

ESTTA Tracking number: **ESTTA942148**

Filing date: **12/18/2018**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	Reef Lifestyle, LLC
Granted to Date of previous extension	12/29/2018
Address	5935 Darwin Court Carlsbad, CA 92008 UNITED STATES

Name	Trestles IP Holdings, LLC
Granted to Date of previous extension	12/29/2018
Address	1220 Washington Street West Newton, MA 02465 UNITED STATES

Attorney information	Brooks R. Bruneau FisherBroyles, LLP 100 Overlook Center Second Floor Second Floor Princeton, NJ 08540 UNITED STATES docketing@fisherbroyles.com, brooks.bruneau@fisherbroyles.com, denise.mcculloch@fisherbroyles.com 6094546772
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**Applicant Information**

Application No	87681028	Publication date	10/30/2018
Opposition Filing Date	12/18/2018	Opposition Period Ends	12/29/2018
Applicant	King Reef Ltd. Co. 1104 Club Circle Pawley's Island, SC 29585 UNITED STATES		


**Goods/Services Affected by Opposition**


Class 025. First Use: 2017/02/01 First Use In Commerce: 2017/02/01  
All goods and services in the class are opposed, namely: Clothing, namely, t-shirts, shorts, socks, shirts, boxers, hats, underwear, pants, swimwear

## Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)

## Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2244373	Application Date	10/28/1997
Registration Date	05/11/1999	Foreign Priority Date	NONE
Word Mark	REEF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 footwear, shoes and clothing namely, shirts, shorts, jackets [gloves,] and sweat-shirts [mittens, scarves and pants]		


U.S. Registration No.	2418438	Application Date	07/01/1999
Registration Date	01/02/2001	Foreign Priority Date	NONE
Word Mark	REEF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/06/00 First Use In Commerce: 1999/06/00 Swimwear		

U.S. Registration No.	3457556	Application Date	10/31/2007
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Registration Date	07/01/2008	Foreign Priority Date	NONE
Word Mark	REEF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2004/10/19 First Use In Commerce: 2004/10/19 [ Coin purses; ] [ Wallets; All-purposecarrying bags; ] Carry-all bags [; Totebags; ] [ Clutch bags; Beach bags ]		


U.S. Registration No.	1953107	Application Date	02/14/1995
Registration Date	01/30/1996	Foreign Priority Date	NONE
Word Mark	REEF BRAZIL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1988/09/00 First Use In Commerce: 1988/09/00 athletic bags, backpacks, beach bags, travel bags, tote bags, [ beach umbrellas, ] duffel bags, gym bags and travellingbags [ travelling trunks, leather and imitation leather straps for harnesses and for all the above listed bags, animal skins and hides, umbrellas, parasols, walking sticks, whips, harness and saddlery ]		

U.S. Registration No.	2315934	Application Date	09/24/1998
Registration Date	02/08/2000	Foreign Priority Date	NONE
Word Mark	REEF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/07/00 First Use In Commerce: 1998/07/00 Footwear and shoes		

U.S. Registration No.	3599030	Application Date	01/09/2007
Registration Date	03/31/2009	Foreign Priority Date	NONE
Word Mark	REEF		
Design Mark			
Description of Mark	The mark consists of a fanciful floral design element to the left of the literal portion of the mark.		
Goods/Services	Class 025. First use: First Use: 2007/07/15 First Use In Commerce: 2007/07/15 Bathing suits; Bikinis; [ Blouses; Boardshorts; Boxer shorts; Fleece shorts; ] Footwear; [ Headwear; Jackets; Jeans; ] [ Muscle tops; ] [ Pants; ] Sandals; [ Sarongs; Shirts; ] Shoes; [ Shorts; ] [ Skirts; Swim trunks; ] Swim wear [ ; T-shirts; Walking shorts ]		

U.S. Registration No.	1671171	Application Date	01/25/1990
Registration Date	01/07/1992	Foreign Priority Date	NONE
Word Mark	AUTHENTIC REEF B-R-A-Z-I-L SURF SANDALS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1989/03/02 First Use In Commerce: 1989/03/02 footwear

U.S. Registration No.	4777259	Application Date	01/06/2015
Registration Date	07/21/2015	Foreign Priority Date	NONE
Word Mark	REEF REDEMPTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/01/10 First Use In Commerce: 2007/01/10 Board shorts; Footwear; Sandals; Shoes;Shorts Class 036. First use: First Use: 2007/01/10 First Use In Commerce: 2007/01/10 Charitable fundraising		

