

ESTTA Tracking number: **ESTTA1215738**

Filing date: **06/15/2022**

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 NET-A-PORTER GROUP LIMITED
Granted to date of previous extension	06/29/2022
Address	1 THE VILLAGE OFFICES WESTFIELD, ARIEL WAY LONDON, W12 7GF UNITED KINGDOM
Attorney information	SHELBY P. ROKITO FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 WEST 42ND STREET, 17TH FLOOR NEW YORK, NY 10036 UNITED STATES Primary email: srokito@fzlz.com Secondary email(s): jmargiotta@fzlz.com, ttabfiling@fzlz.com (212) 813-5900
Docket no.	NETA 2204499

**Applicant information**

Application no.	90695106	Publication date	03/01/2022
Opposition filing date	06/15/2022	Opposition period ends	06/29/2022
Applicant	Stanzel, Alexander M 20 N AVE W CRANFORD, NJ 07016 UNITED STATES		

**Goods/services affected by opposition**

Class 025. First Use: None First Use In Commerce: None  
All goods and services in the class are opposed, namely: Footwear

**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.	2661220	Application date	02/16/2000
Register	Principal		

Registration date	12/17/2002	Foreign priority date	NONE
Word mark	NET-A-PORTER		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 003. First use: First Use: None First Use In Commerce: None  [ Toiletries, namely, bubble bath, bathsalts, beauty masks; cosmetics; soaps, namely, deodorant soap, body soap, skin soap, moisturizing soap; essential oils for personal use; hair care preparations; skin care products, namely, moisturizers, cleansers, toners, face masks, exfoliators, make-up removing preparations, skin clarifiers, skin lotion; nail polish]</p> <p>Class 014. First use: First Use: None First Use In Commerce: None  [ Horological and/or chronometric instruments; namely, watches and clocks, jewelry; costume jewelry; statues or statuettes of precious metal; articles made of or coated with precious metal or their alloys, namely, trinket boxes, decorative-boxes, cigarette holders, vaporizers for perfume sold empty, cosmetics cases sold empty, tie pins, cuff links, key rings, candlesticks and napkin ring; precious gemstones, articles with precious gemstones, namely, trinket boxes, decorative-boxes, cigarette holders, vaporizers for perfume sold empty, cosmetics cases sold empty, tie pins, cuff links, key rings ]</p> <p>Class 016. First use: First Use: None First Use In Commerce: None  [ Paper, namely, business paper, namely, letterhead paper and business note-paper, writing paper; gift wrapping paper; books, namely, autograph books, address book, telephone books; cards, namely, business cards, announcement cards; postcards; greeting cards; poster; photographicprints; stationery; writing or drawing implements, namely, pen and pen sets; diaries; calendars; plastic and paper shopping bags ]</p> <p>Class 018. First use: First Use: None First Use In Commerce: None  [ Leather sold in bulk; imitation leather sold in bulk; goods made from leather or imitation leather, namely, briefcases, handbags, purses, wallets, suitcases, travel bags, vanity cases, trunks, rucksacks; bags, namely, beach bags, mesh, textile and leather shopping bags, all purpose sports bags; briefcases, handbags, suitcases, trunks, rucksacks; leather boxes for storage sold empty; walking sticks; umbrellas; purses; wallets; satchels ]</p> <p>Class 021. First use: First Use: None First Use In Commerce: None  [ Hair combs; hair brushes; powder puffs; cosmetic brushes; household utensils, namely, pans, frying pans, stockpots, colanders, crockery, namely, plates, bowls, cups, saucers, serving plates and bowls, mugs; containers for food; bowls; bread boards; beverage glassware; candlesticks and napkin rings, not of precious metal; coasters; cocktail stirrers; clothes brushes; shoe brushes; vases; porcelains, namely, ornaments and figurines, mugs; perfume burners ]</p> <p>Class 024. First use: First Use: None First Use In Commerce: None  [ Textile and textile goods, namely, bedspreads, table linen, curtains, household linen; fabric place mats; bed linen; handkerchiefs ]</p> <p>Class 025. First use: First Use: None First Use In Commerce: None  [ Clothing, namely, trousers, dresses, skirts, jumpers, knitwear, namely, jumpers, pullovers, cardigans, shawls; sweatshirts, t-shirts, shorts, jackets, coats, blouses, shirts, pullovers, sweaters; evening wear, namely, dresses, suits, tuxedos, waistcoats, coats, shawls; waistcoats suits; ties; scarves; shawls; swim wear; lingerie, hosiery; bathrobes; belts; footwear; head wear ]</p> <p>Class 035. First use: First Use: None First Use In Commerce: None  Retail store services featuring clothing, shoes, handbags, fashion goods namely, hats, jewelry, accessories, [ gloves, ] scarves and purses, fashion accessories, [</p>		

