

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

In re Application Serial No. 78/306, 669  
Filed: September 29, 2003  
For Mark: CC and Design  
Published in the Official Gazette: July 13, 2004

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:  
CHICAGO NATIONAL LEAGUE :  
BALL CLUB, INC., :  
Opposer, :  
v. :  
:  
WILCO RAVESTIJN :  
Applicant. :  
-----X

NOTICE OF OPPOSITION

Opposition No.

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

Opposer Chicago National League Ball Club, Inc. ("Opposer"), a Delaware corporation located at 1060 West Addison Street, Chicago, Illinois 60613, believes that it will be damaged by registration of the mark CC and Design for "entertainment services in the nature of soccer tournaments and league soccer games; soccer camps; educational soccer development programs, namely, providing specialized soccer training and instruction and youth soccer training and instruction" in International Class 41 shown in

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P. O. Box 1451, Alexandria, VA 22313-1451 on

January 19, 2005 (Date of Deposit)  
Frances Ull (Typed or printed name of person mailing paper or fee)  
Frances Ull (Signature)

Application Serial No. 78/306,669 (the "Application"), and having been granted extensions of time to oppose up to and including January 9, 2005, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned CHICAGO CUBS MAJOR LEAGUE BASEBALL club.

2. Since long prior to July 1, 2002, Applicant's claimed first use date, Opposer and its predecessors, and their affiliates, licensees and/or sponsors, have used the mark "C", either alone or with other word and/or design elements ("Opposer's C Marks") in connection with baseball game and exhibition services and a wide variety of goods and services, including, but not limited to, paper goods and printed matter, apparel, novelties, toys and sporting goods and instructional and educational services.

3. Opposer owns U.S. Federal registrations for Opposer's C Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 30, 34 and 41, namely, Registration Nos. 869,838; 1,042,652; 1,183,876; 1,297,664; 1,536,262; 1,538,033; 1,538,193; 1,612,016; 1,916,572; 2,506,407 and 2,667,880. With the exception of Registration Nos. 2,506,407 and 2,667,880, all of Opposer's C Marks registrations are incontestable.

4. Since long prior to July 1, 2002, Applicant's claimed first use date, Opposer and its predecessors, and their affiliates, licensees and/or sponsors, have extensively promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's C Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services including paper goods and

printed matter, apparel, novelties, toys and sporting goods and instructional and educational services and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with Opposer's C Marks, Opposer has built up highly valuable goodwill in Opposer's C Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On September 29, 2003, Applicant filed the Application, for the mark CC and Design ("Applicant's CC and Design Mark") in connection with "entertainment services in the nature of soccer tournaments and league soccer games; soccer camps; educational soccer development programs, namely, providing specialized soccer training and instruction and youth soccer training and instruction" in International Class 41, claiming a first use date of July 1, 2002.

7. Upon information and belief, Applicant did not use Applicant's CC and Design Mark in U.S. commerce prior to its claimed first use date of July 1, 2002.

8. The services covered by the Application are closely related to goods offered and services rendered in connection with Opposer's C Marks.

9. Applicant's CC and Design Mark, containing stylized C's virtually identical to the stylized C in Opposer's C Marks, so resembles Opposer's C Marks as to be likely, when used in connection Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by

Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's CC and Design Mark.

10. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's CC and Design Mark would falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's CC and Design Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel, and Kieran G. Doyle (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.

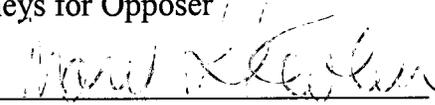
Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York  
January 10, 2005

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By:

  
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January 10, 2005

**By Express Mail**

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

Attention: Trademark Trial and Appeal Board

Re: CHICAGO NATIONAL LEAGUE BALL CLUB, INC.  
Notice of Opposition Against Wilco Ravestijn  
Application to Register C and Design  
Attorney Ref. No. 21307.011

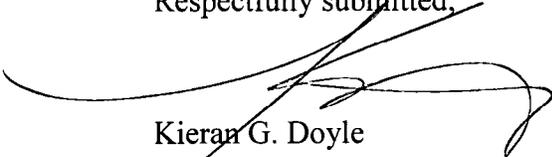
Dear Commissioner:

We enclose an original Notice of Opposition against Application Serial Number 78/306,669, published in the Official Gazette of July 13, 2004. We also enclose a check to cover filing fees.

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

Kindly confirm receipt of this opposition by returning the attached postcard and address all future correspondence to Mary L. Kevlin.

Respectfully submitted,



Kieran G. Doyle

Enclosures

cc: Ms. Diane Kovach (w/enc. - by fax)  
Mary L. Kevlin, Esq. (w/enc.)  
Richard S. Mandel, Esq. (w/enc.)



01-11-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64