



10-25-2002

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

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #73

WORLD GOLF FOUNDATION, INC.,)
)
Opposer,)
)
v.)
)
WORLD GOLF ACADEMY, LLC,)
)
Applicant.)
_____)

Application Serial No. 76/340,765
Mark: WORLD GOLF ACADEMY
Opposition No. _____

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TRADEMARK TRIAL AND APPEAL BOARD

NOTICE OF OPPOSITION

Opposer World Golf Foundation, Inc. ("Opposer"), for its Notice of Opposition against Application Serial No. 76/340,765 for the mark WORLD GOLF ACADEMY filed by World Golf Academy LLC ("Applicant"), believes that it will be damaged by and thus opposes registration of the mark which is the subject matter of Application No. 76/340,765. As grounds for opposition, Opposer alleges as follows:

1. Opposer World Golf Foundation, Inc. is a Florida non-profit corporation located in St. Augustine, Florida. Opposer can be contacted through the following address: World Golf Foundation, Inc., c/o PGA TOUR, Inc., 112 PGA TOUR Boulevard, Ponte Vedra Beach, Florida 32082.
2. Upon information and belief, Applicant has a mailing address of 10 Atamont Ct., Ft. Thomas, Kentucky 41075.
3. A proper extension of time to oppose the instant application through and including October 23, 2002, has been obtained.

CERTIFICATE OF MAILING
Date of Deposit: October 22, 2002

I hereby certify that this Notice of Opposition in duplicate and filing fee are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box TTAB - Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-

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01 FC:6402

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JERI N. SUTE, ESQ.

Date of Signature: October 22, 2002

4. Opposer is the owner of the following marks, which comprise Opposer's family of

WORLD GOLF marks (hereinafter, "Opposer's Marks"):

Mark	Reg. Date	Reg. No.	Goods/Services
WORLD GOLF HALL OF FAME & Design	9/22/1998	2,190,342	Education and entertainment services, namely, conducting golf tournaments, operating a permanent exhibit honoring professional golfers, providing educational information regarding golf, operating a golf library, golf course and golf club, providing golf instruction, publication of books, newspapers and magazines relating to golf, conducting entertainment exhibitions in the nature of theme parks, organizing sports competitions and games.
WORLD GOLF VILLAGE	11/17/1998	2,204,155	Leather goods - namely sports bags, knapsacks, tote bags, hand bags, purses, wallets, credit card cases, business folders, briefcases, attaché cases, garment bags for travel, luggage
WORLD GOLF VILLAGE	12/8/1998	2,209,357	Men's and women's clothing, namely shirts, sweaters, sweatshirts, jackets, trousers, neckties, shorts, headwear, belts, suspenders, jogging suits
WORLD GOLF VILLAGE & Design	12/8/1998	2,209,509	Promoting the public awareness of the game of golf
WORLD GOLF VILLAGE & Design	12/22/1998	2,213,226	Publications, namely, golf books, brochures and pamphlets related to golf, magazines and newsletters related to golf; paper products, namely, address books, calendars, greeting cards, napkins, post cards, posters, lithographic prints, photographic prints, scorecards, trading cards and yardage books.
WORLD GOLF VILLAGE & Design	12/22/1998	2,213,227	Sporting goods, namely, golf bag tags, golf ball markers, golf ball retrievers, divot repair tools for golfers, golf balls, golf bags, golf clubs,
WORLD GOLF VILLAGE & Design	12/29/1998	2,214,741	Clothing - namely aprons, bandanas, bathing trunks, bathing suits, bathrobes, belts, coats, boxer shorts, footwear, gloves, headwear, hosiery, infant apparel, jackets, jogging suits, neckties, pants, pajamas, rainwear, scarves, shirts, shorts, sweaters, sweatshirts, suspenders, underwear.
WORLD GOLF VILLAGE & Design	12/29/1998	2,214,966	Glass and house wares, namely sports related sculptures made of china, glass and porcelain, earthenware, glass or porcelain steins, insulated containers for food and beverages, tankards not made of precious metal, drinking glasses, salt and pepper shaker sets and coasters not made of paper and not being table linen
WORLD GOLF VILLAGE & Design	6/29/1999	2,257,451	All purpose sport bags, backpacks, brief cases, credit card cases, garment bags for travel, handbags, luggage, purses, tote bags, umbrellas, wallets; leather jackets
WORLD GOLF VILLAGE & Design	7/13/1999	2,261,302	Education and entertainment services - namely, conducting golf tournaments, operating a permanent exhibit honoring professional golfers, providing educational information regarding golf, operating a library, golf course and golf club, providing golf instruction, publication of books, newspapers and magazines relating to golf, conducting entertainment exhibitions in the nature of theme parks, organizing sports competitions and games.