	cosmetics and skincare, home furnishings and gifts; ] computerized on line retail services featuring clothing, shoes, handbags, fashion goods, namely, hats, jewelry, accessories, [ gloves, ] scarves and purses, fashion accessories, [ cosmetics and skincare, home furnishings and gifts; and mail order catalog services featuring clothing, shoes, handbags, fashion goods namely, hats, jewelry, accessories, gloves, scarves and purses, fashion accessories, cosmetics and skincare, home furnishings and gifts ]
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U.S. registration no.	4113812	Application date	10/26/2010
Register	Principal		
Registration date	03/20/2012	Foreign priority date	NONE
Word mark	NET-A-PORTER		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None  (( Electronic downloadable publications in the nature of newspapers, [ magazines, ] articles, [ brochures, books, periodicals ] in the fields of fashion, news, lifestyle, culture, entertainment, travel, social networking; electronic applications for electronic telecommunications equipment ))</p> <p>Class 016. First use: First Use: None First Use In Commerce: None  [ Printed publications, namely, articles and newsletters in the field of fashion, news, lifestyle, culture, entertainment, travel; books in the field of fashion, news, lifestyle, culture, entertainment, travel; ] magazines in the field of fashion, news, lifestyle, culture, entertainment, travel; periodical publications in the field of fashion, news, lifestyle, culture, entertainment, travel; [ decalcomanias; paper gift tags; diaries; ] (( office requisites in the nature of notebooks; )) [ photographs in the nature of photographic prints ]</p> <p>Class 041. First use: First Use: None First Use In Commerce: None  (( Entertainment and educational services in the nature of providing online non-downloadable electronic media in the nature of images, sound, and images with sound and multimedia content in the nature of images, sounds, and images with sounds, videos, movies, pictures, images, text, photos, user-generated content, and audio content in the field of fashion, [ general interest, ] cultural events, entertainment-related topics, and fashion education-related topics; [ production of films on videotapes and all types of audiovisual or sound media in the field of fashion, general interest, cultural events and entertainment related topics; ] ))  electronic publishing of on-line non-downloadable [ books, ] magazines and periodicals in the field of fashion, [ general interest, ] cultural events and entertainment related topics; providing on-line non-downloadable electronic publications, namely, articles, newsletters, [ books, ] magazines and periodical publications in the field of fashion, [ general interest, ] cultural events and entertainment related topics; (( digital video, audio and multimedia entertainment publishing services in the field of fashion, [ general interest, ] cultural events and entertainment related topics; online digital publishing services in the field of fashion, general interest, cultural events and entertainment related topics; [ fashion show services, namely, production of fashion shows provided online from a computer database or the internet and transmitted via wireless communication device for entertainment purposes; news reporting in the field of current events; ] )) providing information about entertainment, lifestyle and cultural events; publication of electronic software applications for fashion, entertainment that provide information on fashion; (( providing electronic library services containing images, pictures, photographs, text and other multimedia content via an online computer network and other electronic communication networks; )) online journals, namely, blogs fea-</p>		


	<p>turing personal information and opinions [ ; organizing entertainment and cultural events, namely, art and fashion gallery ]</p> <p>Class 045. First use: First Use: None First Use In Commerce: None</p> <p>Providing information about fashion; ((providing consultancy, information and advisory services relating to fashion ))</p>
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U.S. registration no.	4128047	Application date	04/27/2011
Register	Principal		
Registration date	04/17/2012	Foreign priority date	11/22/2010
Word mark	NET-A-PORTER		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 035. First use: First Use: None First Use In Commerce: None</p> <p>Retail store services featuring clothing, fashion accessories including key fobs and umbrellas, textiles including towels, hair accessories, accessory scarves, gloves, belts, footwear, headwear, handbags, purses, cosmetics, toilet preparations, cosmetic bags sold empty, eyewear including sunglasses, jewelry, watches, leather goods including leather-bound notebooks and leather cases for mobile telephones; [ laptops and personal devices;] and online retail store services featuring clothing, fashion accessories including key fobs and umbrellas, textiles including towels, hair accessories, accessory scarves, gloves, belts, footwear, headwear, handbags, purses, cosmetics, toilet preparations, cosmetic bags sold empty, eyewear including sunglasses, jewelry, watches, leather goods including leather-bound notebooks and leather cases for mobile telephones [, laptops and personal devices ]</p>		

