

ESTTA Tracking number: **ESTTA983514**

Filing date: **06/26/2019**

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	Redmond, Incorporated
Granted to Date of previous extension	06/26/2019
Address	475 West 910 South Heber City, UT 84032 UNITED STATES

Attorney information	GREGORY M. HESS PARR BROWN GEE & LOVELESS, P.C. 101 S. 200 E., SUITE 700 SALT LAKE CITY, UT 84111 UNITED STATES ghess@parrbrown.com, calendar@parrbrown.com 8015327840
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Applicant Information

Application No	881 10709	Publication date	02/26/2019
Opposition Filing Date	06/26/2019	Opposition Period Ends	06/26/2019
Applicant	Redmint, LLC One Bush Street, Suite 900 San Francisco, CA 94104 UNITED STATES		


Goods/Services Affected by Opposition


Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Bath and bodycare products, namely, herbal bath and shower gels, skin soaps, body scrubs, skin lotions, essential oils, skin cleansers and cosmetics
Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Beverages containing herbs for use as nutritional supplement
Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Herbal teas for food purposes

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.	5663989	Application Date	01/03/2017
Registration Date	01/29/2019	Foreign Priority Date	NONE
Word Mark	REDMOND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/05/30 First Use In Commerce: 2008/05/30 Non-medicated hand and body soap; facial masks; baby powder; non-medicated bathsalt; natural toothpaste		

U.S. Registration No.	4121939	Application Date	09/29/2011
Registration Date	04/03/2012	Foreign Priority Date	NONE
Word Mark	REDMOND CLAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1980/06/01 First Use In Commerce: 1980/06/01 Calcium montmorillonite clay for therapeutic purposes used to enhance the production of enzymes in living beings or as a mineral supplement		

U.S. Registration No.	3893761	Application Date	05/06/2010
Registration Date	12/21/2010	Foreign Priority Date	NONE
Word Mark	REDMOND ROCK		

Design Mark	REDMOND ROCK
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2009/07/27 First Use In Commerce: 2009/07/27 Nutritional supplements for animals, namely, salt licks and mineral licks

U.S. Registration No.	3935840	Application Date	05/06/2010
Registration Date	03/22/2011	Foreign Priority Date	NONE

Word Mark	REDMOND
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Design Mark	
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Description of Mark	The mark consists of the image of a horse over the word "REDMOND".
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Goods/Services	Class 005. First use: First Use: 2010/03/19 First Use In Commerce: 2010/03/19 Nutritional supplements for animals, namely, salt licks and mineral licks; and nutritional additives for animal feed, namely, salt, trace minerals, and electrolytes
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U.S. Registration No.	3421355	Application Date	01/23/2007
Registration Date	05/06/2008	Foreign Priority Date	NONE
Word Mark	REDMOND		

Design Mark	REDMOND
Description of Mark	NONE
Goods/Services	<p>Class 019. First use: First Use: 1968/03/20 First Use In Commerce: 1968/03/20 Sodium bentonite clay used for pond sealing; sodium bentonite clay used in oil drilling and hole plugging</p> <p>Class 030. First use: First Use: 2000/08/01 First Use In Commerce: 2000/08/01 Table salt</p> <p>Class 031. First use: First Use: 1968/03/20 First Use In Commerce: 1968/03/20 Salt-based agricultural feed products, namely, salt licks, salt used in feed mixing, and salt used in free choice animal feed; sodium bentonite based agricultural feed products, namely, feed additive in the nature of feed-grade sodium bentonite for use as a carrier and pellet binder material in livestock feeds</p>

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	REDMOND HERITAGE FARMS		
Goods/Services	Beef, pork, and cheese. Retail store services featuring milk, eggs, beef, cheese, salt, and other commodities.		

Attachments	87287573#TMSN.png(bytes) 85435569#TMSN.png(bytes) 85032236#TMSN.png(bytes) 85032225#TMSN.png(bytes) 77089044#TMSN.png(bytes) Notice of Opposition 6-26-2019.pdf(406095 bytes)
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Signature	/Gregory M. Hess/
Name	GREGORY M. HESS
Date	06/26/2019

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

In the Matter of Application Serial No. 88110709 (REDMINT)

Filed: September 10, 2018

Published for Opposition: February 26, 2019

REDMOND, INCORPORATED,

Opposer,

v.

REDMINT, LLC,


Applicant.

