

ESTTA Tracking number: **ESTTA1035805**

Filing date: **02/13/2020**

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

Proceeding	92066525
Party	Plaintiff Mariana Travassos Miguel Pereira
Correspondence Address	DEREK A SIMPSON THE LAW OFFICES OF DEREK A SIMPSON 555 S FLOWER ST STE 3200 LOS ANGELES, CA 90071 UNITED STATES derek@dsimpsonlegal.com 213-293-9401
Submission	Testimony For Plaintiff
Filer's Name	Derek A. Simpson
Filer's email	derek@dsimpsonlegal.com, tmdocketing@dsimpsonlegal.com
Signature	/Derek Simpson/
Date	02/13/2020
Attachments	00 REDUCED Decl of Mariana with POS and exhibits FOR FILING.pdf(2980351 bytes)

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

In the matter of Registration No.: 4771161
For the mark: HUNTER FIGHT WEAR
Registered on July 14, 2015

Mariana Travassos Miguel Pereira,

Petitioner,

vs.

Cancellation No. 92066525

Dean Thompson,

Registrant.

**PETITIONER'S TRIAL TESTIMONY — DECLARATION OF
MARIANA TRAVASSOS MIGUEL PEREIRA**

I, Petitioner, Mariana Travassos Miguel Pereira, declare as follows:

1. I was born in Rio de Janeiro, Brazil in 1990. (Exhibit 1 is a copy of my birth certificate, indicating in the highlighted portion my name, those of my parents, and my date of birth on April 25, 1990.) I was raised in Rio de Janeiro. My father is Maurício Miguel Pereira. My mother is Ana Claudia Nogueira Travassos.
2. My parents were married at the time of my birth. But they later divorced. I was their only child and my father did not have any other children.
3. As a young girl, I recall my father owning and operating a jiu-jitsu clothing brand, HUNTER FIGHT WEAR, from the late 1990s until the time of his death in 2006. (Exhibit 2 is a photograph of his business card.)
4. In Rio de Janeiro, in the late 1990s, he began making and selling apparel — Brazilian jiu-jitsu kimonos and other clothing items — displaying the HUNTER FIGHT WEAR trademark. (Exhibit 3 consists of photographs of some of the

apparel.) At this time, he operated a store named HUNTER FIGHT WEAR in the Arpoador area near Ipanema from which he sold the HUNTER FIGHT WEAR apparel. I lived nearby in Copacabana and went to the store at least several times per week. (Exhibit 4 consists of photographs of me inside the store.)

5. In 1999, my father sponsored Brazilian elite-level mixed-martial-arts and jiu-jitsu competitors such as Anderson Silva, Márcio Corleta, Mario Reis, and Rodrigo Minotauro. These athletes wore my father's HUNTER FIGHT WEAR branded apparel at competitions, in Brazil, the United States, and other foreign countries.
6. At about the same time, my father sponsored two internationally famous mixed-martial-arts fighters — an American Mark Kerr and a Croatian Mirko Filipović (Cro Cop). These fighters wore my father's HUNTER FIGHT WEAR branded apparel at competitions, including the PRIDE mixed-martial-arts, viewed by Americans and other MMA enthusiasts.
7. Around this time, in 1999 and the early 2000s, my father opened additional retail stores under the HUNTER FIGHT WEAR name in other parts of Rio de Janeiro and in São Paulo and the state of Minas Gerais.
8. In 2006, when I was sixteen years old, my father was shot and killed in Rio de Janeiro. (Exhibit 5 is the death certificate of my father, indicating in the highlighted portion that he died on June 13, 2006. In the highlighted portion starting with "Estado Civil..." it states that he was divorced from my mother. In the highlighted portion starting with "deixou 1...", it states that my father had one child.)
9. At the time of his death, my parents were divorced.
10. At the time of his death, I was his only child. I was his only surviving heir. He died without leaving a last will and testament.
11. After my father's death, my maternal grandfather, Cláudio José de Paula Travassos, and my mother, with my help, operated the HUNTER FIGHT WEAR