U.S. Registration No.	4866263	Application Date	04/23/2015
Registration Date	12/08/2015	Foreign Priority Date	NONE

Word Mark	REEF REDEMPTION
Design Mark	
Description of Mark	The mark consists of the words "REEF REDEMPTION" and a design of a cross symbolizing a tree.
Goods/Services	Class 025. First use: First Use: 2013/05/01 First Use In Commerce: 2014/01/15 Footwear Class 036. First use: First Use: 2013/05/01 First Use In Commerce: 2013/05/01 Charitable fundraising

Attachments	75380476#TMSN.png( bytes ) 75741136#TMSN.png( bytes ) 77318044#TMSN.png( bytes ) 74634218#TMSN.png( bytes ) 75559112#TMSN.png( bytes ) 77079415#TMSN.png( bytes ) 74022498#TMSN.png( bytes ) 86496706#TMSN.png( bytes ) 86608234#TMSN.png( bytes ) KING REEF NOTICE OF OPP.pdf(262215 bytes )
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Signature	/brooks r. bruneau/
Name	Brooks R. Bruneau
Date	12/18/2018

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

_____	:	<b>Opposition No.:</b> _____
Trestles IP Holdings, LLC; Reef Lifestyle, LLC,	:	
Opposers,	:	<b>Application No.: 87681028</b>
v.	:	<b>Mark: KING REEF</b>
	:	<b>Class: 25</b>
	:	
King Reef Ltd. Co.	:	<b>Published: October 30, 2018</b>
	:	
Applicant.	:	
_____	:	

**NOTICE OF OPPOSITION**

Trestles IP Holding, LLC, with a business address of 1220 Washington Street, West Newton, MA 02465 and Reef Lifestyle. LLC, with a business address of 5935 Darwin Court, Carlsbad, California 92008 (hereinafter “Opposers”), believe they will be damaged by the registration of the KING REEF trademark shown in Application Serial No. 87681028, and hereby oppose said application.

As grounds for this Opposition, it is alleged as follows:

1. King Reef Ltd. Co. (hereinafter “Applicant”), seeks registration of KING REEF in connection with “Clothing, namely, t-shirts, shorts, socks, shirts, boxers, hats, underwear, pants, swimwear” in Class 25 (hereinafter “Clothing Goods”).


2. Trestles IP Holdings, LLC is the successor in interest by assignment from South Cone, Inc., and Reef Lifestyle, LLC is a related company to Trestles IP Holdings, LLC using, in U.S. commerce, the multiple REEF trademarks with a variety of goods and services. Attached at

Exhibit 1 is a true copy of the Trademark Assignment Cover Sheet verifying the recordal of the assignment with the Assignment Branch of the “REEF” U.S. trademarks to Trestles IP Holdings, LLC.

3. Prior to the filing of the KING REEF application, Opposers, through a predecessor in interest, established rights in multiple REEF trademarks in Class 25, including the following United States Trademark Registrations:

Mark/Name	Brief Goods/Services	App. No./Reg. No.
<b>REEF</b>	(Int'l Class: 25) footwear, shoes and clothing namely, shirts, shorts, jackets and sweatshirts	RN: 2244373 SN: 75380476
<b>REEF</b>	(Int'l Class: 25) swimwear	RN: 2418438 SN: 75741136
<b>REEF</b>	(Int'l Class: 18) wallets; all-purpose carrying bags; carry-all bags; tote bags;	RN: 3457556 SN: 77318044
	(Int'l Class: 18) athletic bags, backpacks, beach bags, travel bags, tote bags, duffel bags, gym bags and travelling bags	RN: 1953107 SN: 74634218
	(Int'l Class: 25) footwear and shoes	RN: 2315934 SN: 75559112
	(Int'l Class: 25) bathing suits; bikinis; footwear; muscle tops; sandals; shoes; shorts; swim wear; t-shirts; walking shorts	RN: 3599030 SN: 77079415
	(Int'l Class: 25) footwear	RN: 1671171 SN: 74022498
<b>REEF REDEMPTION</b>	(Int'l Class: 25) board shorts; footwear; sandals; shoes; shorts	RN: 4777259 SN: 86496706



Mark/Name	Brief Goods/Services	App. No./Reg. No.
	(Int'l Class: 25) footwear	RN: 4866263 SN: 86608234

The trademarks identified in this paragraph are hereinafter referred to as “REEF Marks.”

