,

By 
Molly Mack Crandall
Attorney for Opposer Freestyle Brands, LLC

Date: September 11, 2017
(Filed electronically via USPTO.ESSTA)

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