apparel brand. They closed the Arpoador store and the other stores, but opened a new store in Copacabana. This Copacabana store was open at least until 2012. After my father's death, my grandfather and mother, and resellers in Brazil, continued to sell Brazilian jiu-jitsu apparel under the HUNTER FIGHT WEAR trademark. These sales included sales to U.S. customers, both by shipping apparel there and to U.S. Brazilian-jiu-jitsu enthusiasts in Rio de Janeiro.

12. Since the time of my father's death, I have never, even once, considered giving up on the HUNTER FIGHT WEAR brand. It has always been my intention to make and sell Brazilian jiu-jitsu apparel, under the HUNTER FIGHT WEAR trademark, as soon as I was old enough to do so.
13. In 2012, I was contacted by a sports program host and UFC commentator named Jorge "Joinha" Guimarães. He told me that a Chinese businessman was interested in buying my HUNTER FIGHT WEAR trademark rights and offered me R\$300,000.00 Brazilian reals (about \$150,000 U.S. dollars at the time). I did not accept the offer. The HUNTER FIGHT WEAR store in Copacabana was operating satisfactorily and I was otherwise pleased with the wholesale sales and sales through the website, including international sales (of which sales to the U.S. were a portion).
14. In 2012, when I was twenty-two-year-old law student in Brazil, I applied to register the HUNTER FIGHT WEAR trademark in the Brazilian trademark office. (Exhibit 6 is a copy of the status report from the Brazilian trademark office, indicating in the highlighted portion that I filed the application on December 7, 2012.)
15. Later, however, I applied to register the HUNTER FIGHT WEAR and design logo with the Brazilian copyright office. This matured into a registration in 2018.
16. In 2012, I acquired the domain name hunterfightwear.com, which I continue to own and display a website promoting HUNTER FIGHT WEAR apparel. Earlier, from 2000 until 2006 my father owned the hunterfightwear.com domain name through which he promoted and sold his HUNTER FIGHT WEAR apparel. (Ex.

7 is a copy of the 2000-version of the site obtained through the Internet Wayback Machine, web.archive.org. It indicates that my father shipped his HUNTER FIGHT WEAR apparel to U.S. customer as early as 2000.)

17. Around 2013, Márcio Corleta, one of my father's jiu-jitsu students and later an elite-level jiu-jitsu competitor sponsored by my father, approached me about licensing the rights to sell jiu-jitsu apparel under the HUNTER FIGHT WEAR trademark. We later entered into a license agreement.
18. In 2014, my mother and I decided to close the retail store in Copacabana. At the time, I was working full time at a law firm in Rio de Janeiro. Sales of HUNTER FIGHT WEAR, however, continued after the closure of the retail store.
19. In 2015, I filed an application in the Brazilian trademark office to register a design mark that is part of HUNTER FIGHT WEAR logo. The design element consists of a tied jiu-jitsu belt. This trademark application matured to registration on September 1, 2018. (Ex. 8 is the Brazilian certificate of registration for this trademark. In the middle of the page, where it states "Data da concessão: 09/01/2018" it translates from Portuguese into English as "Grant Date: January 9, 2018"
20. In 2015, Mr. Corleta established an online store in Brazil for HUNTER FIGHT WEAR apparel. And starting then, he started selling HUNTER FIGHT WEAR apparel at jiu-jitsu competitions in Brazil and in the U.S.
21. Mr. Corleta sold apparel under the HUNTER FIGHT WEAR trademark at the IBJJF (International Brazilian Jiu-Jitsu Federation) Masters World jiu-jitsu competitions in Las Vegas, Nevada in 2017 and 2018. (Ex. 9 consists of photographs, taken in 2017 and 2018, of the apparel he sold at the IBJJF Masters World jiu-jitsu competitions in Las Vegas.)
22. Mr. Corleta, under our license agreement, has continued to make and sell clothing under the HUNTER FIGHT WEAR trademark until now. Mr. Corleta markets and sells HUNTER FIGHT WEAR apparel to Brazilian jiu-jitsu schools

