

ESTTA Tracking number: **ESTTA1137247**

Filing date: **06/01/2021**

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	Next Retail Limited
Granted to Date of previous extension	05/30/2021
Address	DESFORD ROAD ENDERBY, LE194AT UNITED KINGDOM
Attorney information	MITCHELL E. RADIN, MICHELLE C. MORRIS COLLEN THE HOLYOKE MANHATTAN BUILDING 80 SOUTH HIGHLAND AVENUE OSSINING, NY 10562 UNITED STATES Primary Email: docket@collenip.com Secondary Email(s): mradin@collenip.com, mmorris@collenip.com 9149415668
Docket Number	AX1239

Applicant Information

Application No.	90173881	Publication date	12/01/2020
Opposition Filing Date	06/01/2021	Opposition Period Ends	05/30/2021
Applicant	NextScent Inc. SUITE 202 377 RUBIN CENTER DR. FORT MILL, SC 29708 UNITED STATES		


Goods/Services Affected by Opposition


Class 003. First Use: 2019/10/15 First Use In Commerce: 2019/10/15 All goods and services in the class are opposed, namely: Air fragrancing preparations
Class 011. First Use: 2019/10/15 First Use In Commerce: 2019/10/15 All goods and services in the class are opposed, namely: Dispensing units for room deodorants; Electric air deodorizing apparatus; Plug-in diffusers for air deodorizers
Class 035. First Use: 2020/02/07 First Use In Commerce: 2020/02/07 All goods and services in the class are opposed, namely: Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals; Marketing consulting; Marketing services; Subscription-based order fulfillment services in the field of fragrances

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2912202	Application Date	06/19/2003
Registration Date	12/21/2004	Foreign Priority Date	NONE
Word Mark	NEXT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1997/12/00 First Use In Commerce: 1997/12/00 clothing, namely, t-shirts, fleece shirts, denim shirts, jackets, pants and hats		

U.S. Registration No.	5340922	Application Date	11/03/2011
Registration Date	11/21/2017	Foreign Priority Date	NONE
Word Mark	NEXT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2001/08/00 First Use In Commerce: 2015/01/00 Accessories for home and house, namely, toilet seats, decorative lanterns Class 014. First use: First Use: 2006/01/00 First Use In Commerce: 2016/06/00 Accessories for clothing and fashion, namely, jewelry holders Class 016. First use: First Use: 1990/01/00 First Use In Commerce: 2009/08/00 Accessories for home and house, namely, wall stickers, chalk boards and memorandum boards		

	<p>Class 018. First use: First Use: 1988/01/00 First Use In Commerce: 2009/08/00 Accessories for clothing and fashion, namely, purses, handbags, wallets, clutch-bags, tote bags, umbrellas</p> <p>Class 020. First use: First Use: 1987/01/00 First Use In Commerce: 2009/08/00 Accessories for home and house, namely,towel racks, shelves, mirrors, decorative wall plaques made of plastics or wood; accessories for bedding, namely, pillows, cushions, mattress toppers</p> <p>Class 021. First use: First Use: 1988/01/00 First Use In Commerce: 2009/08/00 Accessories for home and house, namely,bread bins, dish drying racks, pasta bowls, household containers for foods, saucepans, cake stands, bowls, bottles soldempty, vases, candle holders, drinking glasses, waste and refuse bins for household use, laundry bins, towel rails and rings, toilet brushes, toilet roll holders, soap dispensers, toothbrush holders, bird feeders, planters for domestic gardening, laundry hampers; accessories for the home and house, namely, ornaments ofglass</p> <p>Class 022. First use: First Use: 1997/01/00 First Use In Commerce: 2014/08/00 Accessories for home and house, namely,laundry bags</p> <p>Class 024. First use: First Use: 1987/00/00 First Use In Commerce: 2009/08/00 Accessories for home and house, namely,curtains of textile, shower curtains, oven gloves and mitts, bath towels, textile tablecloths, tea towels, synthetic placemats; accessories for bedding, namely, sheets, pillow covers, duvets, blankets, bed sets composed of duvet covers andpillowcases, children's bed sets composed of duvet covers and pillowcases, fitted sheets, bed linens, throws, fabric valances</p> <p>Class 025. First use: First Use: 1988/01/00 First Use In Commerce: 2009/08/00 Clothing, namely, various types of clothing for men, women and children and notprofessional uniforms, namely, t-shirts, pants, dresses, skirts, tops, shirts, shorts, jeans, knitwear in the nature ofjumpers, sweaters, cardigans, dresses, hats, and scarves; footwear in the nature of trainers, boots, tights, joggers, hoodies, shorts, t-shirts, jackets, leggings, polo shirts, jumpers, sweat tops, track suits, hats, vests, bras, socks, leotards, swimsuits, trunks; coats, jackets, waist-coats, tights, underwear, lingerie, sleepwear, bras, socks, suits, bridesmaid dresses, ties, bow ties, beachwear, scarves, gloves, ponchos; footwear, headwear, headbands; accessories for clothing and fashion, namely, belts</p> <p>Class 027. First use: First Use: 1990/01/00 First Use In Commerce: 2009/08/00 Accessories for home and house, namely,bathmats, rugs, rug grippers, floor runners, door mats, wallpaper</p> <p>Class 028. First use: First Use: 2000/10/00 First Use In Commerce: 2011/08/00 Accessories for holidays, namely, Christmas tree decorations</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Attachments	76523925#TMSN.png(bytes) 85463777#TMSN.png(bytes) AX1239_Notice of Opposition FINAL - w EXHIBITS_210526.pdf(216977 bytes)
-------------	--------------------------------------------------------------------------------------------------------------------------------------