U.S. registration no.	4554960	Application date	09/12/2013
Register	Principal		
Registration date	06/24/2014	Foreign priority date	NONE
Word mark	NET-A-PORTER		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 035. First use: First Use: 2000 First Use In Commerce: 2006</p> <p>Retail store services featuring personal care products in the nature of creams for the face, body and hands, body lotion, face and body oil, bath oil, shower oil,</p>		

body balm, hand balm, lip balms, body moisturizer, body butter, foot file, foot lotion, foot mousse, foot oil, toothpaste, body cleanser, body scrub, body gel, hand wash, body brush, body and beauty care preparations, body pack consisting of exfoliating cream, body oil, body lotion, body mist, hand and nail treatment consisting of oil serum, cream and gloves, sun tanning products and preparations, tanning cream, liquid tan, tanning oil, tanning gel, sun moisturizer, mist sunscreen, tanning mitts, fragrances for personal use, perfumes, eau du toilette, eau de parfum, hair care products and preparations, hair serum, hair moisture masque, hair moisturizing cream, hair conditioner, hair shampoo, hair styling preparations, hair and styling gel, thickening spray, anti-humidity spray, texturizing spray, anti-frizz, detangling and styling cream, hairbrush, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, lipstick, lip crème, lip balm, lip exfoliator, lip conditioner, lip protector, moisturizer, foundation, gel foundation, concealer, loose powder, face powder, blusher, bronzing powder, eyeliner, eye pencil, mascara, eye shadow, eye cream and concealer, eye primer, brow gel, powder brush, eye shadow brush, sculpting brush, foundation brush, tweezers, ([ eyebrow stencils, brow scissors, ]) face peel, face mask, exfoliating cream, toning lotion, sculpting serum and cream, rose water, cream for spots, body mist, cuticle oil, ([ cuticle pusher, cuticle nipper, cuticle remover, nail buffer, ]) nail polish; the bringing together for the benefit of others in the field of personal care products in the nature of creams for the face, body and hands, body lotion, face and body oil, bath oil, shower oil, body balm, hand balm, lip balms, body moisturizer, body butter, foot file, foot lotion, foot mousse, foot oil, tooth paste, body cleanser, body scrub, body gel, hand wash, body brush, body and beauty care preparations, body pack consisting of exfoliating cream, body oil, body lotion, body mist, hand and nail treatment consisting of oil serum, cream and gloves, sun tanning products and preparations, tanning cream, liquid tan, tanning oil, tanning gel, sun moisturizer, mist sunscreen, tanning mitts, fragrances for personal use, perfumes, eau du toilette, eau de parfum, hair care products and preparations, hair serum, hair moisture masque, hair moisturizing cream, hair conditioner, hair shampoo, hair styling preparations, hair and styling gel, thickening spray, anti-humidity spray, texturizing spray, anti-frizz, detangling and styling cream, hairbrush, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, lipstick, lip crème, lip balm, lip exfoliator, lip conditioner, lip protector, moisturizer, foundation, gel foundation, concealer, loose powder, face powder, blusher, bronzing powder, eyeliner, eye pencil, mascara, eye shadow, eye cream and concealer, eye primer, brow gel, powder brush, eye shadow brush, sculpting brush, foundation brush, tweezers, ([ eyebrow stencils, brow scissors, ]) face peel, face mask, exfoliating cream, toning lotion, sculpting serum and cream, rose water, cream for spots, body mist, cuticle oil, ([ cuticle pusher, cuticle nipper, cuticle remover, nail buffer, ]) and nail polish enabling customers to conveniently view and purchase those goods; the provision of on-line retail store services from an internet website featuring personal care products in the nature of creams for the face, body and hands, body lotion, face and body oil, bath oil, shower oil, body balm, hand balm, lip balms, body moisturizer, body butter, foot file, foot lotion, foot mousse, foot oil, tooth paste, body cleanser, body scrub, body gel, hand wash, body brush, body and beauty care preparations, body pack consisting of exfoliating cream, body oil, body lotion, body mist, hand and nail treatment consisting of oil serum, cream and gloves, sun tanning products and preparations, tanning cream, liquid tan, tanning gel, sun moisturizer, mist sunscreen, tanning mitts, fragrances for personal use, perfumes, eau du toilette, eau de parfum, hair care products and preparations, hair serum, hair moisture masque, hair moisturizing cream, hair conditioner, hair shampoo, hair styling preparations, hair and styling gel, thickening spray, anti-humidity spray, texturizing spray, anti-frizz, detangling and styling cream, hairbrush, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, lipstick, lip crème, lip balm, lip exfoliator, lip conditioner, lip protector, moisturizer, foundation, gel foundation, concealer, loose powder, face powder, blusher, bronzing powder, eyeliner, eye pencil, mascara, eye shadow, eye cream and concealer, eye primer, brow gel, powder brush, eye shadow