and at competitions and seminars in the U.S. And HUNTER FIGHT WEAR apparel, bearing the trademark, is available for U.S. customers to purchase through the hunterfightwear.com website. (Ex. 10 is a screenshot of the website, showing that customers may buy HUNTER FIGHT WEAR Brazilian jiu-jitsu kimonos on the site.)

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Signed on February 13, 2020



Mariana Travassos Miguel Pereira (Feb 13, 2020)

Mariana Travassos Miguel Pereira

Exhibit 1

República Federativa do Brasil



Estado do Rio de Janeiro
PODER JUDICIÁRIO

DR. ROBERTO LUIZ FAUSTO JOBIM, Oficial Vitalício da
QUINTA CIRCUNSCRIÇÃO DO REGISTRO CIVIL DAS PESSOAS NATURAIS
Rua Djalma Ulrich, 154 - 2º, 5º e 7º andares.
COMARCA DA CAPITAL - FREGUESIAS: LAGOA E GÁVEA

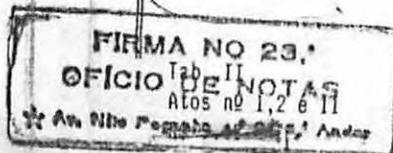
CERTIDÃO DE NASCIMENTO

CERTIFICA que, revendo o livro 278_AA de registro de-***-
nascimento, dele à fls. 248 , sob o número de ordem 51423-***-
, consta o registro de **MARIANA TRAVASSOS MIGUEL PEREIRA**, -***-
nascida no dia **25 de abril de 1990**, às 08:20 horas, no(a)-***-
Maternidade do Amparo Feminino de 1912, do sexo feminino,-***-
filha de **Maurício Miguel Pereira** e de **Ana Claudia Travassos**-*
Miguel Pereira, sendo avós paternos: Miguel Pereira Neto e-***-
Cecilia Lucia Miguel Pereira e maternos: Claudio José de Paula
Travassos e Maria da Guia Nogueira Travassos. Foi declarante-
Maurício Miguel Pereira em 16/05/1990 e serviram de-***-***-
testemunhas Carlos André Pereira das Neves e Flavio Ernesto-
Sjostedt. Observações : Art.46 da Lei 6015/73.-***-***-***-

Eu _____, escrevendo este certidão, a
extraí. O referido é verdade e dou fé.

Rio de Janeiro, 13 de julho de 1995

Francisco Edelberto Petraglia
Oficial do Registro Civil
Renovante Autorizado - CLT



M. LUCIA P. BAPTISTA
Autorizada
14.º Ofício de Notas

Exhibit 2

HUNTER[®]

FIGHT WEAR

SPORTS



Mauricio Miguel Pereira

Tels.: (21) 2490-0866 / 2490-2234 / 2490-3928 / 2486-8165
www.hunterfightwear.com / E-mail: huntersports@pontal.net

