

ESTTA Tracking number: **ESTTA1237842**

Filing date: **09/26/2022**

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	Target Brands, Inc.
Granted to date of previous extension	09/25/2022
Address	1000 NICOLLET MALL MINNEAPOLIS, MN 55403 UNITED STATES
Attorney information	JAMES R. STEFFEN FAEGRE DRINKER BIDDLE & REATH LLP 90 SOUTH 7TH STREET 2200 WELLS FARGO CENTER MINNEAPOLIS, MN 55402 UNITED STATES Primary email: trademark@faegredrinker.com Secondary email(s): james.steffen@faegredrinker.com, claire.plante@faegredrinker.com 612-766-7000
Docket no.	453258.1325

Applicant information

Application no.	90609740	Publication date	03/29/2022
Opposition filing date	09/26/2022	Opposition period ends	09/25/2022
Applicant	SNS MERCANTILE LLC 2234 N FEDERAL HIGHWAY 300 BOCA RATON, FL 33431 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: Coats; Dresses; Headwear; Leggings; Shorts; Sweaters; Bottoms as clothing; Short-sleeved shirts; Tops as clothing

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition

U.S. registration no.	4984923	Application date	04/29/2015
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Register	Principal		
Registration date	06/21/2016	Foreign priority date	NONE
Word mark	SHADE AND SHORE		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Jan 20, 2016 First Use In Commerce: Jan 20, 2016 Apparel, namely, swimwear and beach cover-ups		

U.S. registration no.	6075262	Application date	10/25/2016
Register	Principal		
Registration date	06/09/2020	Foreign priority date	NONE
Word mark	SHADE & SHORE		
Design mark			
Description of mark	NONE		
Goods/services	Class 018. First use: First Use: Nov 2018 First Use In Commerce: Nov 2018 Bags, namely, handbags, beach bags, backpacks, shoulder bags; umbrellas		

U.S. registration no.	6429732	Application date	04/24/2020
Register	Principal		
Registration date	07/20/2021	Foreign priority date	NONE
Word mark	SHADE & SHORE		
Design mark			
Description of mark	NONE		
Goods/services	Class 018. First use: First Use: Jan 1, 2017 First Use In Commerce: Jan 1, 2017 All-purpose carrying bags; purses; handbags; shoulder bags; backpacks; beach bags; sport bags Class 025. First use: First Use: Jan 1, 2017 First Use In Commerce: Jan 1, 2017 Clothing, namely, swimwear, beach cover-ups, tops, dresses, shirts; footwear		

U.S. application no.	88885741	Application date	04/24/2020
Registration date	NONE	Foreign priority	NONE

		date	
Word mark	SHADE & SHORE		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 003. First use: First Use: None First Use In Commerce: None Perfumes; colognes; cosmetics, namely, make-up, mascara, lipsticks, eyeliners; body lotions, hand lotions, face lotions, lip balms, after sun lotions, after sun creams, body creams, aromatic oils, bath gels, bath oils, essential oils, hairgels, hair oils, scented oils, lip gloss, skin creams, non-medicated skin cleaners, sun screen</p> <p>Class 009. First use: First Use: None First Use In Commerce: None Eyewear, namely, sunglasses and prescription glasses; sunglass cases</p> <p>Class 018. First use: First Use: None First Use In Commerce: None Wallets; toiletry and cosmetic cases sold empty; umbrellas</p> <p>Class 020. First use: First Use: None First Use In Commerce: None Furniture, namely, garden and patio furniture</p> <p>Class 021. First use: First Use: None First Use In Commerce: None Coolers, namely, non-electric portable coolers</p> <p>Class 024. First use: First Use: None First Use In Commerce: None Towels, namely, cotton towels, bath towels, beach towels</p> <p>Class 025. First use: First Use: None First Use In Commerce: None Clothing, namely, bottoms, tank tops, jackets, pants, and shorts; headwear</p> <p>Class 027. First use: First Use: None First Use In Commerce: None Beach mats</p> <p>Class 028. First use: First Use: None First Use In Commerce: None Manually-operated exercise equipment; water toys; inflatable pool and beach toys; sand toys; swim fins; beach balls</p> <p>Class 035. First use: First Use: None First Use In Commerce: None Retail store and online retail store services featuring a wide variety of consumer goods</p>		

Attachments	88981798#TMSN.png(bytes) Notice of Opposition to Ser No 90609740.pdf(124777 bytes)
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Signature	/JRSteffen/
Name	JAMES R. STEFFEN
Date	09/26/2022

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

In the Matter of Serial No.: 90609740

Mark: SHIP ‘N SHORE

Filed: March 29, 2021

Published: March 29, 2022

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TARGET BRANDS, INC.)	Opposition No. _____
)	
Opposer,)	
)	
v.)	<u>NOTICE OF OPPOSITION</u>
)	
SNS MERCANTILE LLC)	
)	
Applicant.)	
_____)	

Opposer Target Brands, Inc. (“TBI”) is a Minnesota corporation having its principal place of business at 1000 Nicollet Mall, Minneapolis, MN 55403.