4. Rights in the REEF Marks, in Class 25, were first registered on January 30, 1996, with dates of first use dating back to 1985.

5. The above registrations for the REEF Marks are valid, and the first seven registrations listed above are incontestable.

6. Applicant seeks to register its KING REEF trademark in connection with a variety of clothing goods which includes not only swimwear but other clothing goods in Class 25 listed in the REEF Marks registrations set forth above including t-shirts, shirts, and shorts.

7. Opposers, now and through a predecessor in interest, have utilized in U.S. commerce, as well as registered, the REEF Marks in connection with a variety of clothing goods that are the same or strongly similar to those listed in Applicant’s pending application.

8. Opposer, Reef Lifestyle LLC identifies itself as a surf lifestyle company and is well known across the United States, and as such the REEF trademark has become famous.

9. There is no doubt as to seniority in this case. Opposers’ use and registration of the REEF Marks in Class 25 predate Applicant’s application by decades.

10. Applicant has adopted the “REEF” trademark of Opposer and merely added “KING” to it with a modest design feature making the wording the dominant portion of the mark. By doing so, Applicant is relating the KING REEF mark to Opposers which is enhanced by effectively duplicating the goods offered by Opposers in connection with the REEF Marks. Accordingly, use of the KING REEF trademark by Applicant in connection with the Class 25 goods listed in the application, at the same time Opposers are utilizing the REEF Marks in

connection with the identical or strongly similar Class 25 clothing goods, will result in damage to Opposers.

11. Because of the confusing similarity between Applicant's KING REEF mark and the REEF Marks, and because of Opposers', and their predecessors' in interest, long and extensive use of the REEF Marks in connection with Class 25 goods, the use of KING REEF with identical or nearly identical or strongly similar goods is likely to cause consumers to believe that Applicant's goods are those of Opposers, or are otherwise endorsed, sponsored by, licensed by or approved by Opposers, all causing damage to Opposers. Moreover, any faults disappointments, complaints or other dissatisfaction a consumer might experience by using Applicant's products would inure to the detriment of Opposer.

12. Opposers further assert that Applicant did not have bona fide use of the KING REEF mark in U.S. commerce on all the goods listed in pending Application Serial No. 87681028 at time of filing that application, and accordingly the application is void ab initio for violation of

this signed Declaration as it appears in the original filed application:

#### **Declaration**

**Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

#### **Declaration Signature**

Signature: /William Stewart/ Date: 11/11/2017  
Signatory's Name: William Stewart  
Signatory's Position: Attorney of Record  
Signature: /WHS/ Date: 11/11/2017  
Signatory's Name: William H. Stewart  
Signatory's Position: CEO  
Payment Sale Number: 87681028  
Payment Accounting Date: 11/13/2017

#### **CONCLUSION**

13. Applicant's registration of KING REEF will cause confusion and mistake, or deceive consumers in the industry as to the source of the Class 25 goods bearing the KING REEF trademark, as well as potentially the source of goods offered under Opposers' REEF Marks. Furthermore, such registration will handicap and damage the legitimate present and future activities of Opposers by placing Applicant in a position to raise doubts of Opposers' rights to use the REEF Marks in connection with the Class 25 goods identified in the U.S. Registrations set forth above. Should the application Opposed be granted, Applicant would have a presumptive right to use that trademark for the Clothing Goods listed in the application, and such use of KING

REEF would blur the identification of Opposers as the source of products bearing the previously used and registered REEF Marks, and tarnish the association with which said trademarks have come to convey. As a result, Opposers would eventually be deprived of all distinctiveness in the REEF Marks.

**WHEREFORE**, Opposers request that registration of Application Serial No. 87681028 be denied, and this Opposition be sustained under Trademark Act Section 2(d) and Section 1(a).

Respectfully submitted:

**Trestles IP Holdings, LLC;  
Reef Lifestyle, LLC**

Dated: December 18, 2018

By: /Brooks R. Bruneau/  
Brooks R. Bruneau  
Attorney for Opposers  
FISHERBROYLES, LLP  
100 Overlook Center  
Second Floor  
Princeton, NJ 08540  
Tel: 609-454-6772

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify this Notice of Opposition was electronically filed with the Trademark Trial and Appeal Board this 18th day of December, 2018.

