

ESTTA Tracking number: **ESTTA919314**

Filing date: **08/30/2018**

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	TRINITY INTERNATIONAL INDUSTRIES, L.L.C.
Granted to Date of previous extension	09/12/2018
Address	930 E. 233rd St. Carson, CA 90745 UNITED STATES

Attorney information	Vic Lin Innovation Capital Law Group, LLP 19800 Macarthur Blvd., Suite 270 Irvine, CA 92612 UNITED STATES processing@icaplaw.com, vlin@icaplaw.com 9499548530
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**Applicant Information**

Application No	87534642	Publication date	05/15/2018
Opposition Filing Date	08/30/2018	Opposition Period Ends	09/12/2018
Applicant	Home Products International - North America, Inc. 4501 West 47th Street Chicago, IL 60632 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 020. First Use: 2016/11/00 First Use In Commerce: 2016/11/00 All goods and services in the class are opposed, namely: plastic storage containers
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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.	4173189	Application Date	08/19/2011
Registration Date	07/10/2012	Foreign Priority Date	NONE
Word Mark	ECOSTORAGE		

Design Mark	<b>ECOSTORAGE</b>
Description of Mark	NONE
Goods/Services	Class 020. First use: First Use: 2011/12/19 First Use In Commerce: 2011/12/19 shelving; shelving and components thereof, namely, shelves and brackets sold asa unit; furniture; non-metal bins

U.S. Application No.	87562291	Application Date	08/09/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ECOSTORAGE		
Design Mark	<b>ECOSTORAGE</b>		
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 2011/12/19 First Use In Commerce: 2011/12/19 shelving; shelving and components thereof, namely, shelves and brackets sold asa unit; furniture; non-metal bins		

Attachments	85402904#TMSN.png( bytes ) 87562291#TMSN.png( bytes ) TRI5-TTB01P Opposition-TBF.pdf(142068 bytes ) EXHIBIT A-TSDR-Reg.pdf(100338 bytes )
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Signature	/Vic Lin/
Name	Vic Lin
Date	08/30/2018

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

TRINITY INTERNATIONAL INDUSTRIES, L.L.C.,  
a Delaware limited liability company,

Opposer,

v.

HOME PRODUCTS INTERNATIONAL – NORTH  
AMERICA, INC., a Delaware corporation,

Applicant.

Opposition No. \_\_\_\_\_

Mark: ECOSTORAGE  
Application No. 87534642

**NOTICE OF OPPOSITION**

Opposer, TRINITY INTERNATIONAL INDUSTRIES, L.L.C., a Delaware limited company, having a principal place of business at 930 E. 233<sup>rd</sup> St., Carson, CA 90745, believes that it is being damaged, and will be damaged, by the registration of the mark shown in application Serial No. 87534642 filed by Applicant, HOME PRODUCTS INTERNATIONAL – NORTH AMERICA, INC., a Delaware corporation (“Applicant”) and hereby opposes same and requests that registration to Applicant be refused.

As grounds for its opposition, Opposer alleges the following:

1. Applicant seeks to register the mark shown below, which includes the word ECOSTORAGE, as a trademark for plastic storage containers in International Class 20 (“Identified Goods”). Said application was filed on July 19, 2017 and based on alleged use in commerce, alleging a date of first use in commerce in November 2016.



2. Opposer is the owner of the following valid and subsisting registration:

<b>Reg. No.</b>	<b>Mark</b>	<b>Issue Date</b>	<b>Goods/Services</b>
4173189	ECOSTORAGE	07-10-12	shelving; shelving and components thereof, namely, shelves and brackets sold as a unit; furniture; non-metal bins

The registration above is conclusive evidence of the validity of the registration, of Opposer's ownership thereof, and of Opposer's exclusive right to use the registered mark in commerce in connection with the goods specified in the registration ("Opposer's Goods"). Pursuant to Rule 2.122(d), Opposer attaches hereto, as Exhibit A, printouts from the Trademark Status & Document Retrieval (TSDR) electronic database showing the current status and title of each registration.

3. From a date long prior to Applicant's alleged date of first use in commerce, Opposer has used its mark ECOSTORAGE in connection with a wide range of shelving, storage and furniture products.

4. On August 9, 2017, Opposer filed U.S. Trademark Application No. 87562291 for registration of the mark ECOSTORAGE on the Principal Register for Opposer's Goods.

5. In an Office Action dated November 11, 2017, the USPTO indicated that a prior-filed pending application, namely Application Serial No. 87534642 (the application opposed herein) may present a bar to registration of applicant's mark under Section 2(d) of the Trademark Act. The Trademark Examining Attorney further stated: "If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with that registered mark(s). See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 et seq." In the same Office Action, the USPTO suspended Opposer's pending application no. 87562291 until the application opposed herein "is either registered or abandoned."

6. Applicant's Identified Goods are similar or identical to Opposer's Goods with which Opposer has used and is using mark ECOSTORAGE. On information and belief, Applicant's Identified Goods are or will be offered to the same classes of consumers who purchase Opposer's Goods offered under the mark ECOSTORAGE.

