

ESTTA Tracking number: **ESTTA1218415**

Filing date: **06/29/2022**

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	Hudson Clothing, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	350 FIFTH AVENUE 6TH FLOOR NEW YORK, NY 10118 UNITED STATES		
Attorney information	JULIE KAPPELMAN VALDES WOOD HERRON & EVANS LLP 441 VINE STREET 2700 CAREW TOWER CINCINNATI, OH 45202 UNITED STATES Primary email: jvaldes@whe-law.com Secondary email(s): tremaklus@whe-law.com, usptodock@whe-law.com, sdaczko@whe-law.com 513-241-2324		
Docket no.	HUDSON-24		

Applicant information

Application no.	90841479	Publication date	05/31/2022
Opposition filing date	06/29/2022	Opposition period ends	06/30/2022
Applicant	BEIHAI KINGMA CO.,LTD. 5/F, NO.C2 BLDG, BEITOU SCI&TECH IND PK NO.23 JILIN ROAD BEIHAI, GUANGXI, 536005 CHINA		

Goods/services affected by opposition

Class 018. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Briefcases; Handbags; Luggage; Rucksacks; Backpacks for carrying infants; Pocket wallets; Sling bags for carrying infants; Sports bags; Tool bags, empty; Travelling bags

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	3385499	Application date	05/01/2006
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no.			
Register	Principal		
Registration date	02/19/2008	Foreign priority date	NONE
Word mark	HUDSON		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: May 2002 First Use In Commerce: Jul 2002 Clothing not made of leather, namely, jeans, pants, shirts, jackets, and skirts		

U.S. registration no.	3273129	Application date	04/19/2002
Register	Principal		
Registration date	08/07/2007	Foreign priority date	NONE
Word mark	HUDSON		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Jul 2002 First Use In Commerce: Jul 2002 Women's jeans		

U.S. application no.	87824588	Application date	03/07/2018
Registration date	NONE	Foreign priority date	NONE
Word mark	HUDSON JEANS		
Design mark			
Description of mark	NONE		
Goods/services	Class 016. First use: First Use: None First Use In Commerce: None Passport cases Class 018. First use: First Use: None First Use In Commerce: None Carry-all bags, tote bags, travel bags, carrying cases, overnight bags, backpacks, duffle bags, messenger bags, handbags, wallets, business card and credit card cases, luggage tags and key cases Class 025. First use: First Use: None First Use In Commerce: None Belts, sleepwear and intimate apparel, namely underwear, bras, and lingerie		

U.S. application no.	87820076	Application date	03/05/2018
Registration date	NONE	Foreign priority date	NONE
Word mark	HUDSON		

Design mark	HUDSON
Description of mark	NONE
Goods/services	Class 016. First use: First Use: None First Use In Commerce: None Passport cases Class 018. First use: First Use: None First Use In Commerce: None Carry-all bags, tote bags, travel bags, carrying cases, overnight bags, backpacks, duffle bags, messenger bags, handbags, wallets, business card and credit card cases, luggage tags and key cases


U.S. application no.	97017995	Application date	09/08/2021
Registration date	NONE	Foreign priority date	NONE

Word mark	HDSN
Design mark	HDSN
Description of mark	NONE
Goods/services	Class 025. First use: First Use: None First Use In Commerce: None Clothing, namely, tops, pants, sweaters, jeans, dresses, skirts, scarves, gloves, hats, socks; Outerwear, namely, coats, jackets, hats, gloves, scarves; Denim clothing, namely, tops as clothing, bottoms as clothing, tops, jackets, pants, shorts, jeans, dresses, skirts, scarves, gloves, hats

U.S. application no.	97236111	Application date	01/24/2022
Registration date	NONE	Foreign priority date	NONE
Word mark	HUDSON JEANS		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: None First Use In Commerce: None		