Exhibit 3



Exhibit 3-1



Exhibit 3-2

Exhibit 4



Exhibit 4-1

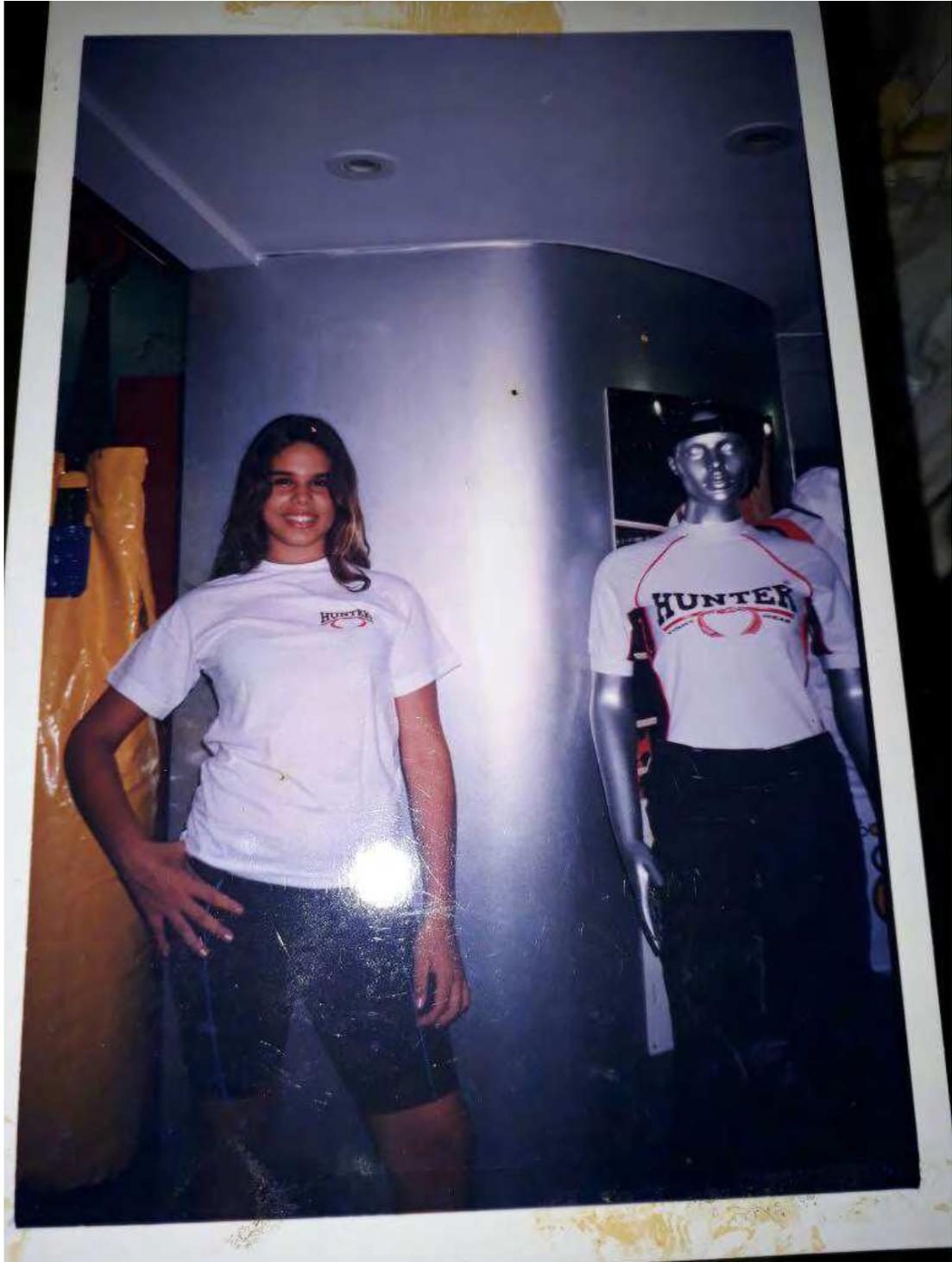


Exhibit 4-2

Exhibit 5



Quinta Circunscrição do Registro Civil das Pessoas Naturais e Tabelionato da Capital do Estado do Rio de Janeiro
 Av. Nossa Senhora de Copacabana, 1.181 A - Copacabana - Rio de Janeiro - RJ - Brasil - CEP 22.070-010 - www.quintacprnrj.com.br

