

ESTTA Tracking number: **ESTTA63619**

Filing date: **01/25/2006**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Panthers Football LLC
Granted to Date of previous extension	01/25/2006
Address	800 South Mint Street Charlotte, NC 28202 UNITED STATES

Name	NFL Properties LLC
Granted to Date of previous extension	01/25/2006
Address	280 Park Avenue New York, NY 10017 UNITED STATES

Attorney information	Jessica A. Rose White & Case LLP 1155 Ave of the Americas New York, NY 10036 UNITED STATES jarose@whitecase.com, cbogdanos@whitecase.com,trademarkdocket@whitecase.com Phone:212-819-8701
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Applicant Information

Application No	78522183	Publication date	09/27/2005
Opposition Filing Date	01/25/2006	Opposition Period Ends	01/25/2006
Applicant	Reach Event Marketing, LLC 9933 Alliance Road Cincinnati, OH 45242 UNITED STATES		

Goods/Services Affected by Opposition

Class 024. First Use: 2003/04/03 First Use In Commerce: 2004/11/24
All goods and services in the class are opposed, namely: towels

Attachments	reach_op.pdf (6 pages) reachexA.pdf (1 page)
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Signature	/Jessica A. Rose/
Name	Jessica A. Rose
Date	01/25/2006

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

In the Matter of Application Serial No. 78/522,183
Published in the Official Gazette on September 27, 2005
Mark: GROWL TOWEL

NFL PROPERTIES LLC and PANTHERS
FOOTBALL LLC,

Opposers,

-against-

REACH EVENT MARKETING LLC,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

TO THE COMMISSIONER FOR TRADEMARKS:

Opposers NFL Properties LLC and Panthers Football LLC believe they will be damaged by registration of the mark GROWL TOWEL as shown in the above-identified application and hereby oppose the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1063(a).

As grounds for the opposition, Opposers allege that:

1. Opposer Panthers Football LLC (the "Panthers" or the "Panthers Club") is a limited liability corporation organized and existing under the laws of North Carolina with its principal place of business at 800 South Mint Street, Charlotte, North Carolina 28202, which owns and operates a professional football team, providing entertainment services to the public in the form of competitive professional football games. The Panthers Club is one of the thirty-two member clubs (the "Member Clubs") of the National Football League ("NFL").

2. Opposer NFL Properties LLC (“NFLP”), a limited liability company organized and existing under the laws of Delaware with its principal place of business at 280 Park Avenue, New York, New York 10017, has been authorized by the NFL and the Panthers to use their respective trademarks for commercial purposes, to promote the NFL and its Member Clubs and to protect their trademarks.

3. For many years and before November 24, 2004, the alleged date of first use in commerce of the application herein opposed, Opposers have adopted, and used several trademarks, including, inter alia, the mark PROWL TOWEL & design (Opposers’ “PROWL TOWEL Mark”) in connection with their business of providing entertainment services to the public in the form of competitive professional football games and promoting the NFL and the Panthers Club.

4. For many years and before November 24, 2004, the alleged date of first use in commerce of the application herein opposed, Opposers and their authorized business partners, sponsors, and/or licensees have used the PROWL TOWEL Mark on or in connection with towels.

5. Opposers actively seek to identify and stop perceived infringers of the PROWL TOWEL Mark.

6. During their use of the PROWL TOWEL Mark, Opposers and their authorized business partners, sponsors and licensees have expended considerable time, effort, and money in advertising and publicizing goods bearing the PROWL TOWEL Mark.

7. Opposers and their licensees and sponsors have used the PROWL TOWEL Mark on goods in a trading area of broad geographical scope.

8. For many years and before November 24, 2004, the alleged date of first use in commerce of the application herein opposed, the general public has associated the PROWL TOWEL Mark with professional football, the NFL and the Panthers Club. Such public association inures exclusively to the benefit of Opposers.

9. Opposers' widespread use of the PROWL TOWEL Mark on towels and Opposers' extensive advertising and publicity of such goods have contributed to the powerful consumer association between the PROWL TOWEL Mark and Opposers.

10. The PROWL TOWEL Mark has a high degree of distinctiveness due to the duration and extent of Opposers' use, advertising, and publicity of the PROWL TOWEL Mark.

11. In addition to Opposers' common law rights in the PROWL TOWEL Mark, the Panthers Club owns, inter alia, federal trademark Registration No. 2,224,986 for the mark PROWL TOWEL & design, for towels in International Class 24, with a first use date of January 5, 1997.

12. By the application herein opposed, Applicant seeks to register the designation GROWL TOWEL. The application was filed on the basis of Applicant's use of the designation in connection with goods identical to those bearing Opposers' PROWL TOWEL mark—namely, towels, in International Class 24.

13. By the application herein opposed, Applicant intentionally seeks to trade on the goodwill of Opposers. The specimen submitted in connection with the application and related advertising (attached hereto as Exhibit A), makes reference not only to professional football in general, but to several NFL Member Clubs, including the Panthers, the Cincinnati Bengals and the Pittsburgh Steelers—clear evidence that Applicant is using the GROWL TOWEL designation intentionally, and in bad faith, to evoke Opposers.

14. In addition, the specimen submitted in connection with the application makes unauthorized use of the designation WHO DOO, a reference to NFL member club the Cincinnati Bengals and the Bengals' WHO DEY trademark—further evidence of Applicant's bad faith.

15. The goods for which Applicant seeks registration are identical to goods in connection with which the PROWL TOWEL Mark has been used and is in use.

16. Opposers will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the marks sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposers.

17. Registration should be refused pursuant to Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), on the grounds that Applicant's use of the GROWL TOWEL designation will falsely suggest a connection between Applicant and Opposers named herein, to the damage of Opposers.

18. Registration should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the grounds that Applicant's GROWL TOWEL designation so closely resembles the PROWL TOWEL Mark used consistently by Opposers in the United States, as to be likely, when used on or in connection with the goods identified in the Application, to cause confusion, or to cause mistake, or to deceive, with consequent injury to Opposers and to the public.

WHEREFORE, Opposers believe they will be damaged by the registration of Applicant's GROWL TOWEL designation for the goods identified in Application Serial Number 78/522,183 and respectfully request that the opposition be sustained and registration of said designation be denied.

Pursuant to 37 C.F.R. §2.6(a)(17), Opposers respectfully request that the \$600.00 statutory filing fee, for filing a Notice of Opposition by two Opposers in one international class, and any additional amounts, be charged to Deposit Account No. 23-1705.

All communication should be addressed to Opposers' counsel, White & Case

LLP, at the below stated address.

Dated: New York, New York
January 25, 2006

Respectfully submitted,

WHITE & CASE LLP

By: 
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ATTORNEYS FOR OPPOSERS PANTHERS
FOOTBALL LLC and NFL PROPERTIES,
LLC



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Call Will Kladakis @ 513-794-4175 for more information.

 Growl Towels will be available at Longworth Hall on Sunday, January 8th before the Bengals / Steelers

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