

ESTTA Tracking number: **ESTTA608070**

Filing date: **06/04/2014**

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

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Kansas City Royals Baseball Corporation		
Entity	Corporation	Citizenship	Missouri
Address	Harry S. Truman Sports Complex 1 Royal Way Kansas City, MO 64129 UNITED STATES		

Attorney information	Anna Jakobsson Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES ayj@cll.com, mlk@cll.com, trademark@cll.com, jmn@cll.com Phone:212-790-9200
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### Registration Subject to Cancellation

Registration No	4441667	Registration date	11/26/2013
Registrant	Williams, Eric, B 615 east 97th Kansas City, MO 64131 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 025. First Use: 2013/03/15 First Use In Commerce: 2013/03/15 All goods and services in the class are cancelled, namely: Baseball caps; Baseball caps and hats; Sports caps and hats
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### Grounds for Cancellation

Other	Please see attached pleading.
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Attachments	KC Petition for Cancellation.pdf(387571 bytes ) KC Petition for Cancellation Letter.pdf(51573 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Anna Jakobsson/
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Name	Anna Jakobsson
Date	06/04/2014

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

In re Supplemental Registration No. 4,441,667  
Supplemental Registration Issued: November 26, 2013  
For Mark: KC

-----X  
KANSAS CITY ROYALS BASEBALL :  
CORPORATION, :  
 :  
Petitioner, :  
 :  
v. :  
ERIC B WILLIAMS, :  
 :  
Registrant. :  
-----X

Cancellation No.

**PETITION FOR  
CANCELLATION**

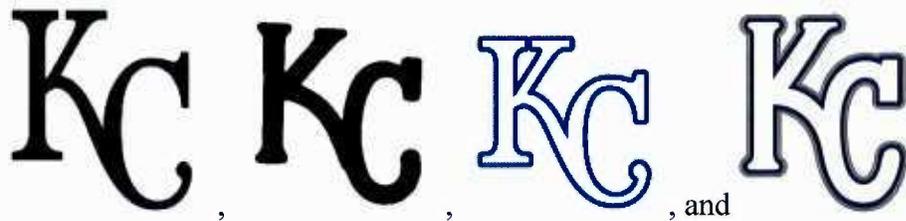
Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Petitioner, Kansas City Royals Baseball Corporation, a Missouri corporation located at Harry S. Truman Sports Complex, 1 Royal Way, Kansas City, Missouri 64129, believes that it will be damaged by the continued registration of the standard character mark KC (“Registrant’s Mark”) on the Supplemental Register, in International Class 25 for “Baseball caps; Baseball caps and hats; Sports caps and hats” as shown in United States Registration No. 4,441,667 (the “Registration”), and hereby petitions to cancel the Registration.

As grounds for cancellation, it is alleged that:

1. Petitioner is the owner of the renowned KANSAS CITY ROYALS MAJOR LEAGUE BASEBALL club.

2. Since long prior to March 15, 2013, Registrant’s claimed first use date, Petitioner, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the mark KC, including, without limitation, in the following distinctive stylizations:



, alone and/or with other word, letter or design elements (“Petitioner’s KC Marks”) in connection with baseball game and exhibition services and a wide variety of goods and services, including, without limitation, baseball caps, hats, sports caps, apparel, novelty items, toys and sporting goods and paper goods and printed matter.

3. Petitioner owns U.S. Federal registrations for Petitioner’s KC Marks in International U.S. Classes 6, 14, 16, 20, 21, 24, 25, 26, 28, 30, 34, and 41; namely, Registration Nos. 893,939; 1,034,779; 1,213,326; 1,520,805; 1,522,388; 1,774,283; 2,531,778; 2,623,374; 2,665,338; 2,665,339; 3,370,317 and 1,520,765. All of the foregoing registrations are incontestable with the exception of Registration No. 2,531,778.

