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Filing date: **05/13/2008**

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

Proceeding	91179114
Party	Plaintiff City of Carlsbad
Correspondence Address	Jacob C. Reinbolt Procopio Cory Hargreaves & Savitch LLP 530 B Street, Suite 2100 San Diego, CA 92101 UNITED STATES docketing@procopio.com, glj@procopio.com, jcr@procopio.com, kap@procopio.com
Submission	Other Motions/Papers
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Signature	/KAP/
Date	05/13/2008
Attachments	notice wo a.pdf (3 pages)(36097 bytes) attachmt a.pdf (12 pages)(273245 bytes)

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

In the Matter of Application Serial Nos.: (1) 77/054,111: THE CROSSINGS AT CARLSBAD; (2) 77/054,126: TCAC; and (3) 77/061,706: TCAC.

Published in the Official Gazette of July 10, 2007 (THE CROSSINGS AT CARLSBAD) and June 26, 2007 (TCAC, TCAC).

In the Matter of Application Serial Nos.: (1) 77/203,754: THE CROSSINGS AT CARLSBAD, and (2) 77/202,046: THE CROSSINGS AT CARLSBAD.

Published in the Official Gazette of December 18, 2007

CITY OF CARLSBAD,)	Consolidated Oppositions No. 91179114 and
)	91181769
Opposer,)	
)	
vs.)	
)	
PRINCE REZA SHAH,)	
)	
Applicant.)	
_____)	

**OPPOSER'S NOTIFICATION OF
RELATED INTER PARTES PROCEEDINGS**

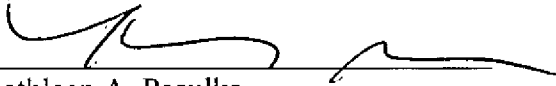
Pursuant to Fed.R.Civ.P. 42(a) and the request made by the Trademark Trial and Appeal Board in their Order of May 10, 2008, at Footnote 2, Opposer herein provides its notice of a recently filed, related proceeding: Opposition No. 91183938, City of Carlsbad vs. Prince Reza

Shah, filed May 7, 2008, a copy of the Notice of Opposition is provided as Attachment "A."

Dated: May 13, 2008

Respectfully submitted,

Procopio, Cory, Hargreaves & Savitch LLP,
Attorneys for Applicant

By: 
Kathleen A. Pasulka

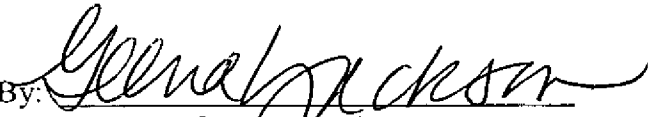
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S NOTIFICATION OF RELATED INTER PARTES PROCEEDINGS** is being mailed on May 13, 2008 by First Class Mail to Applicant's counsel as follows:

James E. Clevenger, Esq.
1334 Scenic Drive
Escondido, CA 92029-3106

Dated: May 13, 2008

By: 
Geena L. Jackson

ATTACHMENT "A"



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*Electronic System for Trademark Trials and Appeals***Receipt**

Your submission has been received by the USPTO.
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ESTTA Tracking number: **ESTTA209734**Filing date: **05/07/2008**

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 party opposes registration of the indicated application.

Opposer Information

Name	The City of Carlsbad		
Entity	Municipal Corporation	Citizenship	California
Address	1200 Carlsbad Village Drive Carlsbad, CA 92008 UNITED STATES		

Attorney information	Jacob C. Reinbolt Procopio Cory Hargreaves & Savitch LLP 530 B Street, Suite 2100 SAN DIEGO, CA 92101 UNITED STATES docketing@procopio.com Phone:619 238 1900		
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Applicant Information

Application No	77284659	Publication date	04/08/2008
Opposition Filing Date	05/07/2008	Opposition Period Ends	05/08/2008
Applicant	Prince Reza Shah P.O. Box 2471		