NOTICE OF OPPOSITION

Redmond, Incorporated (“Redmond”), a corporation organized and existing under the laws of the State of Utah with an address of 475 West 910 South, Heber City, Utah 84032, believes that it will be damaged by the issuance of a registration for the mark shown in U.S. Application Serial No. 88110709 (REDMINT). Redmond hereby opposes the REDMINT application under Sections 2(d) and 13(a) of the Trademark Act of 1946, as amended (the “Trademark Act”), 15 U.S.C. §§ 1052(d) and 1063(a). As grounds for opposition, Redmond alleges as follows:

1. Since at least March 20, 1968, Redmond, Incorporated and/or its predecessor-in-interest, Redmond Clay and Salt Company, Inc., has used the mark REDMOND to brand, market, and sell a variety of products. Since that time, Redmond, Incorporated and/or one or more of its subsidiaries (collectively, “Redmond”) have used the REDMOND mark, and other marks with the term REDMOND as the dominant part of the marks, for an expanding list of goods and services.

2. For example, Redmond owns the following valid and subsisting U.S. Trademark Registrations on the Principal Register of the United States Patent and Trademark Office (“PTO”):

Mark	No.	Goods & Services	Class
REDMOND	5663989	Non-medicated hand and body soap; facial masks; baby powder; non-medicated bath salt; natural toothpaste.	003
REDMOND CLAY	4121939	Calcium montmorillonite clay for therapeutic purposes used to enhance the production of enzymes in living beings or as a mineral supplement.	005
REDMOND ROCK	3893761	Nutritional supplements for animals, namely, salt licks and mineral licks.	005
	3935840	Nutritional supplements for animals, namely, salt licks and mineral licks; and nutritional additives for animal feed, namely, salt, trace minerals, and electrolytes.	005
REDMOND	3421355	Table Salt. Salt-based agricultural feed products, namely, salt licks, salt used in feed mixing, and salt used in free choice animal feed; sodium bentonite based agricultural feed products, namely, feed additive in the nature of feed-grade sodium bentonite for use as a carrier and pellet binder material in livestock feeds.	030 031

True and correct printouts of the information on the PTO's Trademark Electronic Search System (TESS) for these marks are attached hereto as Exhibits A through E.

3. In addition, Redmond began using the mark REDMOND FARMS in 2001 for retail sales of various agricultural products and, since at least as early as December 17, 2007, began using the mark REDMOND HERITAGE FARMS for retail sales of basic staple food products, which have come to include milk, eggs, beef, pork, cheese, salt, and other commodities.

4. As a result, Redmond owns a family of registered and common-law marks that use the term REDMOND as the dominant feature (collectively, the "REDMOND Marks"). Redmond has expended substantial time, money, and resources in developing, marketing, and promoting the goods and services offered under its family of REDMOND Marks.

5. On September 10, 2018, Applicant Redmint, LLC filed U.S. Application Serial No. 88110709 for the standard-character mark REDMINT for the following goods:

International Class 003: Bath and bodycare products, namely, herbal bath and shower gels, skin soaps, body scrubs, skin lotions, essential oils, skin cleansers and cosmetics.

International Class 005: Beverages containing herbs for use as a nutritional supplement.

International Class 030: Herbal teas for food purposes.

6. Each of the REDMOND Marks has priority over Applicant's REDMINT Mark because Redmond's dates of first use and/or registration dates all predate the filing of Applicant's application and any other date on which Applicant may rely for purposes of priority.

7. Applicant's REDMINT mark is confusingly similar to the REDMOND Marks because they start with the same dominant letters REDM and otherwise look and sound similar.

8. In addition, the goods covered by Application Serial No. 88110709 are the same and/or related to the goods and/or services marketed, offered, promoted, provided, and/or sold by Redmond under the REDMOND Marks and/or are in the zone of natural expansion for the goods and/or services marketed, offered, promoted, provided, and/or sold under the REDMOND Marks.

9. Moreover, the price points of the parties' respective goods are such that consumers will not exercise a significant degree of care in purchasing the goods.

10. Furthermore, the REDMINT application is unrestricted as to channels of trade and/or type of customer. It is therefore presumed that Applicant's challenged goods will be sold in the same channels of trade to the same types of customers as Redmond's goods.

11. As a result, Applicant's use of the REDMINT mark for its goods is likely to cause confusion, mistake, or deception with the REDMOND Marks and Redmond's goods and services. The fact that Redmond owns a family of REDMOND Marks increases the likelihood of confusion.