	<p>brush, sculpting brush, foundation brush, tweezers, (( [ eyebrow stencils, brow scissors, ] )) face peel, face mask, exfoliating cream, toning lotion, sculpting serum and cream, rosewater, cream for spots, body mist, cuticle oil, (( [ cuticle pusher, cuticle nipper, cuticle remover, nail buffer, ] )) nail polish; the provision of retail store services via mobile phone, portable Internet-enabled device, or other telecommunications devices featuring personal care products in the nature of body and beauty care preparations, sun tanning products and preparations, fragrances for personal use, hair care products and preparations, cosmetic and non-medicated cosmetics, and non-medicated toilet preparations; provision of information and advice to consumers regarding the selection of products and items to be purchased</p> <p>Class 045. First use: First Use: 2000 First Use In Commerce: 2006</p> <p>Fashion information; providing information about fashion; providing fashion information about fashion designers</p>
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U.S. registration no.	4654917	Application date	12/11/2012
Register	Principal		
Registration date	12/16/2014	Foreign priority date	06/13/2012
Word mark	MRPORTER		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 035. First use: First Use: None First Use In Commerce: None</p> <p>Retail store services featuring clothing, headgear and footwear, jewellery, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eye wear, carrying cases, leather goods, handbags and all manner of bags; the bringing together for the benefit of others of clothing, headgear and footwear, jewellery, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eyewear, carrying cases, leather goods, handbags and all manner of bags enabling customers to conveniently view and purchase those goods; [ the provision of retail services, namely, mail order catalogue services featuring clothing, headgear and footwear, jewellery, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eye wear, carrying cases, leather goods, handbags and all manner of bags; ] the provision of on-line retail store services from an internet website featuring clothing, headgear and footwear, jewellery, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eye wear, carrying cases, leather goods, handbags and all manner of bags; the provision of retail store services via a television channel featuring television home shopping services in the fields of clothing, headgear and footwear, jewellery, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eye wear, carrying cases, leather goods, handbags and all manner of bags; the provision of retail store services via a telephone or mobile phone, portable Internet-enabled device, or other telecommunications device in the fields of clothing, headgear and footwear,</p>		

jewellery, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eyewear, carrying cases, leather goods, handbags and all manner of bags; the provision of retail store services featuring direct marketing services featuring clothing, headgear and footwear, jewellery, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eyewear, carrying cases, leather goods, handbags and all manner of bags; the provision of information and advice in the fields of shopping in the nature of retail store services and retail store services; [ business management consultancy; ] provision of advice and assistance in the selection of goods, namely, providing consumer product information for the purpose of selecting clothing, headgear and footwear, jewellery, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eyewear, carrying cases, leather goods, handbags and all manner of bags; promotion services, namely, promoting the goods and services of others through provision of sponsored hypertext links to third party websites; [ business services, namely, business consultation, business management and business advice; ] advertising for others; all of the foregoing services in this class excluding operation of an airline, and air transportation services of passengers, baggage and other freight

Class 038. First use: First Use: None First Use In Commerce: None

[ Telecommunication services, namely, providing access to telecommunication networks, telecommunications consultation, telecommunications gateway services; telecommunication services, namely, routing of Internet queries from end users to website hosting providers; data transmission and reception services via telecommunication means; data broadcast services via telecommunication means, namely, wireless broadcasting, internet broadcasting services; broadcast of cable television programs; ] broadcasting [ cable television, ] television, and radio programs via a global computer network; [ cable radio broadcasting and transmission; cable, network and satellite television broadcasting and transmission services; transmitting streamed sound and audio-visual recordings via the internet; ] streaming of audio and video material on the internet; digital and electronic transmission of voice, data, sound, images, audio and video content, and messages; [ video-on-demand transmission services; providing on-line chat rooms and forums and electronic bulletin boards for transmission of messages among users concerning music and entertainment; ] providing wireless transmission of voice, music, [ mp3 files, ] graphics, [ games, ] images, videos, information and information in the nature of news via a global computer network to wireless mobile communication devices; [ sending and receiving voice and text messages between wireless communication devices; and providing multiple-user access to a global computer information network; ] all of the foregoing services in this class excluding operation of an airline, and air transportation services of passengers, baggage and other freight