Carlsbad, CA 92018
UNITED STATES

Goods/Services Affected by Opposition

Class 025.
All goods and services in the class are opposed, namely: Hats; Caps; Golf shirts; T-shirts

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.</i> Fraud	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77263925	Application Date	08/24/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE CROSSINGS AT CARLSBAD		
Design Mark	77263925#TMSN.jpeg		
Description of Mark	The mark consists of two stylized waves with the literal element "The Crossings at Carlsbad" beneath the waves.		
Goods/Services	Class 025. First use: Golf caps; Golf cleats; Golf shirts; Golf shoes; Golf spikes; Golf trousers; Belts; Caps; Jerseys; Ties; Tops; Sweat bands; Sweat pants; Sweat shirts; Sweat suits; Athletic shoes; Vests; Socks; Jackets; Rain jackets; Waterproof jackets and pants; Wind resistant jackets; Visors; Skirts and dresses; Pants; Dress shirts; Knit shirts; Polo shirts; Sport shirts; Shirts		

U.S. Application No.	77263971	Application Date	08/24/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE CROSSINGS AT CARLSBAD		
Design Mark	77263971#TMSN.jpeg		
Description of Mark	The mark consists of two stylized waves with the literal element "The Crossings at Carlsbad" beneath the waves.		

Goods/Services	Class 028. First use: Divot repair tools; Fitted covers for non-motorized golf carts; Fitted head covers for golf clubs; Golf accessory pouches; Golf bag covers; Golf bag pegs; Golf bag tags; Golf bags; Golf ball markers; Golf ball retrievers; Golf ball sleeves; Golf balls; Golf club bags; Golf club covers; Golf club grips; Golf club heads; Golf club inserts; Golf club shafts; Golf club swing aids, namely golf club balancing scales and scale parts thereof, to analyze, fit and/or make golf clubs; Golf clubs; Golf flags; Golf gloves; Golf irons; Golf putter covers; Golf putters; Golf tee markers; Golf tees; Golf towel clips for attachment to golf bags; Golf training equipment, namely, a golf training cage; Grip tapes for golf clubs; Hand grips for golf clubs; Head covers for golf clubs; Non-motorized golf carts; Putting practice mats
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U.S. Application No.	77263996	Application Date	08/24/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE CROSSINGS AT CARLSBAD		
Design Mark	77263996#TMSN.jpeg		
Description of Mark	The mark consists of two stylized waves with the literal element "The Crossings at Carlsbad" beneath the waves.		
Goods/Services	Class 041. First use: Entertainment in the nature of golf tournaments; Fitting of golf clubs to individual users; Golf caddie services; Golf club services; Golf courses; Golf driving range services; Golf instruction; Providing a website through which golfers locate information about golf courses and golf tournaments; Providing a website through which golfers reserve tee times at golf courses; Providing golf facilities; Rental of golf equipment		

Related Proceedings	TTAB Opposition Nos. 91179114 and 91181769
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Attachments	77263925#TMSN.jpeg (1 page)(bytes) 77263971#TMSN.jpeg (1 page)(bytes) 77263996#TMSN.jpeg (1 page)(bytes) glj opp.pdf (7 pages)(232765 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	/jcr/
Name	Jacob C. Reinbolt
Date	05/07/2008

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

In the Matter of Application Serial No. 77/284,659: THE CROSSINGS AT MARBRISA (design mark).

Published in the Official Gazette of April 8, 2008

CITY OF CARLSBAD,)	Opposition No. <u>91183938</u>
)	
Opposer,)	
)	
vs.)	
)	
PRINCE REZA SHAH,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

The City of Carlsbad, a California Municipal Corporation, with an address of 1200 Carlsbad Village Drive, Carlsbad, California 92008 (“**Opposer**”), by its attorneys, hereby opposes registration of the mark THE CROSSINGS AT MARBRISA, filed by Prince Reza Shah (“**Applicant**”), which mark is the subject of application Serial No. 77/284,659, published April 8, 2008 (Class 25) and requests that registration of the application be refused.