7. The applied-for ECOSTORAGE mark in Application Serial No. 87534642 is substantially similar to Opposer's mark ECOSTORAGE, and is likely to cause confusion, mistake and deception as to the source of Applicant's goods, all to Opposer's damage and in violation of 15 U.S.C. § 1052(d). Consumers are likely to believe that Applicant's goods offered in connection with the applied-for mark emanate from, or are licensed by, approved by, or otherwise associated with, Opposer. Any dissatisfaction with Applicant's goods will adversely reflect upon and irreparably damage Opposer's reputation and goodwill as embodied in its mark ECOSTORAGE.

8. If Applicant is granted the registration herein opposed, Applicant would thereby obtain a prima facie right to use of the applied-for mark, which would be a further source of damage to Opposer.

WHEREFORE, Opposer hereby respectfully requests that this Opposition be sustained and that the mark in Application Serial No. 87534642 be refused registration. The requisite filing fee has been submitted herewith. The Director is hereby authorized to charge any insufficient fees to Deposit Account No. 50-5262.

Respectfully submitted,

Dated: August 30, 2018

By:           /Vic Lin/            
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Attorneys for Opposer

# EXHIBIT A

Generated on: This page was generated by TSDR on 2018-08-30 16:46:15 EDT

Mark: ECOSTORAGE

ECOSTORAGE

US Serial Number: 85402904

Application Filing Date: Aug. 19, 2011

US Registration Number: 4173189

Registration Date: Jul. 10, 2012

Register: Supplemental

Mark Type: Trademark

Amended to Principal Register: No

Date Amended to Current Register: Apr. 12, 2012

Status: A Section 8 declaration has been accepted.

Status Date: Jun. 06, 2018

## Mark Information

Mark Literal Elements: ECOSTORAGE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: shelving; shelving and components thereof, namely, shelves and brackets sold as a unit; furniture; non-metal bins

International Class(es): 020 - Primary Class

U.S Class(es): 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 19, 2011

Use in Commerce: Dec. 19, 2011

## Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: TRINITY INTERNATIONAL INDUSTRIES, L.L.C.

Owner Address: 930 E. 233rd St.  
Carson, CALIFORNIA 90745  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE



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## Attorney/Correspondence Information

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### Attorney of Record

**Attorney Name:** Vic Lin

**Docket Number:** TRI5-TMA01sr

**Attorney Primary Email Address:** [processing@icaplaw.com](mailto:processing@icaplaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** VIC LIN  
INNOVATION CAPITAL LAW GROUP, LLP  
19800 MacArthur Blvd., Suite 270  
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**Correspondent e-mail:** [processing@icaplaw.com](mailto:processing@icaplaw.com) [vlin@icaplaw.com](mailto:vlin@icaplaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Jun. 06, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Jun. 06, 2018	REGISTERED - SEC. 8 (6-YR) ACCEPTED	70833
Jun. 06, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70833
Jun. 04, 2018	TEAS SECTION 8 RECEIVED	
Jun. 02, 2018	CERTIFICATE OF CORRECTION ISSUED	71378
Jun. 01, 2018	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jun. 01, 2018	POST REGISTRATION ACTION MAILED - SEC. 7	71378
Jun. 01, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
May 04, 2018	TEAS SECTION 7 REQUEST RECEIVED	
Jul. 10, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Jul. 10, 2012	REGISTERED-SUPPLEMENTAL REGISTER	
Jun. 07, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jun. 06, 2012	ASSIGNED TO LIE	68171
May 19, 2012	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
May 09, 2012	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
May 08, 2012	EXAMINER'S AMENDMENT ENTERED	88888
May 08, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 08, 2012	EXAMINERS AMENDMENT E-MAILED	6328
May 08, 2012	EXAMINERS AMENDMENT -WRITTEN	76637
May 08, 2012	USE AMENDMENT ACCEPTED	76637
Apr. 13, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 12, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 12, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 10, 2012	AMENDMENT TO USE PROCESSING COMPLETE	88889
Apr. 10, 2012	USE AMENDMENT FILED	88889
Apr. 09, 2012	TEAS AMENDMENT OF USE RECEIVED	
Dec. 16, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 16, 2011	NON-FINAL ACTION E-MAILED	6325
Dec. 16, 2011	NON-FINAL ACTION WRITTEN	76637
Dec. 09, 2011	ASSIGNED TO EXAMINER	76637
Aug. 26, 2011	NOTICE OF PSEUDO MARK MAILED	
Aug. 25, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

**Change in Registration:** Yes

**Correction made to Registration:** In the statement, line 1, "LLC" should be deleted, and "L.L.C." should be inserted.

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## TM Staff and Location Information

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**TM Staff Information - None**  
**File Location**

**Current Location:** TMO LAW OFFICE 114

**Date in Location:** Jun. 06, 2018

# United States of America

United States Patent and Trademark Office

## ECOSTORAGE

**Reg. No. 4,173,189**

**Registered Jul. 10, 2012**

**Corrected Jul. 10, 2018**

**Int. Cl.: 20**

**Trademark**

**Supplemental Register**

TRINITY INTERNATIONAL INDUSTRIES, L.L.C. (DELAWARE LIMITED LIABILITY COMPANY)

930 E. 233rd St.  
Carson, CALIFORNIA 90745

CLASS 20: shelving; shelving and components thereof, namely, shelves and brackets sold as a unit; furniture; non-metal bins

FIRST USE 12-19-2011; IN COMMERCE 12-19-2011

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

SER. NO. 85-402,904, FILED P.R. 08-19-2011; AM. S.R. 04-12-2012



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office