	Footwear; Headwear; Hosiery; Socks; Swimwear; Clothing, namely, blouses, dresses, hoodies, jackets, jeans, neckwear, pants, shirts, skirts, shorts; Outerwear, namely, coats, hats, gloves, scarves; Bottoms as clothing; Tops as clothing
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U.S. application no.	97342344	Application date	04/01/2022
Registration date	NONE	Foreign priority date	NONE
Word mark	HUDSON JEANS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None Downloadable virtual goods, namely, computer programs featuring articles of clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, sportswear, fashion accessories, and related goods; Downloadable multimedia file containing artwork, text, audio, and video relating to clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, fashion accessories, and related goods; authenticated by non-fungible tokens (NFTs); Downloadable multimedia files containing artwork, text, audio and video relating to clothing, footwear, headwear, jackets, jewelry, handbags, bags, backpacks, luggage, fashion accessories, and related goods provided with non-fungible tokens or other digital tokens based on blockchain technology; Digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs) and digital art; Eyewear; Eyewear cases; Sunglasses; Sunglass cases; Eyeglasses; Eyeglass frames; Eyeglass cases</p> <p>Class 041. First use: First Use: None First Use In Commerce: None Entertainment services, namely, providing on-line, non-downloadable virtual articles of clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, sportswear, fashion accessories, and related goods for use in virtual environments created for entertainment purposes for use in online virtual worlds</p>		

U.S. application no.	97342353	Application date	04/01/2022
Registration date	NONE	Foreign priority date	NONE
Word mark	HUDSON		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None Downloadable virtual goods, namely, computer programs featuring articles of</p>		

	<p>clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, sportswear, fashion accessories, and related goods; Downloadable multimedia file containing artwork, text, audio, and video relating to clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, fashion accessories, and related goods; authenticated by non-fungible tokens (NFTs); Downloadable multimedia files containing artwork, text, audio and video relating to clothing, footwear, headwear, jackets, jewelry, handbags, bags, backpacks, luggage, fashion accessories, and related goods provided with non-fungible tokens or other digital tokens based on blockchain technology; Digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs) and digital art; Eyewear; Eyewear cases; Sunglasses; Sunglass cases; Eyeglasses; Eyeglass frames; Eyeglass cases</p> <p>Class 041. First use: First Use: None First Use In Commerce: None</p> <p>Entertainment services, namely, providing on-line, non-downloadable virtual articles of clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, sportswear, fashion accessories, and related goods for use in virtual environments created for entertainment purposes for use in online virtual worlds</p>
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U.S. application no.	97349086	Application date	04/06/2022
Registration date	NONE	Foreign priority date	NONE
Word mark	HUDSON JEANS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None</p> <p>Eyewear; eyewear cases; sunglasses; sunglass cases; eyeglasses; eyeglass frames; eyeglass cases</p> <p>Class 014. First use: First Use: None First Use In Commerce: None</p> <p>Watches; jewelry</p> <p>Class 020. First use: First Use: None First Use In Commerce: None</p> <p>Pillows; cushions; beach chairs; chairs</p> <p>Class 024. First use: First Use: None First Use In Commerce: None</p> <p>Bedsheets; bed linen; pillow cases; bedblankets; bed covers; quilts; comforters; duvets; bed blankets; blanket throws; blankets; bedspreads; towels; shower curtains; curtains; travelling rugs; curtains; travel throws</p> <p>Class 027. First use: First Use: None First Use In Commerce: None</p> <p>Rugs; mats; floor coverings</p>		

Attachments	<p>87820076#TMSN.png(bytes)</p> <p>97017995#TMSN.png(bytes)</p> <p>97342353#TMSN.png(bytes)</p> <p>Notice of Opposition_HIDISUN.pdf(135024 bytes)</p>
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Signature	/Julie K. Valdes/
Name	Julie Kappelman Valdes
Date	06/29/2022

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

In the Matter of

Application No. : 90/841,479
Applicant : BEIHAI KINGMA CO.,LTD
Mark : **HIDISUN**
Filing Date : July 21, 2021
Publication Date : May 31, 2022

Hudson Clothing, LLC,

Opposer

- v -

BEIHAI KINGMA CO., LTD,

Applicant

Opposition No.

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Hudson Clothing, LLC, a limited liability company organized under the laws of the State of California, having a principal place of business at 350 Fifth Avenue, 6th floor, New York City, New York 10118 (hereinafter "Opposer") believes that it will be damaged by registration and use of the mark shown in Trademark Application Serial No. 90/841,479 filed July 21, 2021 and published for opposition on May 31, 2022, in connection with "Briefcases; Handbags; Luggage; Rucksacks; Backpacks for carrying infants; Pocket wallets; Sling bags for carrying infants; Sports bags; Tool bags, empty; Travelling bags" in International Class 18. Opposer hereby opposes said application.

