

ESTTA Tracking number: **ESTTA1008950**

Filing date: **10/15/2019**

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	The North Face Apparel Corp.		
Entity	Corporation	Citizenship	Delaware
Address	3411 Silverside Road Wilmington, DE 19810 UNITED STATES		

Attorney information	Aaron Y. Silverstein Saunders & Silverstein LLP 14 Cedar Street, Suite 224 Amesbury, MA 01913-1831 UNITED STATES trademarks@sandsip.com, asilverstein@sandsip.com +1.978.463.9100		
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Applicant Information

Application No	88419965	Publication date	09/17/2019
Opposition Filing Date	10/15/2019	Opposition Period Ends	10/17/2019
Applicant	QUANZHOU RELANCE IMP.&EXP. CO.,LTD. 5B 5/F,Hengdali Business Building Quanan North RD.,Wutan Vill,Chidian Town Quanzhou,Fujian, 362000 CHINA		

Goods/Services Affected by Opposition


Class 025. First Use: 2018/06/09 First Use In Commerce: 2018/06/09 All goods and services in the class are opposed, namely: Ankle boots; Bath slippers; Beach shoes; Boots for sport; Climbing shoes; Football boots; Footwear; Heels; Hiking boots; Insoles; Rain boots; Sandals; Shoes; Slippers; Sports shoes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	5055040	Application Date	04/23/2014
Registration Date	10/04/2016	Foreign Priority Date	NONE
Word Mark	CRADLE		

Design Mark	
Description of Mark	The mark consists of curved bands adjacent to the word "CRADLE" in stylized letters.
Goods/Services	Class 025. First use: First Use: 2012/01/20 First Use In Commerce: 2012/01/20 Footwear

Attachments	86259988#TMSN.png(bytes) 20191015 tnf cradle logo noo.pdf(504559 bytes)
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Signature	/Aaron Y. Silverstein/
Name	Aaron Y. Silverstein
Date	10/15/2019

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

THE NORTH FACE APPAREL CORP.,

Opposer,

v.

QUANZHOU RELANCE IMP.&EXP.
CO.,LTD.,

Applicant.

Opposition No. _____

Application Ser. No. 88419965




Mark:

Filing Date: May 7, 2019

NOTICE OF OPPOSITION


The North Face Apparel Corp. (hereinafter “The North Face”) a Delaware corporation, with its principal place of business at 3411 Silverside Road, Wilmington, Delaware 19810, believes that it will be


damaged by the registration of Application Ser. No. 88419965 for the mark  identifying “Ankle boots; Bath slippers; Beach shoes; Boots for sport; Climbing shoes; Football boots; Footwear; Heels; Hiking boots; Insoles; Rain boots; Sandals; Shoes; Slippers; Sports shoes” in Class 25.


As grounds for its opposition, The North Face alleges the following, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:




The North Face, Its Goods, and Longstanding Cradle Logo Trademark


1. Over the past four decades, The North Face has grown from a small retail shop in Northern California to a world-renowned source of exceptional outdoor apparel and equipment. Today, The North Face is one of the world’s foremost outdoor and athletic apparel and equipment brands.


2. Much of The North Face’s success is owed to its longstanding and consistent use of its trademarks, including its  trademark.

3. Since well before Applicant’s filing date and any first use dates that have been or may be claimed by Applicant, The North Face adopted the  trademark and began using it in interstate commerce in the advertisement, promotion, and sale of footwear.

4. The North Face has continuously used its  trademark in United States commerce since well before Applicant’s filing date or any first use dates that have been or may be claimed by Applicant, in connection with footwear.


5. As a result of The North Face’s extensive and continuous use and promotion of its  trademark, consumers have come to recognize the  trademark as uniquely associated with The North Face and an indication of origin in The North Face, as a consequence of which The North Face has established valuable goodwill and exclusive rights in the  trademark.

6. The North Face owns the following valid and subsisting registration for its  trademark for products that are identical or closely related to the goods identified in U.S. Serial No. 88419965 (an extract from the USPTO TSDR database is attached as Exhibit A) (the “Registration”):

Mark	Reg. No.	Reg. Date	Date of first use	Goods
	5055040	Oct. 4, 2016	At least as early as January 20, 2012	Footwear, in Class 25



Applicant and Its Mark



7. QUANZHOU RELANCE IMP.&EXP. CO., LTD., is limited company organized under the laws of China, with an address of 5B 5/F,Hengdali Business Building, Quanan North RD.,Wutan Vill,Chidian Town, Quanzhou,Fujian China 362000 (hereinafter, “Applicant”).


8. On May 7, 201, Applicant filed an application under §1(a) of the Lanham Act, which was assigned Application Serial No. 88419965, for the  mark, for “Ankle boots; Bath slippers; Beach shoes; Boots for sport; Climbing shoes; Football boots; Footwear; Heels; Hiking boots; Insoles; Rain boots; Sandals; Shoes; Slippers; Sports shoes,” in Class 25.

Count One
Priority and Likelihood of Confusion, 15 U.S.C. § 1052(d)


9. The North Face repeats and realleges each and every allegation set forth in each of the preceding paragraphs.



10. Applicant’s  mark is likely to cause confusion with The North Face’s  trademark.


11. Applicant’s  mark so closely resembles The North Face’s  trademark as to be likely to cause confusion, mistake, or deception of the relevant trade and public, all to The North Face’s damage.