Class 042. First use: First Use: None First Use In Commerce: None

[ Computer services for registering, managing and tracking computer network domain names, namely, conducting online computerized searches for the availability of domain names, domain forwarding services; domain name registry services in the nature of coordinating the registration of domain names for identification of users and internet protocol addresses on the Internet, namely, conducting online computerized searches for the availability of domain names; verification of identities for the purpose of permitting or denying access to information and services in the nature of computer security services, namely, restricting access to computer networks to authorized users by means of a website featuring technology that verifies user identities and Internet Protocol (IP) address verification services; all of the foregoing services in this class excluding operation of an airline, and air transportation services of passengers, baggage and other freight ]

Class 045. First use: First Use: None First Use In Commerce: None

Provision of information in the field of fashion; providing advice and assistance in the selection of fashion goods, namely, fashion consulting services; providing

	on-line information in the field of fashion, via the internet and other electronic communications networks; [ registration of domain names for identification of users on a global computer network; verification of identities for the purpose of permitting or denying access to information and services, namely, providing authentication of personal identification information; providing an online computer database in the field of domain name registration information; providing user authentication services in e-commerce transactions; providing an online computer database in the field of domain name registration information for the purpose of domain name availability searches; ] all of the foregoing services in this class excluding operation of an airline, and air transportation services of passengers, baggage and other freight
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U.S. registration no.	4661381	Application date	11/24/2010
Register	Principal		
Registration date	12/30/2014	Foreign priority date	05/26/2010
Word mark	MR PORTER		
Design mark	<b>MR PORTER</b>		
Description of mark	NONE		
Goods/services	Class 035. First use: First Use: None First Use In Commerce: None On-line retail store services featuring clothing, headwear and footwear, jewelry, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eyewear all from an internet website; retail store services featuring clothing, headwear and footwear, jewelry, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eyewear all via a television channel; retail store services featuring clothing, headwear and footwear, jewelry, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eyewear all accessible via a telephone or mobile phone or other communications devices; retail store services featuring clothing, headwear and footwear, jewelry, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eyewear, all by way of direct marketing; the provision of information and advice in relation to performing retail store services; [ business management consultancy; ] provision of advice and assistance in the selection of goods in the nature of style advice on the types of clothes, headwear, footwear, jewelry, eyewear and accessories to wear and use for different occasions or in varying environments, and styling advice on how to wear and present clothing, headwear, footwear, jewelry, eyewear and accessories; advertising for others; * all of the foregoing excluding retail sale of goods through brick and mortar stores; * all the foregoing excluding operation of an airline, and air transportation services of passengers, baggage and other freight		

U.S. registration no.	5229836	Application date	03/07/2012
Register	Principal		
Registration date	06/27/2017	Foreign priority date	09/08/2011
Word mark	MISS PORTER		
Design mark	<b>MISS PORTER</b>		



Description of mark	NONE
Goods/services	Class 035. First use: First Use: None First Use In Commerce: None The provision of retail store and on-line retail store services featuring clothing, headgear and footwear, jewelry, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eye wear, from an Internet website; the provision of retail store services featuring clothing, headgear and footwear, jewelry, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eye wear, via a television channel; the provision of retail store services featuring clothing, headgear and footwear, jewelry, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eye wear, via a telephone or mobile phone or telecommunications device; the provision of retail store services featuring clothing, headgear and footwear, jewelry, watches, fashion accessories, textiles, cosmetics, non-medicated toilet preparations, eye wear, by way of direct marketing; the provision of information and advice in relation to retail services; business management consultancy; provision of advice and assistance in the selection of goods; advertising for others; none of the foregoing provided by a school, provided in affiliation with a school, or bearing indicia of a school, and all the foregoing excluding brick and mortar retail store services

U.S. registration no.	5234605	Application date	03/25/2013
Register	Principal		
Registration date	07/04/2017	Foreign priority date	03/07/2013