GROUNDS FOR OPPOSITION

As grounds for the opposition, it is alleged that:

1. Opposer is the owner of the following U.S. trademark registrations and pending trademark applications for marks that include the word **HUDSON**:

Mark	Key Dates	Goods & Services
HUDSON SN: 78/873,343 RN: 3,385,499	First Use: May 2002 Filed: May 1, 2006 Registered: February 19, 2008	Class 25 - Clothing not made of leather, namely, jeans, pants, shirts, jackets, and skirts
HUDSON SN: 76/397,437 RN: 3,273,129	First Use: July 2002 Filed: April 19, 2002 Registered: August 7, 2007	Class 25 - Women's jeans

Mark	Key Dates	Goods & Services
HUDSON JEANS SN: 87/824,588	Filed: March 7, 2018	<p>Class 16 - Passport cases</p> <p>Class 18 - Carry-all bags, tote bags, travel bags, carrying cases, overnight bags, backpacks, duffle bags, messenger bags, handbags, wallets, business card and credit card cases, luggage tags and key cases</p> <p>Class 25 - Belts, sleepwear and intimate apparel, namely underwear, bras, and lingerie</p>
HUDSON SN: 87/820,076	Filed: March 5, 2018	<p>Class 16 - Passport cases</p> <p>Class 18 - Carry-all bags, tote bags, travel bags, carrying cases, overnight bags, backpacks, duffle bags, messenger bags, handbags, wallets, business card and credit card cases, luggage tags and key cases</p>
HDSN SN: 97/017,995	Filed: September 8, 2021	Class 25 - Clothing, namely, tops, pants, sweaters, outerwear, denim, jeans, dresses, skirts, scarves, gloves, hats, socks
HUDSON JEANS SN: 97/236,111	Filed: January 24, 2022	Class 25 - Footwear; Headwear; Hosiery; Socks; Swimwear; Clothing, namely, blouses, dresses, hoodies, jackets, jeans, neckwear, pants, shirts, skirts, shorts; Outerwear, namely, coats, hats, gloves, scarves; Bottoms as clothing; Tops as clothing

Mark	Key Dates	Goods & Services
<p>HUDSON JEANS SN: 97/342,344</p>	<p>Filed: April 1, 2022</p>	<p>Class 9 - Downloadable virtual goods, namely, computer programs featuring articles of clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, sportswear, fashion accessories, and related goods; Downloadable multimedia file containing artwork, text, audio, and video relating to clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, fashion accessories, and related goods; authenticated by non-fungible tokens (NFTs); Downloadable multimedia files containing artwork, text, audio and video relating to clothing, footwear, headwear, jackets, jewelry, handbags, bags, backpacks, luggage, fashion accessories, and related goods provided with non-fungible tokens or other digital tokens based on blockchain technology; Digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs) and digital art; Eyewear; Eyewear cases; Sunglasses; Sunglass cases; Eyeglasses; Eyeglass frames; Eyeglass cases</p> <p>Class 41 - Entertainment services, namely, providing on-line, non-downloadable virtual articles of clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, sportswear, fashion accessories, and related goods for use in virtual environments created for entertainment purposes for use in online virtual worlds</p>

Mark	Key Dates	Goods & Services
<p>HUDSON SN: 97/342,353</p>	<p>Filed: April 1, 2022</p>	<p>Class 9 - Downloadable virtual goods, namely, computer programs featuring articles of clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, sportswear, fashion accessories, and related goods; Downloadable multimedia file containing artwork, text, audio, and video relating to clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, fashion accessories, and related goods; authenticated by non-fungible tokens (NFTs); Downloadable multimedia files containing artwork, text, audio and video relating to clothing, footwear, headwear, jackets, jewelry, handbags, bags, backpacks, luggage, fashion accessories, and related goods provided with non-fungible tokens or other digital tokens based on blockchain technology; Digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs) and digital art; Eyewear; Eyewear cases; Sunglasses; Sunglass cases; Eyeglasses; Eyeglass frames; Eyeglass cases</p> <p>Class 41 - Entertainment services, namely, providing on-line, non-downloadable virtual articles of clothing, footwear, headwear, jackets, jewelry, candles, handbags, bags, backpacks, luggage, sportswear, fashion accessories, and related goods for use in virtual environments created for entertainment purposes for use in online virtual worlds</p>