/Brooks R. Bruneau/  
(Signature)  
December 18, 2018  
(Date of Signature)

EXHIBIT 1

EXHIBIT 1

<b>TRADEMARK ASSIGNMENT COVER SHEET</b>
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Electronic Version v1.1  
 Stylesheet Version v1.2

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
South Cone, Inc.		10/26/2018	Corporation: CALIFORNIA
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Trestles IP Holdings, LLC		
<b>Street Address:</b>	1220 Washington Street		
<b>City:</b>	West Newton		
<b>State/Country:</b>	MASSACHUSETTS		
<b>Postal Code:</b>	02465		
<b>Entity Type:</b>	Limited Liability Company: DELAWARE		
<b>PROPERTY NUMBERS Total: 51</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Registration Number:</b>	1671171	AUTHENTIC REEF B-R-A-Z-I-L SURF SANDALS	
<b>Registration Number:</b>	4813956	BOARDSHORTS TO TRIP ON	
<b>Serial Number:</b>	87241668	BOTTLE OPENER	
<b>Registration Number:</b>	2177729	CONVERTIBLE	
<b>Registration Number:</b>	5522713	GINGER	
<b>Registration Number:</b>	5214583	JUST PASSING THROUGH	
<b>Registration Number:</b>	5241455	JUST PASSING THROUGH	
<b>Registration Number:</b>	5241641	JUST PASSING THROUGH	
<b>Registration Number:</b>	2129970	LIFE IS TOO SHORT, DON'T WASTE IT, GO SU	
<b>Registration Number:</b>	2189767	LIFE IS TOO SHORT, DON'T WASTE IT, GO SU	
<b>Registration Number:</b>	5545417	LIFE'S SHORT GO SURFING	
<b>Registration Number:</b>	2182589	PERSUEDER	
<b>Registration Number:</b>	4853549	PHANTOM	
<b>Registration Number:</b>	2957495	RECIFE	

<b>Registration Number:</b>	4667091	REEF
<b>Registration Number:</b>	5513993	REEF
<b>Registration Number:</b>	5153816	REEF
<b>Serial Number:</b>	86842443	REEF
<b>Serial Number:</b>	88076268	REEF
<b>Registration Number:</b>	2280009	REEF
<b>Registration Number:</b>	2244373	REEF
<b>Registration Number:</b>	2315934	REEF
<b>Registration Number:</b>	2418438	REEF
<b>Registration Number:</b>	2579774	REEF
<b>Registration Number:</b>	3599030	REEF
<b>Registration Number:</b>	3389538	REEF
<b>Registration Number:</b>	3521478	REEF
<b>Registration Number:</b>	3457556	REEF
<b>Serial Number:</b>	87797660	REEF BEACH FREELY
<b>Serial Number:</b>	87797596	REEF BEACH FREELY
<b>Registration Number:</b>	1953107	REEF BRAZIL
<b>Registration Number:</b>	1166023	REEF OIL
<b>Registration Number:</b>	4777259	REEF REDEMPTION
<b>Registration Number:</b>	4866263	REEF REDEMPTION
<b>Serial Number:</b>	87613466	REEF ROAD
<b>Registration Number:</b>	5443769	REEF SURFARIS
<b>Serial Number:</b>	86843751	REEF SURFARIS
<b>Registration Number:</b>	5546078	REEF SURFARIS
<b>Registration Number:</b>	3831933	RIDICULOUSLY COMFORTABLE
<b>Serial Number:</b>	87428639	STASH
<b>Registration Number:</b>	4776775	SWELLULAR
<b>Registration Number:</b>	4796329	THE SEA IN EVERY STEP
<b>Registration Number:</b>	4047839	
<b>Registration Number:</b>	4037396	
<b>Registration Number:</b>	5211092	
<b>Registration Number:</b>	5088653	
<b>Registration Number:</b>	5211091	
<b>Registration Number:</b>	5211093	
<b>Registration Number:</b>	5211090	
<b>Registration Number:</b>	1575081	
<b>Registration Number:</b>	2022550	

**CORRESPONDENCE DATA****Phone:** 609 454 6772**Email:** brooks.bruneau@fisherbroyles.com, denise.mcculloch@fisherbroyles.com*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.***Correspondent Name:** Brooks R. Bruneau**Address Line 1:** 100 Overlook Center**Address Line 2:** Second Floor**Address Line 4:** Princeton, NEW JERSEY 08540**NAME OF SUBMITTER:**

Brooks R. Bruneau

**Signature:**

/brooks r. bruneau/

**Date:**

11/19/2018

**Total Attachments: 12**

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**RECEIPT INFORMATION****ETAS ID:** TM498709**Receipt Date:** 11/19/2018**Fee Amount:** \$1290