Alan J. S. Borges - Registrador Oficial

CERTIDÃO DE ÓBITO

Certifico que à fl. 229 do livro nº C-00642 de registro de óbitos, sob o número de ordem 149413, foi lavrado o de **MAURICIO MIGUEL PEREIRA**, falecido aos **treze (13) dias do mês de Junho do ano de dois mil e seis (2006)**, às 04:08 horas, no(a) Av. das Americas, 3250 - Barra da Tijuca - Rio de Janeiro, do sexo masculino, filho de MIGUEL PEREIRA NETO e CECILIA LUCIA MIGUEL PEREIRA, com 44 anos de idade, profissão: Empresário(a), **Estado Civil: Separado judicialmente de ANA CLAUDIA NOGUEIRA TRAVASSOS**, Residente na Rua Saint Roman, 127 - Copacabana - Rio de Janeiro - RJ, Natural do Rio de Janeiro - RJ, **deixou 1 filho(a) menor**, ignora-se a existência de bens, ignora-se a existência de testamento, Identidade Nº: 053789376 - IFF-RJ. **CAUSA MORTIS: LACERACÃO ARTERIA SUBCLAVIA E PULMÃO DIREITO, FERIMENTO TRANSFIXANTE DO TORAX, PROJÉTIL DE ARMA DE FOGO.** Médico atestante: Dr(a). MARIA TEREZA RAMOS DE ARAUJO AMORIM - CRM RJ 52314759. Local do sepultamento: Cemitério São João Batista, nesta cidade. Declarante: RUI GUSTAVO TAVARES MARÇAL. Observações: Registro feito aos quatorze (14) dias do mês de Junho do ano de dois mil e seis (2006). Foi apresentada a Guia de Óbito nº 9300375. Guia 165/16ª DP.-----

10º

10º Serviço Notarial - Rio de Janeiro
 Tabelião: Claudio Antonio Mattos de Souza
 Fica Rua do Rio, 503 A - Copacabana - Fone: (21) 2209-3080

AUTENTICAÇÃO

Certifico e dou fé que a presente cópia é a reprodução do original que me foi apresentada. Enol.: 3,40 Lei...
 Rio de Janeiro, 07 de maio de 2007. Fund.: 0,17 Fund...
 Angelica Catarina da Silva autorizada-CIPS 94369 - Itala



Eu _____, escrevente,
 a extral. O referido é verdade e dou fé.
 Rio de Janeiro, 14 de Junho de 2006

Gilberto Peralla Pereira
 Escrevente Autorizado
 94/1178 - CGJ - RJ

Gilberto Peralla Pereira
 Escrevente Autorizado
 94/1178 - CGJ - RJ

Dentro de 5 dias úteis, a partir da emissão deste documento, parte do ato estará disponível para consulta no site www.tj.rj.gov.br, opção "Corregedoria", item "Selos-Consulta a procedência".

Emolumentos:
 Tab 1,1 + Tab 1,9 + Tab 1,10 + Tab 3,11 + 20% FCFJ
 R\$ 20,35

BAIRROS ABRANGIDOS: URCA - BOTAFOGO - COPACABANA - IPANEMA - LEBLUM - HUMAITÁ - JARDIM BOTÂNICO - LAGOA - CAVEA - ROCINHA - VIDIGAL - SAO CONRADO - BARRA DA TIJUCA - RECREIO DOS BANDEIRANTES

CORREGEDORIA GERAL DA JUSTIÇA - RJ - SELO DE FISCALIZAÇÃO AUTENTICAÇÃO - JDC - 1ATO - EES40085



03311726

ASSOCIADO
 ANOREG - RJ / ARCPN - RJ / COLÉGIO NOTARIAL

Exhibit 5

Exhibit 6

Consulta à Base de Dados do INPI

[Início | Ajuda?]