Signature	/michelle c. morris/
Name	MICHELLE C. MORRIS
Date	06/01/2021

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

Applicant : NextScent Inc.
Serial No. : 90/173881
Mark : NextScent
Filed : September 11, 2020
For : IC 003, 011, 035
Published : December 1, 2020

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313

NOTICE OF OPPOSITION

The Opposer Next Retail Limited, a limited liability company located at Desford Road, Enderby, United Kingdom files this Notice of Opposition against NextScent (“Applicant”) because it believes that it would be damaged by the registration of the above-identified mark in International Classes 011 and 021 and hereby opposes same, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, it is alleged that:

1) Next Retail is the owner of U.S. Trademark Registration No. 2912202 for NEXT for Clothing, namely, t-shirts, fleece shirts, denim shirts, jackets, pants and hats in International Class 025. See Exhibit 1.

2) Next Retail is the owner of U.S. Trademark Registration No. 5340922 for NEXT for, *inter-alia*, Accessories for home and house, namely, toilet seats, decorative lanterns in International Class 011; Accessories for home and house, namely, towel racks, shelves, mirrors, decorative wall plaques made of plastics or wood; accessories for bedding, namely, pillows, cushions, mattress toppers in International Class 020; and Accessories for home and house, namely, bread bins, dish drying racks, pasta bowls, household containers for foods, saucepans, cake stands, bowls, bottles sold empty, vases, candle holders, drinking glasses, waste and refuse bins for household use, laundry bins, towel rails and rings, toilet brushes, toilet roll holders, soap dispensers, toothbrush holders, bird feeders, planters for domestic gardening, laundry hampers; accessories for the home and house, namely, ornaments of glass in International Class 021 and

Clothing, namely, various types of clothing for men, women and children and not professional uniforms, namely, t-shirts, pants, dresses, skirts, tops, shirts, shorts, jeans, knitwear in the nature of jumpers, sweaters, cardigans, dresses, hats, and scarves; footwear in the nature of trainers, boots, tights, joggers, hoodies, shorts, t-shirts, jackets, leggings, polo shirts, jumpers, sweat tops, track suits, hats, vests, bras, socks, leotards, swimsuits, trunks; coats, jackets, waistcoats, tights, underwear, lingerie, sleepwear, bras, socks, suits, bridesmaid dresses, ties, bow ties, beachwear, scarves, gloves, ponchos; footwear, headwear, headbands; accessories for clothing and fashion, namely, belts. in International Class 025; and Accessories for home and house, namely, bathmats, rugs, rug grippers, floor runners, door mats, wallpaper in International Class 021. See Exhibit 2.

3) Next Retail's Registrations are *prima facie* proof of ownership of the NEXT marks pursuant to 15 U.S.C. § 1057(b), and of the exclusive right to use the registered marks in commerce.