The above-identified Opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

As grounds in support of its opposition, Opposer asserts as follows:

1. Applicant filed an application for THE CROSSINGS AT MARBRISA, application Serial No. 77/284,659, on September 20, 2007, for: Hats; Caps; Golf shirts; T-shirts (Class 25). An image of the Applicant's mark is shown below:



2. On information and belief, Opposer avers that approximately seventeen (17) years ago, Opposer (the City of Carlsbad), began planning a municipal golf course to be located within the City of Carlsbad. The golf course, which ultimately cost Applicant over \$68 million to plan, develop and build, opened in August 2007.

3. On information and belief, Opposer avers that on or about October 18, 2006, approximately ten (10) months before Opposer's THE CROSSINGS AT CARLSBAD golf course opened, the City of Carlsbad unveiled the name for Opposer's course, which name was chosen from approximately seven hundred (700) suggestions received from the public. That name, THE CROSSINGS AT CARLSBAD, was initially published in at least the local newspaper and on the Internet, on that same date.

4. On information and belief, in addition to the unveiling of the name THE CROSSINGS AT CARLSBAD as described above in paragraph number 3, on or about March 15, 2007, the City of Carlsbad (i.e., Opposer) also unveiled the logo for the golf course, which consisted of the stylized waves above the words "THE CROSSINGS AT CARLSBAD" in the manner set forth immediately below (the "Logo"):



THE CROSSINGS
AT CARLSBAD

5. On information and belief, Opposer avers that from the date of first publication of the name THE CROSSINGS AT CARLSBAD in the press, at least as early as October 18, 2006, and continuing to the present date, Opposer has devoted significant efforts, including substantial time and resources, to promote the name of its golf course and the name for the related goods and services to be offered under that mark.

6. On information and belief, Opposer avers that from the date of first publication of the Logo in the press, at least as early as March 15, 2007, and continuing to the present, Opposer has devoted significant efforts, including substantial time and resources, to promote the Logo for the golf course and for the related goods and services to be offered under the Logo.

7. As described in paragraph numbers 1-5 above, on September 20, 2007, after both the name, and the Logo, for the new City of Carlsbad municipal golf course (i.e., THE CROSSINGS AT CARLSBAD), and for the associated goods and services, were published in the press, Applicant, Prince Reza Shah filed an Intent to Use application for the confusingly similar design mark, THE CROSSINGS AT MARBRISA, in Class 25. That application is the subject of this Opposition.

8. On August 24, 2007, Opposer filed an Intent to Use Application for the Logo THE CROSSINGS AT CARLSBAD, in Class 25, for: Golf caps; Golf cleats; Golf shirts; Golf shoes; Golf spikes; Golf trousers; Belts; Caps; Jerseys; Ties; Tops; Sweat bands; Sweat pants; Sweat shirts; Sweat suits; Athletic shoes; Vests; Socks; Jackets; Rain jackets; Waterproof jackets

and pants; Wind resistant jackets; Visors; Skirts and dresses; Pants; Dress shirts; Knit shirts; Polo shirts; Shirts; Sports shirts, application Serial No. 77/263,925.

9. On August 24 2007, Opposer filed an Intent to Use Application for the Logo THE CROSSINGS AT CARLSBAD, in Class 28, for: Divot repair tools; Fitted covers for non-motorized golf carts; Fitted head covers for golf clubs; Golf accessory pouches; Golf bag covers; Golf bag pegs; Golf bag tags; Golf bags; Golf ball markers; Golf ball retrievers; Golf ball sleeves; Golf balls; Golf club bags; Golf club covers; Golf club grips; Golf club heads; Golf club inserts; Golf club shafts; Golf club swing aids, namely golf club balancing scales and scale parts thereof, to analyze, fit and/or make golf clubs; Golf clubs; Golf flags; Golf gloves; Golf irons; Golf putter covers; Golf putters; Golf tee markers; Golf tees; Golf towel clips for attachment to golf bags; Golf training equipment, namely, a golf training cage; Grip tapes for golf clubs; Hand grips for golf clubs; Head covers for golf clubs; Non-motorized golf carts; Putting practice mats, application Serial No. 77/263,971.