» Consultar por: No.Processo | Marca | Titular | Cód. Figura]

Anterior 8/8

Marca

Nº do Processo: **905018907**

Titular: MARIANA TRAVASSOS MIGUEL PEREIRA
 Marca: Hunter Fight Wear
 Procurador: O PRÓPRIO.
 Data do Depósito: **12/07/2012**
 Situação: Aguardando fim de sobrestamento
 Apresentação: Mista
 Classe Nice: NCL(10) 25
 Natureza: De Produto
 Especificação: Bermudas; Camisas; Camisetas; Casacos [vestuário]; Faixas [v...

CFE(4):27.1.16 ; 9.1.10

Petições ?

Pgo	Protocolo	Data	Img	Serviço	Cliente	Delivery	Data
✓	850160197020	05/09/2016	-	381	mariana travassos miguel pereira	-	-
✓	850150147604	06/07/2015	-	339	mariana travassos miguel pereira	-	-
✓	850120109690	12/07/2012	-	389	mariana travassos miguel pereira	-	-

Publicações ?

RPI	Data RPI	Despacho	Complemento do Despacho
2313	05/05/2015	Sobrestamento do exame de mérito	Sobrestadores: Processo 830043535 (HUNTER), Processo 903579120 (Hunter) e Processo 830281339 (HUNTER)
2190	26/12/2012	003	

Dados atualizados até **04/10/2016** - Nº da Revista: **2387**

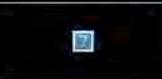
Exhibit 7

Products:

Select a Product:

Customer Service:

- [How to Order?](#)
- [Shipping Info](#)
- [Order Tracking](#)
- [Contact Us](#)



Your Shopping Cart: [View Cart](#) Wednesday, February 12, 2000



We Ship Worldwide! We offer top of the line products with our convenient online catalogue and **SECURE** online server. It's **FAST**. It's **EASY**.

New Products:
Check out our new products page! In an effort to provide you with new and exciting products, we have added this feature so you will always know where to look for something new!

- | | | |
|---|--|--|
| <p>complete </p> <p>Uniforms
Top of the line Uniforms
For training and competition</p> | <p>complete </p> <p>T-Shirts
Long and short sleeves with various logos.
Check it out!</p> | <p>sweatshirt </p> <p>Sweatshirts
Fashionable .
All sizes available
Coming Soon!</p> |
| <p>polo shirt </p> <p>Polo Shirts
Golf shirts V-necks.
Coming Soon!</p> | <p>complete </p> <p>Shorts
As seen in NHB Tournaments.
Various styles</p> | <p>complete </p> <p>Caps
Baseball caps to show you are a member of the team</p> |
| <p>complete </p> <p>Belts
Belts with Rank sleeves.
Enter by ckinging.</p> | <p>complete </p> <p>Protective Gear
Gear for safety and training
Made in Brazil</p> | <p>complete </p> <p>Patches
Black and white Patches. Keep an eye out for new designs!</p> |

Exhibit 8

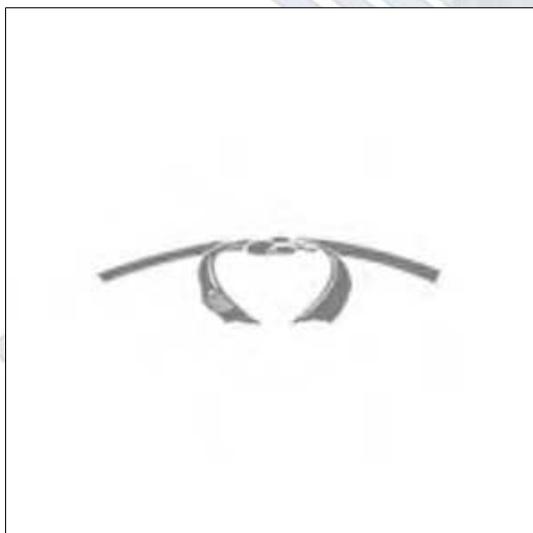


REPÚBLICA FEDERATIVA DO BRASIL
Ministério da Indústria, Comércio Exterior e Serviços
Instituto Nacional da Propriedade Industrial
Diretoria de Marcas, Desenhos Industriais e Indicações Geográficas