Word mark	MR PORTER APOTHECARY
Design mark	<b>MR PORTER APOTHECARY</b>

Description of mark	NONE
Goods/services	Class 003. First use: First Use: None First Use In Commerce: None Personal care products, namely, soap, after shave emulsions, after shave balm, after shave lotion, non-medicated alum block for use after shaving, antiperspirant, cosmetic astringent for the face and skin, bath additives in the nature of skin moisturizers and aromatherapy oils, bath gel, bath oil, non-medicated bath soaks, shower gel, blush, non-medicated body balm, facial and skin cleansers, skin moisturizer; body and beauty care preparations, namely, non-medicated body ointments and salve, spot cream, body scrub, body wash, cleansing cream, cold cream, cologne, cosmetics, dentifrice, deodorants for personal use, depilatories, dusting powder, essential oils for personal use, eye cream, eye gel, eyeliner, eye shadow, face cleanser, face cream, cosmetics, namely, face gel, anti-ageing cream, line plumper; face lotion, face mask, face mist, face moisturizer, face powder, face scrub, non-medicated face serum, face toner, face wash, foot cream, non-medicated foot powder, non-medicated foot salve, fragrances for personal use, hair bleaches, hair conditioner, hair detangler, hair pomade, hair shampoo, dry shampoo, hair styling preparations, hair waxes, hand

cleanser, lip buffer, lip exfoliator, non-medicated lip care preparations in the nature of salves, lip balms, lip shine, lip stick, liquid cleansers for the face and skin, make up remover, mascara, massage cream, massage oil, non-medicated mouthwash, tooth paste, nail cream, nail polish, cuticle oil, non-medicated nose balm, perfumes, eau du toilette, eau de parfum, colognes, sun tanning cream, sun tanning lotion, bronzer, pumice stone for personal use, scented room spray, non-medicated body salve, namely, rose salve, toilet water, namely, rose water, shaving balm, shaving cream, shaving gel, shave lather, shower gel, skin cream, skin lotion, skin tonic, non-medicated sun care preparations, talcum powder, medicated soaps; non-medicated bath salts, \*; all of the foregoing goods in this class excluding operation of an airline, and air transportation services of passengers, baggage and other freight\*

Class 035. First use: First Use: None First Use In Commerce: None

Retail store services featuring clothing, headgear and footwear, fashion accessories, textiles, personal care products, including, soap, after shave emulsions, after shave balm, after shave lotion, bath gel, bath oil, non-medicated bath soaks, shower gel, body and beauty care preparations, fragrances for personal use, hair conditioner, hair shampoo, dry shampoo, hair styling preparations, hair waxes, salves, lip balms, tooth paste, perfumes, eau du toilette, eau de parfum, colognes, shaving balm, shaving cream, shaving gel, shower gel, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, carrying cases, leather goods, handbags and all manner of bags; the bringing together for the benefit of others of clothing, headgear and footwear, fashion accessories, textiles, personal care products, including, soap, after shave emulsions, after shave balm, after shave lotion, bath gel, bath oil, non-medicated bath soaks, shower gel, body and beauty care preparations, fragrances for personal use, hair conditioner, hair shampoo, dry shampoo, hair styling preparations, hair waxes, salves, lip balms, tooth paste, perfumes, eau du toilette, eau de parfum, colognes, shaving balm, shaving cream, shaving gel, shower gel, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, carrying cases, leather goods, handbags and all manner of bags enabling customers to conveniently view and purchase those goods; the provision of retail store services via a mail order catalogue featuring clothing, headgear and footwear, fashion accessories, textiles, personal care products, including, soap, after shave emulsions, after shave balm, after shave lotion, bath gel, bath oil, non-medicated bath soaks, shower gel, body and beauty care preparations, fragrances for personal use, hair conditioner, hair shampoo, dry shampoo, hair styling preparations, hair waxes, salves, lip balms, tooth paste, perfumes, eau du toilette, eau de parfum, colognes, shaving balm, shaving cream, shaving gel, shower gel, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, carrying cases, leather goods, handbags and all manner of bags; the provision of on-line retail store services from an internet website featuring clothing, headgear and footwear, fashion accessories, textiles, personal care products, including, soap, after shave emulsions, after shave balm, after shave lotion, bath gel, bath oil, non-medicated bath soaks, shower gel, body and beauty care preparations, fragrances for personal use, hair conditioner, hair shampoo, dry shampoo, hair styling preparations, hair waxes, salves, lip balms, tooth paste, perfumes, eau du toilette, eau de parfum, colognes, shaving balm, shaving cream, shaving gel, shower gel, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, carrying cases, leather goods, handbags and all manner of bags; the provision of retail store services via a television channel featuring clothing, headgear and footwear, fashion accessories, textiles, personal care products, including, soap, after shave emulsions, after shave balm, after shave lotion, bath gel, bath oil, non-medicated bath soaks, shower gel, body and beauty care preparations, fragrances for personal use, hair conditioner, hair shampoo, dry shampoo, hair styling preparations, hair waxes, salves, lip balms, tooth paste, perfumes, eau du toilette, eau de parfum, colognes, shaving balm, shaving cream, shaving gel, shower gel, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, carrying cases, leather goods, handbags and all