Mark	Reg. Date	Reg. No.	Goods/Services
WORLD GOLF VILLAGE & Design	7/13/1999	2,261,303	Ashtrays of precious metal; belt buckles of precious metal; clocks; cloisonné and enamel jewelry pins; non-monetary coins of precious metal; medallions; cuff links; jewelry, namely, charms, pendants, bracelets, pins, cufflinks, necklaces, earrings and rings; key chains of precious metal, statuettes of precious metal; watches
WORLD GOLF VILLAGE	10/12/1999	2,285,693	Education and entertainment services, namely conducting golf tournaments, operating a permanent exhibit honoring professional golfers, providing educational information regarding golf, operating a golf library, golf course and golf club, providing golf instruction, publication of books, newspapers and magazines relating to golf, conducting entertainment exhibitions in the nature of theme parks, organizing sports competitions and games
WORLD GOLF VILLAGE	11/16/1999	2,292,950	Glass and house wares; namely sports related sculptures made of china, glass and porcelain, earthenware, glass or porcelain steins, insulated containers for food and beverages, tankards not made of precious metal, drinking glasses, salt and pepper shakers sets and coasters not made of paper and not being table linen
WORLD GOLF VILLAGE	11/30/1999	2,296,843	Sporting goods - namely golf clubs, golf bags, golf gloves, golf bags tags, golf club head covers, golf balls, golf ball markers and small golfers' utensils for repairing turf during play.
WORLD GOLF VILLAGE	3/21/2000	2,333,429	Jewelry
WORLD GOLF FOUNDATION	4/25/2000	2,345,967	Promoting the public awareness of the game of golf.
WORLD GOLF VILLAGE	12/5/2000	2,410,906	Publications, namely brochures and pamphlets related to golf, newsletters related to golf
WORLD GOLF FOUNDATION	5/15/2001	2,451,249	Publications, namely golf books, brochures and pamphlets related to golf, magazines and newsletters related to golf; paper products, namely address books, calendars, greeting cards, napkins, post cards, posters, lithographic prints, photographic prints, scorecards, trading cards and yardage books.
WORLD GOLF FOUNDATION	5/15/2001	2,451,250	Leather goods, namely sport bags, knapsacks, tote bags, handbags, purses, wallets, credit card cases, business folders, briefcases, attaché cases, garment bags for travel, umbrellas, luggage.

5. By virtue of widespread sales and extensive advertising and promotion of the goods and services under Opposer's Marks, Opposer's Marks are well known by the general public and in the relevant industries, are recognized and relied upon as identifying Opposer's goods and services and as distinguishing them from the goods and services of others, and have come to represent and symbolize extremely valuable goodwill belonging exclusively to Opposer.

6. Opposer has continuously and exclusively used Opposer's Marks in connection with the respective goods and services identified in Paragraph 4 prior to Applicant's filing date in the United States Patent and Trademark Office, and constructive and/or actual first use date, if any, in United States commerce for the mark WORLD GOLF ACADEMY.

7. Opposer's Marks are famous as defined under Section 43(c) of the federal Trademark Act, 15 U.S.C. § 1125(c), among the requisite consumers, and acquired such fame prior to Applicant's filing date in the United States Patent and Trademark Office, and constructive and/or actual first use date, if any, in United States commerce for the mark WORLD GOLF ACADEMY.

8. Applicant is the owner of Application No. 76/340,765, for the mark WORLD GOLF ACADEMY ("Applicant's Mark").

9. Applicant filed the instant application on November 23, 2001, for "educational services, namely, providing online golf instruction and lessons," in International Class 41.

10. Opposer's rights in Opposer's Marks are superior to Applicant's filing date for Applicant's Mark.

11. The use and registration of Applicant's Mark is likely to cause confusion in the minds of the purchasing public and to cause the purchasing public to assume that the services identified by such mark are sold by Opposer or that such services originate with or are in some way connected to Opposer, which they are not, in violation of 15 U.S.C. §§ 1052(a) and 1125(a).

12. The use and registration of Applicant's Mark is likely to injure Opposer's business reputation and dilute the distinctive quality of Opposer's Marks in violation of Section 13(a) and Section 43(c) of the Trademark Act, 15 U.S.C. §§ 1063(a) and 1125(c).

13. Use and registration of Applicant's Mark will be injurious to Opposer.

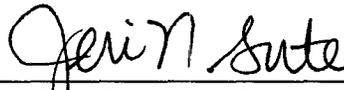
14. A duplicate copy of this Notice and the requisite filing fees are enclosed herewith.

WHEREFORE, Opposer believes that it will be damaged by the registration of the Applicant's Mark and prays that said Application No. 76/340,765 be refused, and that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

This 22nd day of October, 2002.

Respectfully submitted,

TROUTMAN SANDERS LLP



Michael D. Hobbs, Jr.
Georgia Bar No. 358160
Jeri N. Sute
Georgia Bar No. 693029

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TTAB

10-25-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #73

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October 22, 2002

Box TTAB - Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

RE: *World Golf Foundation, Inc. v. World Golf Academy, LLC*
Ser. No. 76/340,765 for the Mark in WORLD GOLF ACADEMY Int. Cl. 41
Our Ref.: 7506.92764

Honorable Commissioner:

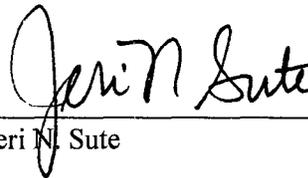
Enclosed please find the following documents for filing:

- (1) Notice of Opposition (in duplicate); and
- (2) Check No. 301043 in the amount of \$300.00.

If any additional or deficient fees are deemed to be payable, please charge our Deposit Account No. 20-1507.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: 
Jeri N. Sute

JNS/lrc
Enclosures
cc: Ms. Allison Clark (via Facsimile)
Michael D. Hobbs, Jr., Esq.

CERTIFICATE OF MAILING

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JERI N. SUTE, ESQ.


Date of Signature: October 22, 2002

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