Certificado de registro de marca

Processo nº: 910067406

O Instituto Nacional da Propriedade Industrial, para garantia da propriedade e do uso exclusivo, certifica que a marca abaixo reproduzida encontra-se registrada nos termos das normas legais e regularmente em vigor, mediante as seguintes características e condições:



Data de depósito: 30/09/2015
Data da concessão: 09/01/2018
Fim da vigência: 09/01/2028

Titular: MARIANA TRAVASSOS MIGUEL PEREIRA 13641097789 [BR/RJ]
CNPJ: 15807568000196
Endereço: rua barata ribeiro, 436 apt 701, 22040002 , Rio de Janeiro, RIO DE JANEIRO, BRASIL

Apresentação: Figurativa
Natureza: Marca de Produto
CFE(4): 9.1.10 e 26.11.25
NCL(10): 25
Especificação: Bermudas; camisas; camisetas; casacos [vestuário]; faixas [vestuário]; ginástica (roupa para -) [colante]; leggings [calças]; malhas [vestuário]; roupa para ginástica; sungas; bermuda para prática de esporte; boné; chinelo [vestuário comum]; quimono [vestuário].



REPÚBLICA FEDERATIVA DO BRASIL
Ministério da Indústria, Comércio Exterior e Serviços
Instituto Nacional da Propriedade Industrial
Diretoria de Marcas, Desenhos Industriais e Indicações Geográficas

Certificado de registro de marca

Processo nº: 910067406

Rio de Janeiro, 09/01/2018

A handwritten signature in black ink, appearing to be 'André Luis Balloussier Ancora da Luz', is written over a large, faint watermark of the Brazilian coat of arms.

André Luis Balloussier Ancora da Luz
Diretor

A proteção conferida pelo presente registro de marca tem como limite o disposto no art. 124, incisos II, VI, VIII, XVIII e XXI, da Lei nº 9.279, de 14 de maio de 1996.

Exhibit 8-2

Exhibit 9

ALL
100% COTTON

HUNTER
FIGHT WEAR
ORIGINAL
HUNTERFIGHTWEAR.COM
PRE SHRUNK - MADE IN CHINA

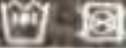


Exhibit 9-1



Exhibit 9-2

HUNTER

FIGHT

WEAR

ORIGINAL

HIGH QUALITY BRAZILIAN JIU-JITSU KIMONOS
HUNTERFIGHTWEAR.COM



HUNTER
FIGHT WEAR
ORIGINAL
HUNTERFIGHTWEAR.COM
PRE SHRUNK - MADE IN CHINA

Exhibit 9-4

Exhibit 10

Free shipping on domestic order over \$100



[My Account](#) [Shopping Cart](#) [Checkout](#)

[Kimonos](#) [Belts](#) [Submission](#) [Street Wear](#) [Custom Products](#)

Search

- Kimonos
 - Kid's Kimonos
 - Men's Kimonos
 - Women's Kimonos
- Belts
- Submission
- Street Wear
- Custom Products

Kimonos

Refine Search

- Kid's Kimonos
- Men's Kimonos
- Women's Kimonos



Sort By: Default

Show: 15



Original Jiu-Jitsu Gi - White
\$139.90

[ADD TO CART](#)



Original Jiu-Jitsu Gi - Black
\$139.90

[ADD TO CART](#)



Original Jiu-Jitsu Gi - Navy Blue
\$139.90

[ADD TO CART](#)



CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing document has been served on registrant's counsel of record by emailing a copy of the document on February 13, 2020 to:

pollie@gandalegal.com

Pollie Gautsch, G&A Legal, 665 San Rodolfo, #124-209,
Solana Beach, CA 92075

Date: February 13, 2020 /s/ Derek A. Simpson
Derek A. Simpson