Mark	Key Dates	Goods & Services
HUDSON JEANS SN: 97/349,086	Filed: April 6, 2022	Class 9 - Eyewear; eyewear cases; sunglasses; sunglass cases; eyeglasses; eyeglass frames; eyeglass cases Class 14 - Watches; jewelry Class 20 - Pillows; cushions; beach chairs; chairs Class 24 - Bedsheets; bed linen; pillow cases; bed blankets; bed covers; quilts; comforters; duvets; bed blankets; blanket throws; blankets; bedspreads; towels; shower curtains; curtains; travelling rugs; curtains; travel throws Class 27 - Rugs; mats; floor coverings

2. The above-listed registrations are presently valid and in good standing. Copies of the TESS Printouts corresponding to each of the above-listed registrations are attached hereto as **Exhibit A**.

3. Opposer's marks are referred to hereinafter as the "**HUDSON Marks**."

4. Several of the above-listed **HUDSON Marks** are incontestable under 15 U.S.C. § 1065.

5. Opposer's first use of **HUDSON** is at least as early as 2002.

6. In addition to the above-listed registrations, Opposer uses its **HUDSON Marks** in connection with goods and services it promotes through its website and through other media and marketing channels.

7. The **HUDSON Marks** are distinctive and serve as valid source indicators with respect to the goods and services offered by Opposer under the marks. Opposer markets its

products directly to consumers and its products are also sold in a wide variety of channels and settings.

8. Opposer has expended substantial amounts of time, money, and effort over the years in advertising, promoting, and popularizing the **HUDSON Marks** and in developing and preserving the goodwill associated therewith. As a result, Opposer's customers and potential customers have all come to know and recognize the **HUDSON Marks** as owned by Opposer and to associate the **HUDSON Marks** with Opposer and its goods and services.

9. Upon information and belief, and according to the U.S. Trademark Office's Trademark Status and Document Retrieval System ("TSDR"), Applicant BEIHAI KINGMA CO., LTD. is a limited company organized in China.

10. Upon information and belief, Applicant is the owner of U.S. Trademark Application Serial No. 90/841,479, for the mark **HIDISUN** in connection with the following goods in International Class 18:

Briefcases; Handbags; Luggage; Rucksacks; Backpacks for carrying infants;
Pocket wallets; Sling bags for carrying infants; Sports bags; Tool bags, empty;
Travelling bags

Applicant's mark is referred to hereinafter as the "**HIDISUN Mark**."

11. Applicant filed Application Serial No. 90/841,479 under Section 1(a) of the Trademark Act.

12. Applicant is not entitled to use or register as a trademark the **HIDISUN Mark** for which it seeks, nor was Applicant entitled to use or register that mark either on July 21, 2021, the date of filing of said application, or on May 31, 2022, the date of publication of the application in the Official Gazette. Applicant's application for registration came well after Opposer's **HUDSON Marks** were in use and were federally registered in the United States.

13. Applicant knew or should have known of the **HUDSON Marks** when Applicant applied for the **HIDISUN Mark** in the United States.

14. Applicant's adoption and use of the **HIDISUN Mark** is without the license or permission of Opposer.

15. Applicant's **HIDISUN Mark** is confusingly similar to the **HUDSON Marks** in appearance, sound, connotation, and commercial impression. Consumers who encounter Applicant's **HIDISUN Mark** are likely to associate the mark with the **HUDSON Marks** and assume a connection between Opposer's **HUDSON Marks** and Applicant's **HIDISUN Mark**.

16. The goods and services listed in the **HIDISUN** mark are closely related to the goods and services offered by Opposer in connection with the **HUDSON Marks**.

17. Applicant's **HIDISUN Mark** so resembles Opposer's **HUDSON Marks** as to be likely, when applied to the goods and services of Applicant, to cause confusion or mistake or to deceive persons by creating the erroneous impression that Applicant's services originate with or come from Opposer, are authorized, licensed, endorsed, sponsored by, or are connected in some way with Opposer, or that Opposer concurs with the connotation that Applicant's mark imparts. Therefore, the registration thereof by Applicant would be injurious to Opposer.