4) The registration dates of U.S. Trademark Registrations Nos. 2912202 and 5340922 pre-date the filing date of Applicant's Application Serial No. 90/173881 ("Applicant's Application").

5) Next Retail has been engaged in the sale and marketing of goods using the NEXT trademark and in the offering of retail services using NEXT trademarks which are related to goods and services in Applicant's Application since a time prior to the filing of Applicant's Application.

6) Next Retail has used NEXT trademarks in commerce and has valuable goodwill in these marks.

7) Applicant seeks to register NextScent as a trademark for "Air fragrancing preparations" in International Class 003, "Dispensing units for room deodorants; Electric air deodorizing apparatus; Plug-in diffusers for air deodorizers" in International Class 011, and "Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals; Marketing consulting; Marketing services; Subscription-based order fulfillment services in the field of fragrances" in International Class 035.

8) Applicant's Application Serial No. 90/173881 is based upon Section 1(a), use in interstate commerce.

9) On information and belief, Applicant's mark, if used in connection with the goods identified in Class 003, and in connection with one or more of the goods identified in Class 011, and in connection with one or more of the services identified in International Class 035 in the Application, is likely to be confused with or mistaken for or cause deception with Next Retail's NEXT trademark as used in connection with its respective goods and services.

10) On information and belief, if Applicant's mark is registered, Applicant's mark is likely to cause confusion or to cause mistake or to deceive.

11) On information and belief, Applicant's registration of NextScent for goods and services identified in Applicant's Application would harm Next Retail.

NEXT RETAIL prays that this Application Serial 90/173881 be refused, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Next Retail Limited.

DATED: June 1, 2021

Respectfully submitted for
Opposer, Next Retail Limited

By: /Jeffrey A. Lindenbaum/
Jeffrey A. Lindenbaum
Mitchell E. Radin
Michelle E. Morris
COLLEN
The Holyoke-Manhattan Building
80 South Highland Ave.
Ossining, New York 10562
Tel: (914) 941-5668
Fax: (914) 941-6091
jlindenbaum@collenip.com

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS
HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED THROUGH THE
ELECTRONIC SYSTEM FOR TRADEMARK TRIAL AND APPEALS IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

Dated: June 1, 2021

By: /Michelle C. Morris/

EXHIBIT 1

Generated on: This page was generated by TSDR on 2021-05-26 10:14:03 EDT

Mark: NEXT

NEXT

US Serial Number: 76523925

Application Filing Date: Jun. 19, 2003

US Registration Number: 2912202

Registration Date: Dec. 21, 2004

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Jan. 01, 2015

Publication Date: Sep. 28, 2004

Mark Information

Mark Literal Elements: NEXT

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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: clothing, namely, t-shirts, fleece shirts, denim shirts, jackets, pants and hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1997

Use in Commerce: Dec. 1997

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

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: NEXT RETAIL LIMITED

Owner Address: DESFORD ROAD

ENDERBY, LEICESTER LE19 4AT UNITED KINGDOM

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: UNITED KINGDOM
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Ronald E. Shapiro

Docket Number: CPA12567

Attorney Primary Email Address: rshapiro@sasiplaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Ronald E. Shapiro
Shapiro and Silverstein PLLC
11350 Random Hills Road, Suite 740
Fairfax, VIRGINIA UNITED STATES 22030

Phone: 703-273-7680

Fax: 703-273-7684

Correspondent e-mail: rshapiro@sasiplaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 01, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 01, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Jan. 01, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Dec. 31, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Dec. 09, 2014	TEAS SECTION 8 & 9 RECEIVED	
Nov. 09, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 20, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 08, 2010	REVIEW OF CORRESPONDENCE COMPLETE	68335
Mar. 25, 2010	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	68335
Mar. 25, 2010	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	68335
Mar. 25, 2010	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	68335
Apr. 08, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Apr. 07, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Mar. 25, 2010	TEAS SECTION 8 & 15 RECEIVED	
Dec. 21, 2004	REGISTERED-PRINCIPAL REGISTER	
Sep. 28, 2004	PUBLISHED FOR OPPOSITION	
Sep. 08, 2004	NOTICE OF PUBLICATION	
Jul. 29, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Jul. 29, 2004	ASSIGNED TO LIE	77075
Jul. 15, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2004	AMENDMENT FROM APPLICANT ENTERED	76537
Jun. 14, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	76537
Jun. 14, 2004	PAPER RECEIVED	
Dec. 23, 2003	NON-FINAL ACTION E-MAILED	
Dec. 22, 2003	ASSIGNED TO EXAMINER	76843

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 01, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 6

Registrant: Next Marketing, Inc.