4. Since long prior to March 15, 2013, Registrant’s claimed first use date, Petitioner, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Petitioner’s KC Marks, including, without limitation, in connection with baseball game and exhibition services, and a wide variety of goods and services, including, but not limited to, baseball caps, hats, sports caps, apparel, novelty items, toys and sporting goods and paper goods and printed matter, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales, distribution and promotion of its goods and services bearing or offered in connection with Petitioner’s KC Marks, Petitioner has built up

highly valuable goodwill in Petitioner's KC Marks, and said goodwill has become closely and uniquely identified and associated with Petitioner.

6. On May 6, 2013, Registrant filed an application to register Registrant's Mark for "Baseball caps; Baseball caps and hats; Sports caps and hats" in International Class 25 (the "Application"), claiming a first use and a first use in commerce date of March 15, 2013.

7. Upon information and belief, Registrant did not use Registrant's Mark for the goods covered by the Registration in United States commerce prior to his claimed first use date of March 15, 2013.

8. The goods covered by the Registration are identical and/or closely related to the goods offered and services rendered in connection with Petitioner's KC Marks.

9. Upon information and belief, Registrant is located in Kansas City, Missouri.

10. As Registrant has claimed Registrant's Mark as a standard character mark, registration of such mark effectively may give Registrant rights to the letters "KC" in any stylization, including the stylizations of Petitioner's KC Marks that have been duly registered and/or have priority of use over Registrant's Mark.

11. Upon information and belief, Registrant filed a specimen with the USPTO which demonstrates that Registrant is using Registrant's Mark in a stylization shown here



and in Exhibit A attached hereto that closely resembles the distinctive and well-known stylizations that Petitioner has long used in Petitioner's KC Marks on or in connection with goods and services, including, without limitation, hats, and sports caps.

12. Registrant's Mark so resembles Petitioner's KC Marks as to be likely, when used in connection Registrant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Registrant's goods have their origin with Petitioner and/or that such goods are approved, endorsed or sponsored by Petitioner or associated in some way with Petitioner. Petitioner would thereby be injured by allowing the continued registration of Registrant's Mark.

WHEREFORE, Petitioner believes that it is being damaged by registration of Registrant's Mark and requests that the cancellation be sustained and the Registration be cancelled.

Please recognize as attorneys for Petitioner in this proceeding Mary L. Kevlin, Richard S. Mandel and Anna Jakobsson (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York  
June 4, 2014

Respectfully submitted,  
COWAN LIEBOWITZ & LATMAN, P.C.  
*Attorneys for Petitioner*

By:           /Anna Jakobsson/            
Mary L. Kevlin  
Richard S. Mandel  
Anna Jakobsson

1133 Avenue of the Americas  
New York, New York 10036  
(212)790-9200

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on June 4, 2014, I caused a true and complete copy of the foregoing *Petition for Cancellation* to be sent via First Class Mail, postage prepaid, to Registrant Eric B. Williams, 615 East 97<sup>th</sup>, Kansas City, Missouri 64131 and with a courtesy copy to Registrant's attorney and Correspondent of Record, Luke Brean, Breanlaw, LLC, P.O. Box 4120, ECM #72065, Portland, Oregon 97208.

Dated: New York, New York  
June 4, 2014

\_\_\_\_\_  
/Anna Jakobsson/  
Anna Jakobsson

**EXHIBIT A**





Cowan, Liebowitz & Latman, P.C.  
1133 Avenue of the Americas  
New York, NY 10036

(212) 790-9200 Tel  
(212) 575-0671 Fax  
www.cll.com

June 4, 2014

**By Electronic Filing**

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

Re: Kansas City Royals Baseball Corporation  
Petition for Cancellation Against  
Eric B. Williams  
Supplemental Registration No. 4,441,667  
KC  
Ref. No. 21307.030.

Dear Commissioner:

We enclose a Petition for Cancellation against Supplemental Registration No. 4,441,667 which issued to registration on November 26, 2013. Contemporaneously with the electronic filing of this Petition for Cancellation, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Anna Jakobsson/

Anna Jakobsson

Enclosures

cc: Ms. Diane Kovach (w/encs.)  
Mary L. Kevlin, Esq. (w/encs.)  
Richard S. Mandel, Esq. (w/encs.)