12. Applicant's REDMINT Mark is therefore barred from registration because it consists of or comprises a mark that so resembles Redmond's previously used and/or registered REDMOND

Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, mistake, or deception, within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer prays that its opposition be sustained and that registration of the REDMINT mark pursuant to Application Serial No. 88110709 be refused.

Dated: June 26, 2019

Respectfully submitted,

PARR BROWN GEE & LOVELESS

/Gregory M. Hess/
PARR BROWN GEE & LOVELESS, P.C.
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Salt Lake City, Utah 84111
801-532-7840
ghess@parrbrown.com
Attorneys for Redmond, Incorporated

EXHIBIT A



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REDMOND

Word Mark REDMOND
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Non-medicated hand and body soap; facial masks; baby powder; non-medicated bath salt; natural toothpaste. FIRST USE: 20080530. FIRST USE IN COMMERCE: 20080530
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87287573
Filing Date January 3, 2017
Current Basis 1A
Original Filing Basis 1A
Published for Opposition November 13, 2018
Registration Number **5663989**
Registration Date January 29, 2019
Owner (REGISTRANT) **Redmond, Incorporated** CORPORATION UTAH 475 West 910 South Heber City UTAH 84032
Attorney of Record Gregory M. Hess
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
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EXHIBIT B



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REDMOND CLAY

Word Mark REDMOND CLAY
Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Calcium montmorillonite clay for therapeutic purposes used to enhance the production of enzymes in living beings or as a mineral supplement. FIRST USE: 19800601. FIRST USE IN COMMERCE: 19800601
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85435569
Filing Date September 29, 2011
Current Basis 1A
Original Filing Basis 1A
Published for Opposition January 17, 2012
Registration Number **4121939**
Registration Date April 3, 2012
Owner (REGISTRANT) **REDMOND, INCORPORATED** CORPORATION UTAH 475 West 910 South Heber City UTAH 84032
Attorney of Record Gregory M. Hess
Prior 3390905;3421355;3893761;AND OTHERS

Registrations

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLAY" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Affidavit Text SECT 15. SECT 8 (6-YR).

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REDMOND ROCK

Word Mark	REDMOND ROCK
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements for animals, namely, salt licks and mineral licks. FIRST USE: 20090727. FIRST USE IN COMMERCE: 20090727
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85032236
Filing Date	May 6, 2010
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 5, 2010
Registration Number	3893761
Registration Date	December 21, 2010
Owner	(REGISTRANT) Redmond, Incorporated CORPORATION UTAH 475 West 910 South Heber City UTAH 84032
Attorney of Record	Gregory M. Hess
Prior Registrations	3421355
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).

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Word Mark REDMOND

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements for animals, namely, salt licks and mineral licks; and nutritional additives for animal feed, namely, salt, trace minerals, and electrolytes. FIRST USE: 20100319. FIRST USE IN COMMERCE: 20100319

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 03.05.01 - Horses

Search Code 03.05.24 - Stylized horses, donkeys, zebras

Serial Number 85032225

Filing Date May 6, 2010

Current Basis 1A

Original Filing Basis 1A;1B

Published for Opposition September 28, 2010

Registration Number 3935840

Registration Date March 22, 2011

Owner (REGISTRANT) Redmond, Incorporated CORPORATION UTAH 475 West 910 South Heber City UTAH 84032

Attorney of Record Gregory M. Hess

Prior Registrations 3421355

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the image of a horse over the word "REDMOND".

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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REDMOND

Word Mark REDMOND

Goods and Services IC 019. US 001 012 033 050. G & S: Sodium bentonite clay used for pond sealing; sodium bentonite clay used in oil drilling and hole plugging. FIRST USE: 19680320. FIRST USE IN COMMERCE: 19680320

IC 030. US 046. G & S: Table salt. FIRST USE: 20000801. FIRST USE IN COMMERCE: 20000801

IC 031. US 001 046. G & S: Salt-based agricultural feed products, namely, salt licks, salt used in feed mixing, and salt used in free choice animal feed; sodium bentonite based agricultural feed products, namely, feed additive in the nature of feed-grade sodium bentonite for use as a carrier and pellet binder material in livestock feeds. FIRST USE: 19680320. FIRST USE IN COMMERCE: 19680320

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77089044

Filing Date January 23, 2007

Current Basis 1A

Original Filing Basis 1A

Published for Opposition February 19, 2008

Registration Number 3421355

Registration May 6, 2008

Date
Owner (REGISTRANT) **Redmond, Incorporated** CORPORATION UTAH 475 West 910 South Heber City UTAH 84032
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20170831.
Renewal 1ST RENEWAL 20170831
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