

ESTTA Tracking number: **ESTTA849070**

Filing date: **09/28/2017**

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	Alliance Sports Group, L.P.		
Entity	limited partnership	Citizenship	Texas
Address	3025 N. Great Southwest Parkway Grand Prairie, TX 75050 UNITED STATES		

Attorney information	Peter M. de Jonge Thorpe North & Western, LLP 175 South Main Street, Suite 900 Salt Lake City, UT 84111 UNITED STATES Email: dejonge@tnw.com, alexandra.thomas@tnw.com, ian.wang@tnw.com, litigation@tnw.com Phone: 8015666633
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Applicant Information

Application No	87435491	Publication date	08/29/2017
Opposition Filing Date	09/28/2017	Opposition Period Ends	09/28/2017
Applicant	H. Best Ltd. 1411 Broadway New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: underwear; leggings; shorts; tank tops; t-shirts; tops; jackets
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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.	4485851	Application Date	06/11/2012
Registration Date	02/18/2014	Foreign Priority Date	NONE
Word Mark	SOLAR		

Design Mark	<h1>SOLAR</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2012/06/01 First Use In Commerce: 2012/09/01 exercise clothing, namely, belts, wraps, shorts, and sauna suits		

U.S. Application No.	86164182	Application Date	01/13/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SOLAIRE		
Design Mark	<h1>SOLAIRE</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Exercise clothing, namely, wraps, shorts, tops, yoga pants, tights; sportswear, namely, shorts, tanks, tights, pants; fitness clothing, namely, shorts, shirts, pants, tights		

Attachments	85648370#TMSN.png(bytes) 86164182#TMSN.png(bytes) Opposition re SOLAR DRI -standard character mark.pdf(68149 bytes)
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Signature	/Peter M. de Jonge/
Name	Peter M. de Jonge
Date	09/28/2017

Peter M. de Jonge
Ian Wang
THORPE NORTH & WESTERN, LLP
175 South Main Street, Suite 900
Salt Lake City, UT 84111
Telephone: (801) 566-6633
Facsimile: (801) 566-0750

Attorneys for Alliance Sports Group, L.P.
Opposed Marks: SOLAR DRI
U.S. Trademark Application Serial No.: 87/435,491

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

Alliance Sports Group, L.P.	
Opposer,	
v.	Opposition No. _____
H. Best Ltd.	
Applicant.	

NOTICE OF OPPOSITION

Alliance Sports Group, L.P. (hereinafter referred to as “Opposer” or “ASG”), a limited partnership existing under the laws of the State of Texas, having a principal place of business at 3025 N. Great Southwest Parkway, Grand Prairie, Texas 75050, believes it will be damaged by the registration of the mark SOLAR DRI, Application Serial No. 87/435,491 (hereinafter “Applicant’s Mark”) and alleges the following:

1. Upon information and belief, H. Best Ltd. (“Applicant”), having a principle place of business at 1411 Broadway, New York, New York 10018, seeks to register the mark SOLAR DRI as a trademark for the following goods: “underwear; leggings; shorts; tank tops; t shirts; tops; jackets” in International Class 025.

2. ASG is the owner of U.S. Trademark Registration No. 4,485,851 for the mark SOLAR for use in connection with “exercise clothing, namely, belts, wraps, shorts, and sauna suits” in International Class 025. Exhibit A.

3. The SOLAR mark has been used in commerce by ASG and/or its predecessor-in-interest in connection with the stated goods since as early as 1974. Accordingly, ASG owns significant federal and common law rights associated with the use of the SOLAR mark in connection with exercise clothing.

4. ASG is also the owner of U.S. Trademark Application Serial No. 86/164,182 for the mark SOLAIRE for use in connection with “exercise clothing, namely, wraps, shorts, tops, yoga pants, tights; sportswear, namely, shorts, tanks, tights, pants; fitness clothing, namely, shorts, shirts, pants, tights” in International Class 025 (collectively, with SOLAR, “ASG’s Marks”). Exhibit B. ASG’s application was filed on or about January 13, 2014.

5. Upon information and belief, registration of Applicant’s Mark SOLAR DRI in connection with all of the goods listed in Application Serial No. 87/435,491 is likely to damage Opposer in that Applicant’s Mark, when used on or in connection with the identified goods so resembles ASG’s Marks SOLAR and SOLAIRE as to be likely to cause confusion, to cause mistake or to deceive. Such confusion is also likely to falsely suggest a connection between ASG and Applicant.

6. Upon information and belief, Applicant selected its mark with knowledge of ASG's Marks.

WHEREFORE, ASG requests that Application Serial No. 87/435,491 for the mark SOLAR DRI be refused registration, that no registrations be issued to Applicant for the mark SOLAR DRI in connection with the goods listed in the application and that this Opposition be sustained in favor of Opposer ASG.

The statutory Opposition Filing Fee of \$400.00 is included herewith. Please charge any additional fees and credit any overpayment to Deposit Account No. 20-0100.

DATED this 28th day of September, 2017.