Assignment 1 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: [2866/0766](#)

Pages: 10

Date Recorded: Oct. 02, 2003

Supporting Documents: [assignment-tm-2866-0766.pdf](#)

Assignor

Name: [NEXT MARKETING, INC.](#)

Execution Date: Sep. 30, 2003

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [LASALLE BUSINESS CREDIT, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

Address: 565 5TH AVENUE, 27TH FLOOR
NEW YORK, NEW YORK 10017

Correspondent

Correspondent Name: MILES & STOCKBRIDGE P.C.

Correspondent Address: HEIDI A. HANSAN, ESQ.
10 LIGHT STREET
BALTIMORE, MD 21202

Domestic Representative - Not Found

Assignment 2 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: [2967/0789](#)

Pages: 7

Date Recorded: May 13, 2004

Supporting Documents: [assignment-tm-2967-0789.pdf](#)

Assignor

Name: [NEXT MARKETING, INC.](#)

Execution Date: Apr. 15, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: STATELESS

Assignee

Name: [NATIONAL CITY BANK OF INDIANA](#)

Legal Entity Type: NATIONAL COMMERCIAL BANK

State or Country Where Organized: No Place Where Organized Found

Address: 101 W. WASHINGTON ST., SUITE 200-E
INDIANAPOLIS, INDIANA 46255

Correspondent

Correspondent Name: KRIEG DEVAULT LLP

Correspondent Address: JULIA A. CARPENTER, ESQ.
ONE INDIANA SQUARE, SUITE 2800
INDIANAPOLIS, IN 46204-2079

Domestic Representative - Not Found

Assignment 3 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: [2972/0804](#)

Pages: 9

Date Recorded: May 04, 2004

Supporting Documents: [assignment-tm-2972-0804.pdf](#)

Assignor

Name: [LASALLE BUSINESS CREDIT, LLC](#) **Execution Date:** Apr. 15, 2004
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** No Place Where Organized Found

Assignee

Name: [NATIONAL CITY BANK OF INDIANA](#)
Legal Entity Type: NATIONAL COMMERCIAL BANK **State or Country Where Organized:** No Place Where Organized Found
Address: 101 W. WASHINGTON STREET
SUITE 200-E
INDIANAPOLIS, INDIANA 46255

Correspondent

Correspondent Name: KRIEG DEVAULT LLP
Correspondent Address: JULIE A. CARPENTER, ESQ.
ONE INDIANA SQUARE, SUITE 2800
INDIANAPOLIS, IN 46204-2079

Domestic Representative - Not Found

Assignment 4 of 6

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [4296/0345](#) **Pages:** 7
Date Recorded: Oct. 14, 2010
Supporting Documents: [assignment-tm-4296-0345.pdf](#)

Assignor

Name: [NEXT MARKETING, INC.](#) **Execution Date:** Sep. 20, 2010
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [T-SHIRT INTERNATIONAL, INC.](#)
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE
Address: 7730 SOUTH 6TH STREET
OAK CREEK, WISCONSIN 53154

Correspondent

Correspondent Name: MICHELE DIETZ
Correspondent Address: 1000 NORTH WATER STREET
SUITE 1800
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 5 of 6

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [4654/0736](#) **Pages:** 2
Date Recorded: Nov. 03, 2011
Supporting Documents: [assignment-tm-4654-0736.pdf](#)

Assignor

Name: [T-SHIRT INTERNATIONAL, INC.](#) **Execution Date:** Aug. 09, 2011
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [FOLEY & LARDNER LLP](#)
Legal Entity Type: LIMITED LIABILITY PARTNERSHIP **State or Country Where Organized:** WISCONSIN
Address: 90 PARK AVENUE

NEW YORK, NEW YORK 10016

Correspondent

Correspondent Name: MITCHELL E. RADIN, ESQ.

