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TTAB

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August 28, 2006

By Express Mail

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

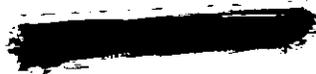
Attention: Trademark Trial and Appeal Board

Re: San Francisco Baseball Associates, L.P.,
Notice of Consolidated Opposition Against Darryl White's
Application to Register CHICAGO 1917 CA GIANTS AMERICAN GIANTS
(Stylized) and 1935 X CUBAN GIANTS (Stylized)
Attorney Ref. No. 21307.023

Dear Commissioner:

We enclose an original Consolidated Notice of Opposition against Application Serial Numbers 78/509,062 and 78/509,026, published in the Official Gazette of March 7, 2006 and May 23, 2006. 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.



08-28-2006

U.S. Patent & TMOc/TM Mail Rcpt Dt. #72

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Kindly confirm receipt of this opposition by returning the attached postcard and address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,



Heather L. Jensen

Enclosures

cc: Ms. Diane Kovach (w/encs. – by fax)

(the "Applications") and having been granted extensions of time to oppose up to and including September 3, 2006 and September 20, 2006 respectively, hereby opposes the same.

As grounds for the opposition, it is alleged that:

1. Opposer is the owner of the renowned SAN FRANCISCO GIANTS MAJOR LEAGUE BASEBALL club.

2. Since long prior to November 1, 2004, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors, have used the marks GIANT and GIANTS, either alone or with other words, letters and/or designs, including, without limitation, geographic terms ("Opposer's GIANTS Marks") in connection with baseball game and exhibition services and a wide variety of goods and services, including, without limitation, clothing, headwear, paper goods and printed matter, novelties, and toys and sporting goods.

3. Opposer owns U.S. Federal registrations and applications for Opposer's GIANTS Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 28, 34 and 41; namely, Registration Nos. 1,661,650; 1,532,656; 1,544,379; 1,010,059; 1,527,781; 1,314,552; 1,340,707; 2,600,709; 2,529,743; 2,688,009; 1,522,132; 1,544,375; 1,531,352; 1,547,331 and 1,564,607 and Application Serial Nos. 78/729,860; 78/729,862; 78/729,840 and 78/729,834. Opposer's Registration Nos. 1,661,650; 1,532,656; 1,544,379; 1,010,059; 1,527,781; 1,314,552; 1,340,707; 1,522,132; 1,544,375; 1,531,352; 1,547,331; and 1,564,607 are incontestable.

4. Since long prior to November 1, 2004, Applicant's constructive first use date, Opposer, 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 Opposer's GIANTS Marks, including, but not limited to, baseball game and

exhibition services and a wide variety of goods and services, including, without limitation, clothing, headwear, paper goods and printed matter, novelties and toys and sporting goods, 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 GIANTS Marks, Opposer has built up highly valuable goodwill in Opposer's GIANTS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On November 1, 2004, Applicant, Darryl White, filed intent-to-use Applications, for the marks CHICAGO 1917 CA GIANTS AMERICAN GIANTS (Stylized) and 1935 X CUBAN GIANTS (Stylized) in International Class 25 for "men's, women's and children's clothing, namely, baseball caps, t-shirts, sweat shirts, baseball jerseys, sweaters and jackets."

7. Upon information and belief, Applicant did not use the CHICAGO 1917 CA GIANTS AMERICAN GIANTS (Stylized) and 1935 X CUBAN GIANTS (Stylized) marks in U.S. commerce prior to its constructive first use date of November 1, 2004.

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

9. Applicant's CHICAGO 1917 CA GIANTS AMERICAN GIANTS (Stylized) and 1935 X CUBAN GIANTS (Stylized) marks, with the prominent use of the word GIANTS together with geographic terms, so resemble Opposer's GIANTS Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods 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 CHICAGO 1917 CA GIANTS AMERICAN GIANTS (Stylized) and 1935 X CUBAN GIANTS (Stylized) marks.

10. Opposer would be further injured by the granting of certificates of registration to Applicant for Applicant's CHICAGO 1917 CA GIANTS AMERICAN GIANTS (Stylized) and 1935 X CUBAN GIANTS (Stylized) marks because such marks would falsely suggest a connection between Applicant and Opposer.

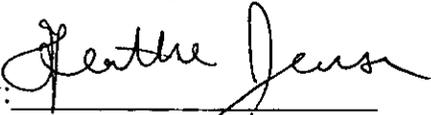
WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's CHICAGO 1917 CA GIANTS AMERICAN GIANTS (Stylized) and 1935 X CUBAN GIANTS (Stylized) marks and requests that the opposition be sustained and the Applications be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Heather L. Jensen (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
August 28, 2006

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

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