	<p>manner of bags; the provision of retail store services via a telephone or mobile phone, portable Internet-enabled device, or other telecommunications device featuring clothing, headgear and footwear, fashion accessories, textiles, personal care products, including, soap, after shave emulsions, after shave balm, after shave lotion, bath gel, bath oil, non-medicated bath soaks, shower gel, body and beauty care preparations, fragrances for personal use, hair conditioner, hair shampoo, dry shampoo, hair styling preparations, hair waxes, salves, lip balms, tooth paste, perfumes, eau du toilette, eau de parfum, colognes, shaving balm, shaving cream, shaving gel, shower gel, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, carrying cases, leather goods, handbags and all manner of bags; the provision of retail store services by way of direct marketing featuring clothing, headgear and footwear, fashion accessories, textiles, personal care products, including, soap, after shave emulsions, after shave balm, after shave lotion, bath gel, bath oil, non-medicated bath soaks, shower gel, body and beauty care preparations, fragrances for personal use, hair conditioner, hair shampoo, dry shampoo, hair styling preparations, hair waxes, salves, lip balms, tooth paste, perfumes, eau du toilette, eau de parfum, colognes, shaving balm, shaving cream, shaving gel, shower gel, cosmetics and non-medicated cosmetics, non-medicated toilet preparations, carrying cases, leather goods, handbags and all manner of bags; business management consultancy; provision of consumer product information advice and business assistance in the selection of goods for purchase, namely, clothes, headwear, footwear, jewelry, eyewear, and accessories; promotion services through provision of sponsored links to third party websites; advertising services, namely, provision of consumer product information advice and assistance in the selection of goods; advertising for others; the provision of information and advice in relation to retail store services, all the foregoing excluding brick and mortar retail store services *; all of the foregoing goods in this class excluding operation of an airline, and air transportation services of passengers, baggage and other freight*</p>
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Attachments	<p>85306556#TMSN.png( bytes )        86062831#TMSN.png( bytes )        85799696#TMSN.png( bytes )        79092232#TMSN.png( bytes )        79114127#TMSN.png( bytes )        85885929#TMSN.png( bytes )        F4667871.pdf(19395 bytes )</p>
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Signature	/Shelby P. Rokito/
Name	SHELBY P. ROKITO
Date	06/15/2022

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

THE NET-A-PORTER GROUP LIMITED,

Opposer,

v.

ALEXANDER M. STANZEL,

Applicant.

**NOTICE OF OPPOSITION**

The Net-A-Porter Group Limited (“Opposer”), a limited company organized under the laws of the United Kingdom, having a place of business at 1 The Village Offices, Westfield, Ariel Way, London W12 7GF, United Kingdom, believes that it will be damaged by the issuance of a registration for the mark PORTER FOOTWEAR, as applied for in Application Serial No. 90/695,106, and therefore opposes the same. As grounds for the opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

**FACTS**

**A. Opposer and Opposer’s PORTER Marks**

1. Opposer is a premier online fashion luxury retailer.
2. Since at least as early as June 2000, Opposer has used the mark NET-A-PORTER in connection with its business and ancillary products and services. Since that time, Opposer has also used and/or registered various PORTER-inclusive marks in connection with its business (together, the “PORTER Marks”).
3. By way of example, Opposer publishes *PORTER* Magazine, a fashion magazine in which Opposer has established a strong reputation in connection with fashion items, such as

footwear. Opposer’s *PORTER* Magazine has enjoyed high circulation, substantial subscription rates, and has garnered significant public attention.

4. Opposer has made a substantial investment in its goods and services bearing the PORTER Marks. Though sales, advertising, and extensive promotional efforts, the PORTER Marks have come to identify Opposer’s goods and services exclusively and uniquely, have become well-known, and represent enormous goodwill of Opposer.