12. Customers and potential consumers are likely to mistakenly believe that Applicant’s goods offered under the  mark emanate from or are licensed or approved by The North Face. Such confusion would be a source of damage to The North Face.

13. The goods described in Application Ser. No. 88419965 are identical or closely related to the goods offered by The North Face under its  trademark.

14. Applicant’s goods will be offered to the same general class of customers to whom The North Face offers its goods under its  trademark

15. The North Face adopted and commenced use of its  trademark long prior to Applicant's filing date and any date of first use in commerce Applicant may claim and has continuously used its  trademark since commencing use thereof.

16. The North Face is not connected or affiliated in any way with Applicant or with Applicant's  mark.

WHEREFORE, The North Face believes it will be damaged by the registration of the mark shown in Application Ser. No. 88419965 and respectfully requests that this Opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

Dated: October 15, 2019

By: /s/Aaron Y. Silverstein
Aaron Y. Silverstein
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Attorneys for Opposer
THE NORTH FACE APPAREL CORP.

EXHIBIT A



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Word Mark	CRADLE
Goods and Services	IC 025. US 022 039. G & S: Footwear. FIRST USE: 20120120. FIRST USE IN COMMERCE: 20120120
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
Serial Number	86259988
Filing Date	April 23, 2014
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	February 2, 2016
Registration Number	5055040
Registration Date	October 4, 2016
Owner	(REGISTRANT) The North Face Apparel Corp CORPORATION DELAWARE Suite 200, Hanby Building Suite 200, Hanby Building, 3411 Silvers Wilmington DELAWARE 19810
Attorney of Record	Christine M. Hernandez
Prior Registrations	3599066
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CRADLE" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of curved bands adjacent to the word "CRADLE" in stylized letters.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE

Indicator

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BULK DATA: Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

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STATUS **DOCUMENTS** **MAINTENANCE**

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Mark: CRADLE



US Serial Number: 86259988

Application Filing Date: Apr. 23, 2014

US Registration Number: 5055040

Registration Date: Oct. 04, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 04, 2016

Publication Date: Feb. 02, 2016

Notice of Allowance Date: Mar. 29, 2016

Mark Information

Mark Literal Elements: CRADLE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of curved bands adjacent to the word "CRADLE" in stylized letters.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "CRADLE"

Design Search Code(s): 26.17.09 - Bands, curved; Lines, curved; Curved line(s), band(s) or bar(s); Bars, curved

Related Properties Information

Claimed Ownership of US [3599066](#)

Registrations:

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: Footwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 20, 2012

Use in Commerce: Jan. 20, 2012

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: The North Face Apparel Corp**Owner Address:** Suite 200, Hanby Building
Suite 200, Hanby Building, 3411 Silvers
Wilmington, DELAWARE UNITED STATES 19810**Legal Entity Type:** CORPORATION**State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christine M. Hernandez**Docket Number:** 22119

Correspondent

Correspondent Name/Address: CHRISTINE M HERNANDEZ
THE NORTH FACE APPAREL CORP.
3411 SILVERSIDE RD
200 Hanby Building
WILMINGTON, DELAWARE UNITED STATES 19810-4812**Phone:** 302-477-3930**Fax:** 302-477-3932**Correspondent e-mail:** Christine.Hernandez@vfc.com
Amanda.Mitchell@vfc.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 19, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 18, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 18, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 18, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 18, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 04, 2016	REGISTERED-PRINCIPAL REGISTER	
Aug. 31, 2016	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 30, 2016	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	

Aug. 09, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 08, 2016	STATEMENT OF USE PROCESSING COMPLETE	69302
Jul. 12, 2016	USE AMENDMENT FILED	69302
Aug. 08, 2016	EXTENSION 1 GRANTED	69302
Jul. 12, 2016	EXTENSION 1 FILED	69302
Aug. 08, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jul. 12, 2016	TEAS EXTENSION RECEIVED	
Jul. 12, 2016	TEAS STATEMENT OF USE RECEIVED	
Mar. 29, 2016	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 02, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 02, 2016	PUBLISHED FOR OPPOSITION	
Jan. 13, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 29, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Dec. 18, 2015	ASSIGNED TO LIE	74221
Oct. 09, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 09, 2015	PREVIOUS ALLOWANCE WITHDRAWN-TIMELY AAU	
Oct. 02, 2015	EXPARTE APPEAL TERMINATED	259988
Oct. 02, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 02, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 02, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 02, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 02, 2015	EXAMINERS AMENDMENT -WRITTEN	75593
Sep. 18, 2015	JURISDICTION RESTORED TO EXAMINING ATTORNEY	259988
Jul. 23, 2015	EX PARTE APPEAL-INSTITUTED	259988
Jul. 23, 2015	EXPARTE APPEAL RECEIVED AT TTAB	
Jan. 24, 2015	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 24, 2015	FINAL REFUSAL E-MAILED	
Jan. 24, 2015	FINAL REFUSAL WRITTEN	75593
Jan. 02, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 02, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	

Jan. 02, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 02, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 02, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 01, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 01, 2014	NON-FINAL ACTION E-MAILED	6325
Jul. 01, 2014	NON-FINAL ACTION WRITTEN	75593
Jun. 24, 2014	ASSIGNED TO EXAMINER	75593
May 07, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
May 06, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 26, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 30, 2016

Assignment Abstract Of Title Information - None recorded

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