18. If Applicant is permitted to register the **HIDISUN Mark** for the goods and services specified in the application herein opposed, such registration would result in confusion in the marketplace by reason of the similarity between the **HIDISUN Mark** and the **HUDSON Marks**, thereby damaging and injuring Opposer and damaging the reputation which Opposer has established for the goods and services offered and sold in association with the **HUDSON Marks**.

19. Registration of the **HIDISUN Mark** is barred by the provisions of the Lanham Act, 15 U.S.C. §1052(d), for the reason that the applied-for marks consist of or comprise marks

which so resembles the **HUDSON Marks** previously registered in the United States Patent and Trademark Office, or of a mark previously used by Opposer and not abandoned, as to be likely, when used in connection with the goods and/or services of Applicant, to cause confusion, mistake or to deceive.

20. If Applicant is granted registration for the opposed mark, Applicant would thereby obtain a *prima facie* right to the use of the **HUDSON Mark**. Such rights would be a further source of damage to Opposer.

21. For all of the above reasons, use of the **HIDISUN Mark** by Applicant is likely to cause confusion, cause mistake, or deceive the public, and cause the public to believe that the goods and/or services offered under the **HIDISUN Mark** emanate from or are otherwise sponsored or endorsed by Opposer, in violation of 15 U.S.C. §1052(d).

22. By reason of the foregoing, Opposer will be damaged by registration of the **HIDISUN Mark** to Applicant.

WHEREFORE, Opposer prays that said Application Serial No. 90/841,479 be rejected; that registration of the **HIDISUN Mark** as a trademark to Applicant be refused and denied; and that this opposition be sustained in Opposer's favor. Opposer requests such other and further relief as the Board may deem just and proper.

The opposition fee in the amount of \$600.00 is filed herewith. If additional fees are due, the Commissioner is authorized to charge Deposit Account No. 23-3000 in case of any deficiency.

Date: June 29, 2022

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

/Julie K. Valdes/
Julie Kappelman Valdes
Theodore R. Remaklus
Attorneys for Opposer,
Centric Brands Holding LLC
Email:

WOOD HERRON & EVANS LLP
2700 Carew Tower, 441 Vine Street
Cincinnati, Ohio 45202
Voice: (513) 241-2324
Facsimile: (513) 241-6234

EXHIBIT A



United States Patent and Trademark Office

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> Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jun 28 03:47:22 EDT 2022

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TSDR ASSIGN Status TTAB Status

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HUDSON

Word Mark HUDSON

Goods and Services IC 025. US 022 039. G & S: Clothing not made of leather, namely, jeans, pants, shirts, jackets, and skirts. FIRST USE: 20020500. FIRST USE IN COMMERCE: 20020700

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78873343

Filing Date May 1, 2006

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 22, 2007

Registration Number 3385499

Registration Date February 19, 2008

Owner (REGISTRANT) Hudson Clothing, LLC LIMITED LIABILITY COMPANY CALIFORNIA 4800 East 26th Street Vernon CALIFORNIA 90040
(LAST LISTED OWNER) HUDSON CLOTHING, LLC LIMITED LIABILITY COMPANY CALIFORNIA c/o Centric Brands, Inc. 6th Floor, 350 Fifth Avenue New York NEW YORK 10118

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Theodore R. Remaklus

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20180120.

Renewal 1ST RENEWAL 20180120

Live/Dead Indicator LIVE

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United States Patent and Trademark Office

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> Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jun 28 03:47:22 EDT 2022

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Record 1 out of 1

TSDR ASSIGN Status TTAB Status

(Use the "Back" button of the Internet Browser to return to

HUDSON

Word Mark HUDSON

Goods and Services IC 025. US 022 039. G & S: Women's jeans. FIRST USE: 20020700. FIRST USE IN COMMERCE: 20020700

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76397437

Filing Date April 19, 2002

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 13, 2007

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 3273129

Registration Date August 7, 2007

Owner (REGISTRANT) Kim, Peter INDIVIDUAL UNITED STATES 770 E. Ninth St. Los Angeles CALIFORNIA 90010

(LAST LISTED OWNER) HUDSON CLOTHING, LLC LIMITED LIABILITY COMPANY CALIFORNIA c/o Centric Brands, Inc. 6th Floor, 350 Fifth Avenue New York NEW YORK 10118

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Theodore R. Remaklus

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20170821.

Renewal 1ST RENEWAL 20170821

Live/Dead Indicator LIVE

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