Respectfully submitted,

THORPE NORTH & WESTERN, LLP

/s/ Peter M. de Jonge/
Peter M. de Jonge
Ian Wang

*Attorneys for Opposer,
Alliance Sports Group, L.P.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served upon the following party by the methods indicated below:

HOWARD F. MANDELBAUM
LEVINE MANDELBAUM PLLC
222 BLOOMINGDALE ROAD
SUITE 203
WHITE PLAINS, NEW YORK UNITED STATES 10605
mail@levman.com

- Electronic Mail
- United States Mail, First Class
- Overnight Delivery
- Fax Transmission
- CM/ECF Notification

DATED this 28th day of September, 2017.

/s/Alexandra Thomas _____
Alexandra Thomas

Exhibit A

United States of America
United States Patent and Trademark Office

SOLAR

Reg. No. 4,485,851

BOLLINGER SPORTS L.L.C. (TEXAS LIMITED LIABILITY COMPANY)
602 FOUNTAIN PARKWAY
GRAND PRAIRIE, TX 75050

Registered Feb. 18, 2014

Int. Cl.: 25

FOR: EXERCISE CLOTHING, NAMELY, BELTS, WRAPS, SHORTS, AND SAUNA SUITS,
IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK

FIRST USE 6-1-2012; IN COMMERCE 9-1-2012.

PRINCIPAL REGISTER

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

SN 85-648,370, FILED 6-11-2012.

ALEXANDER L. POWERS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

Exhibit B

Trademark/Service Mark Application, Principal Register

Serial Number: 86164182

Filing Date: 01/13/2014

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86164182
MARK INFORMATION	
*MARK	SOLAIRE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SOLAIRE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Bollinger Sports L.L.C.
*STREET	3025 N. Great Southwest Parkway
*CITY	Grand Prairie
*STATE (Required for U.S. applicants)	Texas
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	75050
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Texas
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	025
*IDENTIFICATION	Exercise clothing; sportswear; fitness clothing
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Peter M. de Jonge
ATTORNEY DOCKET NUMBER	2739-013.TM
FIRM NAME	Thorpe North and Western, LLP
STREET	8180 South 700 East Ste 350
CITY	Sandy
STATE	

STATE	Utah
COUNTRY	United States
ZIP/POSTAL CODE	84070
PHONE	801-566-6633
FAX	801-566-0750
OTHER APPOINTED ATTORNEY	M. Wayne Western, Garron M. Hobson, Peter M. de Jonge, Steve M. Perry, Gary P. Oakeson, David W. Osborne, Jason R. Jones, Erik S. Ericksen, Alex Haymond, Christopher L. Johnson, Todd B. Alder, Robert R. Mallinckrodt, P. Scott Smith, Jed H. Hansen, Ronald Burchett, Randy Braegger, Jared K. Hill, David G. Wilding, Eric Westerberg, Eric Chesley, Madhu Ramanujam, David Einfeldt, Casey Garner and Devin Miller
CORRESPONDENCE INFORMATION	
NAME	Peter M. de Jonge
FIRM NAME	Thorpe North and Western, LLP
STREET	8180 South 700 East Ste 350
CITY	Sandy
STATE	Utah
COUNTRY	United States
ZIP/POSTAL CODE	84070
PHONE	801-566-6633
FAX	801-566-0750
EMAIL ADDRESS	trademarkdocket@tnw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/petermdejonge/
SIGNATORY'S NAME	Peter M. de Jonge
SIGNATORY'S POSITION	Attorney of Record, Utah Bar Member
DATE SIGNED	01/13/2014

Trademark/Service Mark Application, Principal Register

Serial Number: 86164182

Filing Date: 01/13/2014

To the Commissioner for Trademarks:

MARK: SOLAIRE (Standard Characters, see [mark](#))

The literal element of the mark consists of SOLAIRE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Bollinger Sports L.L.C., a limited liability company legally organized under the laws of Texas, having an address of
3025 N. Great Southwest Parkway
Grand Prairie, Texas 75050
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 025: Exercise clothing; sportswear; fitness clothing

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Peter M. de Jonge and M. Wayne Western, Garron M. Hobson, Peter M. de Jonge, Steve M. Perry, Gary P. Oakeson, David W. Osborne, Jason R. Jones, Erik S. Ericksen, Alex Haymond, Christopher L. Johnson, Todd B. Alder, Robert R. Mallinckrodt, P. Scott Smith, Jed H. Hansen, Ronald Burchett, Randy Braegger, Jared K. Hill, David G. Wilding, Eric Westerberg, Eric Chesley, Madhu Ramanujam, David Einfeldt, Casey Garner and Devin Miller of Thorpe North and Western, LLP

8180 South 700 East Ste 350

Sandy, Utah 84070

United States

The attorney docket/reference number is 2739-013.TM.

The applicant's current Correspondence Information:

Peter M. de Jonge

Thorpe North and Western, LLP

8180 South 700 East Ste 350

Sandy, Utah 84070

801-566-6633(phone)

801-566-0750(fax)

trademarkdocket@tnw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /petermdejonge/ Date: 01/13/2014

Signatory's Name: Peter M. de Jonge

Signatory's Position: Attorney of Record, Utah Bar Member

RAM Sale Number: 86164182

RAM Accounting Date: 01/14/2014

Serial Number: 86164182

Internet Transmission Date: Mon Jan 13 17:03:34 EST 2014

TEAS Stamp: USPTO/BAS-XX.XXX.XX.XXX-2014011317033403

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SOLAIRE