

ESTTA Tracking number: **ESTTA1039719**

Filing date: **03/03/2020**

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	Trevor Brazile
Granted to Date of previous extension	03/04/2020
Address	720 CR 3051 DECATUR, TX 76234 UNITED STATES

Correspondence information	KIRSTIN JAHN JAHN & ASSOCIATES, LLC 1942 BROADWAY ST. BOULDER, CO 80304 UNITED STATES Kirstin@JahnLaw.com 303-545-5128
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Applicant Information

Application No	88506071	Publication date	11/05/2019
Opposition Filing Date	03/03/2020	Opposition Period Ends	03/04/2020
Applicant	Relentless Champions LLC 1135 E Chestnut St., Unit A Glendale, CA 91205 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: Athletic footwear; Athletic shirts; Athletic tights; Bottoms as clothing; Footwear; Headwear; Tops as clothing

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.	4481365	Application Date	02/05/2010
Registration Date	02/11/2014	Foreign Priority Date	NONE
Word Mark	RELENTLESS		

Design Mark	<h1>Relentless</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2012/10/01 First Use In Commerce: 2012/10/01 Clothing, namely, pants, tops, shorts, hats, belts, footwear and sweatshirts

U.S. Registration No.	4473243	Application Date	02/15/2011
Registration Date	01/28/2014	Foreign Priority Date	NONE

Word Mark	B TREVOR BRAZILE RELENTLESS
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Design Mark	
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Description of Mark	The mark consists of a shield crest and wings with the letter "B" above the word "TREVOR BRAZILE RELENTLESS".
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Goods/Services	Class 025. First use: First Use: 2008/12/31 First Use In Commerce: 2008/12/31 Clothing, namely, hats, t-shirts, sweatshirts, headwear, footwear, pants, tops, shorts and belts
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U.S. Registration No.	4203065	Application Date	02/24/2011
Registration Date	09/04/2012	Foreign Priority Date	NONE

Word Mark	RELENTLESS
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Design Mark	RELENTLESS
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2012/01/01 First Use In Commerce: 2012/01/01 Clothing, namely, outerwear in the nature of jackets, parkas, coats, work wear in the nature of [bib overalls,] vests, waterproof coats

U.S. Registration No.	4480461	Application Date	06/10/2013
Registration Date	02/11/2014	Foreign Priority Date	NONE

Word Mark	B RELENTLESS
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Design Mark	
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Description of Mark	The mark consists of Wings and a shield or crests with the letter "B" in the middle and the word "RELENTLESS" underneath.
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Goods/Services	Class 025. First use: First Use: 2012/01/30 First Use In Commerce: 2012/01/30 Clothing, namely, jackets, parkas, vests, coats, shirts
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Attachments	77929354#TMSN.png(bytes) 85242764#TMSN.png(bytes) 85250545#TMSN.png(bytes) 85955230#TMSN.png(bytes) N of Opposition to Relentless Champions.pdf(122171 bytes)
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Signature	/kmj/
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Name	KIRSTIN JAHN
Date	03/03/2020

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

Trevor Brazile

Opposer

Opposition No. _____

Serial No. 88506071

v.

Relentless Champions, LLC

Applicant

NOTICE OF OPPOSITION

Trevor Brazile (“Brazile”), as grounds for his opposition against Relentless Champions (“Applicant”) alleges:

1. Brazile is the owner of several U.S. trademark registrations using the word RELENTLESS including the following in Class 25 for various clothing items:
 - a) RELENTLESS Reg. No. 4481365 for use in connection with clothing, namely, pants, tops, shorts, hats, belts, footwear and sweatshirts;
 - b) RELENTLESS and design Reg. No. 4473243 for use in connection with clothing, namely, hats, t-shirts, sweatshirts, headwear, footwear, pants, tops, shorts and belts;
 - c) RELENTLESS Reg. No. 4203065 for use in connection with clothing, namely, outerwear in the nature of jackets, parkas, coats, work wear in the nature of bib overalls, vests, waterproof coats;
 - d) RELENTLESS and design Reg. No. 4480461 for use in connection with clothing, namely, jackets, parkas, vests, coats, shirts; and

Collectively the above registrations shall be referred to as the RELENTLESS Marks.

2. Since at least 2008, Brazile has continuously and extensively promoted, advertised and/or sold his products under various RELENTLESS Marks and has widely used the RELENTLESS Marks to identify his products and distinguish them from the goods of others and continues to do so. As such, the RELENTLESS Marks have become assets of substantial value to Brazile and his quality products.
3. Notwithstanding Brazile's prior common law and statutory rights in the RELENTLESS Marks, Applicant applied for a confusingly similar mark, RELENTLESS CHAMPIONS for use in connection with clothing specifically for "athletic shirts, athletic tights, bottoms as clothing; footwear; headwear; tops as clothing."
4. Applicant's mark was published in the Official Gazette on November 5, 2019.
5. Brazile received a 90 day extension of time to oppose this registration up through and including March 4, 2020.
6. In view of the similarity of Applicant's RELENTLESS CHAMPIONS Mark with Brazile's RELENTLESS Marks and the use of both marks on clothing, including identical goods, Applicant's mark is likely to create confusion, mistake and deception as to the affiliation, connection, association, origin, sponsorship or approval of its goods with those of Brazile, all to Brazile's irreparable loss and damage.

Wherefore, Brazile requests that Applicant's trademark application for be refused

registration.

Date: March 3, 2020

Respectfully submitted,

s/Kirstin M. Jahn
Jahn & Associates
1942 Broadway Suite 314
Boulder, CO 80302

Attorney for Opposer
Trevor Brazile

CERTIFICATE OF SERVICE

I certify that on March 3, 2020 this correspondence is being served on Applicant
by email through its attorney of record at the following:

Nicholas Santucci at
tm@lzlegalservices.com

s/Kirstin M. Jahn
JAHN & ASSOCIATES, LLC
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Boulder, CO 80302