Correspondent Address: COWAN, DEBAETS, ABRAHAMS & SHEPPARD LLP
41 MADISON AVENUE, 34TH FLOOR
NEW YORK, NY 10010

Domestic Representative - Not Found

Assignment 6 of 6

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 08/09/2011

Reel/Frame: [4654/0746](#)

Pages: 3

Date Recorded: Nov. 03, 2011

Supporting Documents: [assignment-tm-4654-0746.pdf](#)

Assignor

Name: [FOLEY & LARDNER LLP](#)

Execution Date: Aug. 09, 2011

Legal Entity Type: LIMITED LIABILITY PARTNERSHIP

State or Country Where Organized: WISCONSIN

Assignee

Name: [NEXT RETAIL LIMITED](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: UNITED KINGDOM

Address: DESFORD ROAD
ENDERBY, LEICESTER
LE19 4AT ENGLAND, UNITED KINGDOM

Correspondent

Correspondent Name: MITCHELL E. RADIN, ESQ.

Correspondent Address: COWAN, DEBAETS, ABRAHAMS & SHEPPARD LLP
41 MADISON AVENUE, 34TH FLOOR
NEW YORK, NY 10010

Domestic Representative

Domestic Representative Name: MITCHELL E. RADIN, ESQ.

Domestic Representative Address: COWAN, DEBAETS, ABRAHAMS & SHEPPARD LLP
41 MADISON AVENUE, 34TH FLOOR
NEW YORK, NY 10010

EXHIBIT 2

Generated on: This page was generated by TSDR on 2021-05-26 10:15:40 EDT

Mark: NEXT

NEXT

US Serial Number: 85463777

Application Filing Date: Nov. 03, 2011

US Registration Number: 5340922

Registration Date: Nov. 21, 2017

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

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: Nov. 21, 2017

Publication Date: Nov. 04, 2014

Notice of Allowance Date: Dec. 30, 2014

Mark Information

Mark Literal Elements: NEXT

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: Accessories for home and house, namely, toilet seats, decorative lanterns

International Class(es): 011 - Primary Class

U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2001

Use in Commerce: Jan. 2015

For: Accessories for clothing and fashion, namely, jewelry holders

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 2006

Use in Commerce: Jun. 2016

For: Accessories for home and house, namely, wall stickers, chalk boards and memorandum boards

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1990

Use in Commerce: Aug. 2009

For: Accessories for clothing and fashion, namely, purses, handbags, wallets, clutch bags, tote bags, umbrellas

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1988

Use in Commerce: Aug. 2009

For: Accessories for home and house, namely, towel racks, shelves, mirrors, decorative wall plaques made of plastics or wood; accessories for bedding, namely, pillows, cushions, mattress toppers

International Class(es): 020 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1987

Use in Commerce: Aug. 2009

For: Accessories for home and house, namely, bread bins, dish drying racks, pasta bowls, household containers for foods, saucepans, cake stands, bowls, bottles sold empty, vases, candle holders, drinking glasses, waste and refuse bins for household use, laundry bins, towel rails and rings, toilet brushes, toilet roll holders, soap dispensers, toothbrush holders, bird feeders, planters for domestic gardening, laundry hampers; accessories for the home and house, namely, ornaments of glass

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1988

Use in Commerce: Aug. 2009

For: Accessories for home and house, namely, laundry bags

International Class(es): 022 - Primary Class

U.S Class(es): 001, 002, 007, 019, 022, 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1997

Use in Commerce: Aug. 2014

For: Accessories for home and house, namely, curtains of textile, shower curtains, oven gloves and mitts, bath towels, textile tablecloths, tea towels, synthetic placemats; accessories for bedding, namely, sheets, pillow covers, duvets, blankets, bed sets composed of duvet covers and pillowcases, children's bed sets composed of duvet covers and pillowcases, fitted sheets, bed linens, throws, fabric valances

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: 1987

Use in Commerce: Aug. 2009

For: Clothing, namely, various types of clothing for men, women and children and not professional uniforms, namely, t-shirts, pants, dresses, skirts, tops, shirts, shorts, jeans, knitwear in the nature of jumpers, sweaters, cardigans, dresses, hats, and scarves; footwear in the nature of trainers, boots, tights, joggers, hoodies, shorts, t-shirts, jackets, leggings, polo shirts, jumpers, sweat tops, track suits, hats, vests, bras, socks, leotards, swimsuits, trunks; coats, jackets, waistcoats, tights, underwear, lingerie, sleepwear, bras, socks, suits, bridesmaid dresses, ties, bow ties, beachwear, scarves, gloves, ponchos; footwear, headwear, headbands; accessories for clothing and fashion, namely, belts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1988

