

ESTTA Tracking number: **ESTTA1271671**

Filing date: **03/13/2023**

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	Emerald X, LLC
Granted to date of previous extension	03/12/2023
Address	100 BROADWAY, 14TH FLOOR NEW YORK, NY 10005 UNITED STATES
Attorney information	LOUIS T. PERRY FAEGRE DRINKER BIDDLE & REATH, LLP 300 N MERIDIAN STREET SUITE 2500 INDIANAPOLIS, IN 46204 UNITED STATES Primary email: trademark@faegredrinker.com Secondary email(s): louis.perry@faegredrinker.com, abe.shanehsaz@faegredrinker.com 317-237-1029
Docket no.	527965.2

Applicant information

Application no.	90538532	Publication date	09/13/2022
Opposition filing date	03/13/2023	Opposition period ends	03/12/2023
Applicant	OUTSIDE INTERACTIVE, INC. STE 300 1600 PEARL ST BOULDER, CO 80302 UNITED STATES		

Goods/services affected by opposition

Class 035. First Use: Mar 10, 2022 First Use In Commerce: Mar 10, 2022 Opposed goods and services in the class: Arranging and conducting special events for commercial, promotional or advertising purposes; Organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes
Class 041. First Use: Mar 10, 2022 First Use In Commerce: Mar 10, 2022 Opposed goods and services in the class: Arranging and conducting of conventions in the field of sporting, fitness, athletics, health, nutrition, and the outdoors; Conducting entertainment exhibitions in the nature of sporting, fitness, athletics, health, nutrition, and the outdoors; Education services, namely, providing tutorial sessions in the field of sporting, fitness, athletics, and the outdoors; Education services, namely, providing tutoring in the field of sporting, fitness, athletics, and the outdoors; Education services, namely, providing classes and conferences in the field of sporting, fitness, athlet-

ics, and the outdoors

Applicant information

Application no.	90538524	Publication date	09/13/2022
Opposition filing date	03/13/2023	Opposition period ends	
Applicant	OUTSIDE INTERACTIVE, INC. STE 300 1600 PEARL ST BOULDER, CO 80302 UNITED STATES		

Goods/services affected by opposition

Class 035. First Use: Mar 10, 2022 First Use In Commerce: Mar 10, 2022 Opposed goods and services in the class: Arranging and conducting special events for commercial, promotional or advertising purposes; Organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes
Class 041. First Use: Mar 10, 2022 First Use In Commerce: Mar 10, 2022 Opposed goods and services in the class: Arranging and conducting of conventions in the field of sporting, fitness, athletics, health, nutrition, and the outdoors; Conducting entertainment exhibitions in the nature of sporting, fitness, athletics, health, nutrition, and the outdoors; Education services, namely, providing tutorial sessions in the field of sporting, fitness, athletics, and the outdoors; Education services, namely, providing tutoring in the field of sporting, fitness, athletics, and the outdoors; Education services, namely, providing classes and conferences in the field of sporting, fitness, athletics, and the outdoors

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
The mark is merely descriptive	Trademark Act Section 2(e)(1)
No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Section 1(a) and (c)


Mark cited by opposer as basis for opposition

U.S. application no.	90453211	Application date	01/07/2021
Registration date	NONE	Foreign priority date	NONE
Word mark	OUTSIDE ADVENTURE EXPO 2***		
Design mark			
Description of mark	The mark consists of an image of mountains and trees superimposed over a compass design appearing above the stylized word OUTSIDE which appears above the stylized words ADVENTURE EXPO which appears above a rectangle which contains the number 2 followed by three asterisks which represent the phantom element that will, in use, be represented by the numerals of the applicable calendar year.		
Goods/services	Class 035. First use: First Use: None First Use In Commerce: None Arranging and conducting trade shows and business expositions in the field outdoor activities and sports		

Related proceed-	91282710
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Attachments	NOTICE OF OPPOSITION EMERALD X V OUTSIDE INTERACTIVE OUTSIDE AND OUTS IDE STYLIZED reduced size.pdf(2312847 bytes)
Signature	/Abe J. Shanehsaz/
Name	Abe Jentry Shanehsaz
Date	03/13/2023

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

EMERALD X, LLC,)
) Opposition No. _____
)
Opposer,) Application Ser. No. 90538532
)
vs.) Mark: 
)
OUTSIDE INTERACTIVE, INC.) Application Ser. No. 90538524
) Mark: OUTSIDE
Applicant.)
)

NOTICE OF OPPOSITION

Opposer Emerald X, LLC (“Opposer”) is a Delaware limited liability company having its principal place of business at 100 Broadway, 14th Floor, New York, New York, 10005. Opposer believes that it will be harmed and damaged by the registration of the marks shown in Application Ser. Nos. 90/538,532 (the “532 Application”) and 90/538,524 (the “524 Application”, and together with the ‘532 Application, the “Subject Applications”) applied for by applicant Outside Interactive, Inc. (“Applicant”) and hereby opposes registration of the same (this “Opposition”). Opposer alleges as follows:

1. Opposer arranges and conducts engaging event experiences catering to niche communities of enthusiasts. Relevant here, Opposer has—since at least as early as June 25, 2021—arranged and conducted trade shows and exposition in the field of outdoor activities and sports known as OUTDOOR ADVENTURE EXPO.

2. On January 7, 2021, Opposer filed pending intent-to-use application 90/453, 211 (the “211 Application”) for the mark OUTSIDE ADVENTURE EXPO 2*** (and Design) (“Opposer’s Mark”) identified for use in connection with *[a]rranging and conducting trade shows and*

expositions in the field [of] outdoor activities and sports in International Class 35. Opposer has used Opposer’s Mark since at least as early as June 25, 2021. Exhibit A.

3. The ‘211 Application was published for opposition on July 12, 2022.

4. Upon information and belief, Applicant is a Delaware corporation having a principal place of business at 1600 Pearl Street, Suite 300, Boulder Colorado 80302.

5. On February 22, 2021—over a month after Opposer filed the ‘211 Application—Applicant filed the Applications for the mark OUTSIDE in standard characters and in a stylized format (the “Subject Marks”) in connection with a variety of goods and services, including *[a]rranging and conducting special events for commercial, promotional or advertising purposes; [o]rganization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes* in International Class 35, *[a]rranging and conducting of conventions in the field of sporting, fitness, athletics, health, nutrition, and the outdoors; [c]onducting entertainment exhibitions in the nature of sporting, fitness, athletics, health, nutrition, and the outdoors; [e]ducation services, namely, providing tutorial sessions in the field of sporting, fitness, athletics, and the outdoors; [e]ducation services, namely, providing tutoring in the field of sporting, fitness, athletics, and the outdoors; [e]ducation services, namely, providing classes and conferences in the field of sporting, fitness, athletics, and the outdoors* in International Class 41 (the “Subject Expo Services”).

6. Subsequently, on January 6, 2023, Applicant opposed registration of the ‘211 Application based upon, in part, the Subject Marks and an assertion that Opposer’s Mark was likely to be confused with, among other things,¹ the Subject Marks.

¹ Applicant references fifteen of its registrations in addition to the Subject Applications that incorporate the word OUTSIDE—none of which are identified for use in connection with the Subject Expo Services or services related to the Subject Expo Services.

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