5. Opposer owns numerous federal registrations for the PORTER Marks, including but not limited to the following:

<b>Mark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>International Class(es)</b>
NET-A-PORTER	2,661,220*	Dec. 17, 2002	35
NET-A-PORTER	4,113,812*	Mar. 20, 2012	9; 16; 41; 45
NET-A-PORTER	4,128,047*	Apr. 17, 2012	35
NET-A-PORTER	4,554,960*	June 24, 2014	35, 45
MRPORTER	4,654,917*	Dec. 16, 2014	35; 38; 45
MR PORTER	4,661,381*	Dec. 30, 2014	35
MISS PORTER	5,229,836	Jun. 27, 2017	35
MR PORTER APOTHECARY	5,234,605	Jul. 4, 2017	3; 35

6. The above registrations are valid, subsisting, in full force and effect, and serve as prima facie evidence of the validity of the PORTER Marks, of Opposer’s ownership of the marks, and of Opposer’s exclusive right to use the marks in connection with the goods identified therein, pursuant to Section 33(a) of the Lanham Act, 15 U.S.C. § 1115(a). Opposer’s trademark registrations also place others, including Applicant, on constructive notice of those rights. *See* 15 U.S.C. § 1072. Furthermore, the registrations marked with an asterisk (\*) have become

incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065, and thus constitute conclusive evidence of the validity of the mark, of Opposer's ownership of the mark, and of Opposer's exclusive right to use the mark in connection with the goods identified therein, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b).

**B. Applicant and the Application**

7. Upon information and belief, and according to the records of the U.S. Patent and Trademark office (the "USPTO"), Applicant is an individual doing business as "Porter Footwear" with an address of 20 N Ave W, Cranford, New Jersey 07016.

8. Upon information and belief, and according to the records of the USPTO, on May 6, 2021, Applicant filed Application Serial No. 90/695,106 (the "Application") to register the standard character mark PORTER FOOTWEAR ("Applicant's Mark") for use in connection with "Footwear" in International Class 25. The Application, which disclaims the term "FOOTWEAR," was filed based on an intent to use Applicant's Mark in commerce pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b).

9. Applicant is not connected to Opposer in any way, and has not been authorized by Opposer to register or use Applicant's Mark.

10. The PORTER Marks have been used continuously and/or registered by Opposer since a date prior to any date on which Applicant can rely.

11. Upon information and belief, Applicant had actual knowledge of Opposer's prior rights to and interest in the PORTER Marks before adopting, using, or seeking to register Applicant's Mark for closely related goods. At a minimum, as a matter of law, Applicant was on constructive notice of Opposer's rights in its PORTER Marks based on Opposer's registrations therefor. *See* 15 U.S.C. § 1072.

12. The registration of Applicant's Mark in connection with the goods applied for in the Application would be inconsistent with Opposer's prior rights in its PORTER Marks, as well as inconsistent with Opposer's statutory grant of exclusivity of use of its registered marks, and would destroy Opposer's investment and goodwill in its marks.

13. Opposer, therefore, is entitled to bring a statutory cause of action and to assert the cause of action set forth herein.

**FIRST GROUND FOR RELIEF:  
PRIORITY AND LIKELIHOOD OF CONFUSION UNDER 15 U.S.C. § 1052(d)**

14. Opposer repeats and re-alleges the allegations contained in Paragraphs 1 through 13 above as if fully set forth herein.

15. The PORTER Marks are exclusively associated with Opposer and have been used continuously by Opposer since a date prior to any date on which Applicant can rely for its claim of rights in Applicant's Mark. Accordingly, Opposer's rights in the PORTER Marks are prior and superior to any rights Applicant may claim in Applicant's Mark.

16. Applicant's Mark is substantially similar to Opposer's PORTER Marks in sound, sight, and commercial impression.

17. Applicant's Mark incorporates entirely the term PORTER as it appears in Opposer's PORTER Marks.

18. The goods identified in the Application are identical or closely related to goods and services offered by and registered to Opposer under the PORTER Marks.

19. By virtue of Opposer's longstanding use of the PORTER Marks, the goodwill associated with the marks, and Opposer's registrations therefor, the registration by Applicant of a mark confusingly similar to the PORTER Marks for goods closely related to goods and services offered by Opposer under the PORTER Marks, is likely to cause confusion or mistake or to

deceive the purchasing public into mistakenly believing that Applicant's goods offered under Applicant's Mark originate from, come from, or are otherwise associated with Opposer, or that Applicant's goods offered in connection with Applicant's Mark are endorsed, sponsored, or in some way connected with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

20. By reason of the foregoing, Opposer is likely to be harmed by the registration of Applicant's Mark as applied for in the Application.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration of Applicant's Mark as applied for in the Application be refused in its entirety.

Dated: New York, NY  
June 15, 2022

FROSS ZELNICK LEHRMAN &  
ZISSU, P.C.

By:           /Shelby P. Rokito/            
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