Use in Commerce: Aug. 2009

For: Accessories for home and house, namely, bathmats, rugs, rug grippers, floor runners, door mats, wallpaper

International Class(es): 027 - Primary Class

U.S Class(es): 019, 020, 037, 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1990

Use in Commerce: Aug. 2009

For: Accessories for holidays, namely, Christmas tree decorations

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 2000

Use in Commerce: Aug. 2011

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: Next Retail Limited

Owner Address: Desford Road
Enderby LE194AT UNITED KINGDOM

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: UNITED KINGDOM

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mitchell E. Radin, Esq.

Docket Number: 03224-53

Attorney Primary Email Address: mradin@cdas.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Mitchell E. Radin, Esq.
COLLEN IP Intellectual Property Law, P.C.
80 South Highland Avenue
Ossining, NEW YORK UNITED STATES 10562

Phone: 9149415668

Fax: 9149416091

Correspondent e-mail: trademark@collenip.com mradin@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 21, 2017	REGISTERED-PRINCIPAL REGISTER	
Oct. 17, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 16, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 16, 2017	STATEMENT OF USE PROCESSING COMPLETE	66154
Oct. 06, 2017	USE AMENDMENT FILED	66154
Oct. 06, 2017	TEAS STATEMENT OF USE RECEIVED	
Aug. 18, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 17, 2017	EXTENSION 5 GRANTED	66154
Jun. 29, 2017	EXTENSION 5 FILED	66154
Jun. 29, 2017	TEAS EXTENSION RECEIVED	
Dec. 20, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 16, 2016	EXTENSION 4 GRANTED	98765
Dec. 16, 2016	EXTENSION 4 FILED	98765

Dec. 16, 2016	TEAS EXTENSION RECEIVED	
Jul. 01, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 30, 2016	EXTENSION 3 GRANTED	66154
Jun. 21, 2016	EXTENSION 3 FILED	66154
Jun. 21, 2016	TEAS EXTENSION RECEIVED	
Feb. 09, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 06, 2016	EXTENSION 2 GRANTED	66154
Dec. 21, 2015	EXTENSION 2 FILED	66154
Feb. 06, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Dec. 21, 2015	TEAS EXTENSION RECEIVED	
Jul. 01, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 29, 2015	EXTENSION 1 GRANTED	98765
Jun. 29, 2015	EXTENSION 1 FILED	98765
Jun. 29, 2015	TEAS EXTENSION RECEIVED	
Dec. 30, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 04, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 04, 2014	ASSIGNED TO EXAMINER	83698
Nov. 04, 2014	PUBLISHED FOR OPPOSITION	
Oct. 15, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 01, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Sep. 28, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 25, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 25, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 25, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Mar. 29, 2014	NOTIFICATION OF SUBSEQUENT FINAL EMAILED	
Mar. 29, 2014	SUBSEQUENT FINAL EMAILED	
Mar. 29, 2014	SUBSEQUENT FINAL REFUSAL WRITTEN	83177
Mar. 06, 2014	LIE CHECKED SUSP - TO ATTY FOR ACTION	77976
Sep. 06, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	77976
Aug. 23, 2013	ASSIGNED TO LIE	77976
Feb. 22, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 22, 2013	LETTER OF SUSPENSION E-MAILED	6332
Feb. 22, 2013	SUSPENSION LETTER WRITTEN	83177
Feb. 19, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 19, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 19, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Sep. 17, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Sep. 17, 2012	FINAL REFUSAL E-MAILED	
Sep. 17, 2012	FINAL REFUSAL WRITTEN	83177
Aug. 28, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 28, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 28, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 28, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 28, 2012	NON-FINAL ACTION E-MAILED	6325
Feb. 28, 2012	NON-FINAL ACTION WRITTEN	83177
Feb. 21, 2012	ASSIGNED TO EXAMINER	83177
Feb. 16, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 07, 2011	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: Oct. 16, 2017