TBI believes that it will be damaged by the registration of the mark in Trademark Application Serial No. 90609740 (the “Subject Application”), and hereby opposes the same for the goods identified in Class 25.

As grounds of this opposition, it is alleged that:

1. TBI is a wholly-owned subsidiary of Target Corporation (“Target”).
2. Target operates, among other things, a chain of retail department stores, now numbering more than 1,900 stores across the country. Target’s stores offer, and long have offered, retail department store services offering a wide variety of goods and services. Target also offers on-line retail department store services at www.target.com.

3. TBI is the owner of three U.S. trademark registrations and one allowed U.S.

trademark application for the SHADE & SHORE mark, detailed in the tables below.

Mark	Class(es)	Reg. No.	Reg. Date	Goods
SHADE & SHORE	25	4984923	06/21/2016	Apparel, namely, swimwear and beach cover-ups
SHADE & SHORE	18	6075262	06/09/2020	Bags, namely, handbags, beach bags, backpacks, shoulder bags; umbrellas
SHADE & SHORE	18, 25	6429732	07/20/2021	18 – All-purpose carrying bags; purses; handbags; shoulder bags; backpacks; beach bags; sport bags 25 – Clothing, namely, swimwear, beach cover-ups, tops, dresses, shirts; footwear

Mark	Class(es)	Appl. No.	Appl. Date	Goods
SHADE & SHORE	3, 9, 18, 20, 21, 24, 25, 27, 28, 35	88885741	04/24/2020	3 - Perfumes; colognes; cosmetics, namely, make-up, mascara, lipsticks, eyeliners; body lotions, hand lotions, face lotions, lip balms, after sun lotions, after sun creams, body creams, aromatic oils, bath gels, bath oils, essential oils, hair gels, hair oils, scented oils, lip gloss, skin creams, non-medicated skin cleaners, sun screen 9 - Eyewear, namely, sunglasses and prescription glasses; sunglass cases 18 - Wallets; toiletry and cosmetic cases sold empty; umbrellas 20 - Furniture, namely, garden and patio furniture 21 - Coolers, namely, non-electric portable coolers 24 - Towels, namely, cotton towels, bath towels, beach towels 25 - Clothing, namely, bottoms, tank tops, jackets, pants, and shorts; headwear 27 - Beach mats 28 - Manually-operated exercise equipment; water toys; inflatable pool and beach toys; sand toys; swim fins; beach balls 35 - Retail store and online retail store services featuring a wide variety of consumer goods

4. TBI licenses the above marks (hereinafter, the “SHADE & SHORE Marks”) for use by Target.

5. Since at least as early as January 1, 2017, Target has made use of the SHADE & SHORE Marks in connection with a variety of clothing items and accessories, offered for sale in TARGET® stores and online at www.target.com.

6. Target and TBI have invested substantial sums of money and effort in establishing, promoting and protecting the SHADE & SHORE Marks.

7. Through use and promotion of the SHADE & SHORE Marks by Target, substantial and valuable goodwill and public recognition have been built up in the SHADE & SHORE Marks.

8. Upon information and belief, applicant SNS Mercantile LLC (“Applicant”) is a Florida limited liability company, with an address of 2234 N. Federal Highway 300, Boca Raton, Florida 33431.

9. On March 29, 2021, Applicant filed the Subject Application, an intent-to-use application, to register the mark SHIP ‘N SHORE for use in connection with, *inter alia*, “Coats; Dresses; Headwear; Leggings; Shorts; Sweaters; Bottoms as clothing; Short-sleeved shirts; Tops as clothing” in Class 25 (hereinafter, the “Subject Goods”).

10. TBI’s registrations and allowed application for the SHADE & SHORE Marks were all filed prior to the filing of the Subject Application. Upon information and belief, the actual, continuous, and continuing use of TBI’s SHADE & SHORE Marks began prior to the filing of Applicant’s Subject Application, and prior to any use in commerce by Applicant of the SHIP ‘N SHORE mark.

11. TBI believes that it would be damaged by registration of the SHIP ‘N SHORE mark in connection with the Subject Goods. The SHIP ‘N SHORE mark claimed in the Subject

Application so resembles TBI's SHADE & SHORE Marks as to be likely, when used in connection with the Subject Goods, to cause confusion, to cause mistake, and/or to deceive.

12. The mark in the Subject Application cannot be registered in Class 25 consistent with Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, TBI believes that it would be damaged by registration of the mark shown in the Subject Application and respectfully requests that Application Serial No. 90609740 be rejected with respect to Class 25, that no registration be issued in Class 25 thereon to Applicant, and that this opposition be sustained in favor of TBI.

The requisite filing fee of \$600.00 is submitted herewith. If the amount submitted is determined to be incorrect, the Commissioner may charge any additional fees or credit any over payment to Deposit Account No. 06-0029.

Please address all correspondence to:

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Dated: September 25, 2022

FAEGRE DRINKER BIDDLE & REATH LLP

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