10. On August 24, 2007, Opposer filed an Intent to Use Application for the Logo THE CROSSINGS AT CARLSBAD, in Class 41, for: Entertainment in the nature of golf tournaments; Fitting of golf clubs to individual users; Golf caddie services; Golf club services; Golf courses; Golf driving range services; Golf instruction; Providing a website through which golfers reserve tee times at golf courses; Providing golf facilities; Rental of golf equipment, application Serial No. 77/263,996.

11. Based upon Opposer's prior use and publication of its Logo mark, THE CROSSINGS AT CARLSBAD, Opposer's rights in this mark are superior to the rights, if any, of Applicant.

12. Upon information and belief, Opposer avers that Applicant, who resides in or has an office in the City of Carlsbad, learned of the intended name for the Carlsbad municipal golf course and of the Logo and proceeded to file his Intent to Use application for THE CROSSINGS AT MARBRISA, with no legitimate basis for doing so, in bad faith, with an intent to deceive, and fraudulently.

13. On information and belief, Opposer avers that Applicant's proposed mark is deceptive and confusingly similar to Opposer's Logo in that it will trade on Opposer's rights. Given the substantial amount of press coverage that Opposer's new golf course and Logo (and the golf course's name "THE CROSSINGS AT CARLSBAD") have already received, the public will be deceived by the registration of Applicant's application that is the subject of this Opposition.

14. On information and belief, Opposer avers that Opposer's use of the mark THE CROSSINGS AT MARBRISA has created an association with Opposer and its goods and services. Opposer's use of its Logo has already resulted in the development of a trade identity, i.e., an open and public use of such nature and extent as to create, in the mind of the relevant purchasing public, an association of the designation with a single, and very public, source for the goods and services. Applicant's use of a confusingly similar mark will therefore create a likelihood of confusion.

15. On information and belief, Opposer avers that: (i) Applicant knew of Opposer's use of the Logo as a result of the publicity in the press surrounding Opposer's Logo and the golf course's name selection and usage; (ii) Opposer's rights in the Logo are superior to Applicant's rights in his confusingly similar mark; (iii) Applicant knew this to be the case and knew that

confusion was likely; and (iv) by failing to disclose the foregoing items (i) through (iii) to the PTO, Applicant intended to obtain a registration to which he is not entitled.

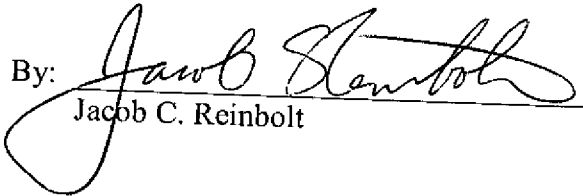
16. Opposer expects that its applications for the Logo THE CROSSINGS AT CARLSBAD will be rejected in view of Applicant's application for a confusingly similar mark. Were such rejection to occur and if Applicant's application were to proceed to registration, Opposer would be significantly damaged.

WHEREFORE, Opposer prays that the Opposition be sustained and that the registration of the application that is the subject of this proceeding be refused.

Dated: May 5, 2008

Respectfully submitted,

Procopio, Cory, Hargreaves & Savitch LLP,
Attorneys for Applicant

By: 
Jacob C. Reinbolt

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** is being mailed on May 7, 2008 by First Class Mail to Applicant's counsel as follows:

James E. Clevenger, Esq.
1334 Scenic Drive
Escondido, CA 92029-3106

Dated: May 7, 2008

By:


Geena L. Jackson