

ESTTA Tracking number: **ESTTA223069**

Filing date: **07/09/2008**

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	Boston Red Sox Baseball Club Limited Partnership
Granted to Date of previous extension	07/09/2008
Address	Fenway Park 4 Yawkey Way Boston, MA 02215 UNITED STATES

Attorney information	Roberto Ledesma Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES rxl@cll.com, trademark@cll.com Phone:212-790-9200
----------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Applicant Information

Application No	77288830	Publication date	03/11/2008
Opposition Filing Date	07/09/2008	Opposition Period Ends	07/09/2008
Applicant	Sagerian, Jean 36 New Boston Road Sturbridge, MA 01566 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Social club services, namely arranging, organizing, and hosting social events, get-togethers, and parties for club members

Grounds for Opposition

Other	see attached correspondence
-------	-----------------------------

Attachments	n(stylized)CL.PDF (2 pages)(99763 bytes) n(stylized)NOO.PDF (6 pages)(348818 bytes)
-------------	----------------------------------------------------------------------------------------------

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	/Roberto Ledesma/
Name	Roberto Ledesma
Date	07/09/2008

Cowan, Liebowitz & Latman, P.C.

Law Offices

1133 Avenue of the Americas • New York, NY 10036-6799

(212) 790-9200 • www.cl.com • Fax (212) 575-0671

Roberto Ledesma
Direct (212) 790-9245
rxl@cl.com

July 9, 2008

By Electronic Filing

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

Attention: Trademark Trial and Appeal Board

Re: Boston Red Sox Baseball Club Limited Partnership
Notice of Opposition Against
Jean Sagerian's
Application to Register N (stylized)
Attorney Ref. No. 21307.026

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 77/288,830 published in the Official Gazette of March 11, 2008. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

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

Cowan, Liebowitz & Latman, P.C.

July 9, 2008

Page 2

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Roberto Ledesma/

Roberto Ledesma

Enclosures

cc: Ms. Diane Kovach (w/encs. – by fax)
Mary L. Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)
Nancy Pisacano (w/encs.)

Ref. No. 21307.026

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

In re Application Serial No. 77/288,830
Filed: September 25, 2007
For Mark: N (Stylized)
Published in the Official Gazette: March 11, 2008

-----X
:
BOSTON RED SOX BASEBALL :
CLUB LIMITED PARTNERSHIP, :
:
Opposer, :
:
v. :
:
JEAN SAGERIAN, :
:
Applicant. :
-----X

NOTICE OF OPPOSITION

Opposition No.

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

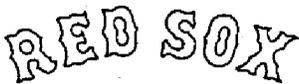
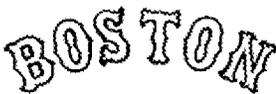
Opposer, Boston Red Sox Baseball Club Limited Partnership (“Opposer”), a
Massachusetts limited partnership, with offices at Fenway Park, 4 Yawkey Way, Boston,
Massachusetts, 02215, believes that it will be damaged by the registration of the mark N

(Stylized)  in International Class 41 for “Social club services, namely arranging,
organizing, and hosting social events, get-togethers, and parties for club members” as shown
in Application Serial No. 77/288,830 (the “Application”), and having been granted an
extension of time to oppose up to and including July 9, 2008, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned BOSTON RED SOX MAJOR LEAGUE BASEBALL club.

2. Since long prior to September 25, 2007, Applicant's constructive first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors, have used marks that consist of or incorporate the words RED SOX, B and/or BOSTON, alone or with other word and/or design elements, in a particular, distinctive, stylization associated

with the Club,  ,  ,  ,



(the "Red Sox Marks"), in connection with baseball

game and exhibition services and a wide variety of goods and services, including, but not limited to, fan club services, clothing, paper goods and printed matter, toys and sporting goods.

3. Opposer owns United States federal registrations and applications for Opposer's Red Sox Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 26, 28, 29, 34 and 41; namely, Registration Nos. 1,040,684; 1,060,117; 1,232,820; 1,522,389; 1,529,324; 1,568,406; 1,596,321; 1,602,303; 1,633,120; 1,736,679; 2,504,257; 2,634,700; 2,692,105; 3,231,139; 3,234,850; 3,238,173; 3,370,310 and 3,373,898 and Application Serial Nos. 78/749,000; 78/749,011; 78/749,013 and 78/759,936 for said trademarks and service marks. Registration Nos. 1,040,684; 1,060,117; 1,232,820; 1,522,389; 1,529,324; 1,568,406; 1,596,321; 1,602,303; 1,633,120; 1,736,679; and 2,504,257 are incontestable.

4. Since long prior to September 25, 2007, Applicant's constructive first use date, Opposer, its predecessors, 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 Red Sox Marks, including baseball game and exhibition services and a wide variety of goods and services, including, but not limited to, fan club services, clothing, paper goods and printed matter, 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 Red Sox Marks, Opposer has built up highly valuable goodwill in Opposer's Red Sox Marks and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On September 25, 2007, Applicant Jean Sagerian filed the Application on an intent-to-use basis to register the mark N (Stylized) in the particular, distinctive, stylized font long used by and associated with the Club for "Social club services, namely arranging, organizing, and hosting social events, get-togethers, and parties for club members" in International Class 41.

7. Upon information and belief, Applicant did not use the N (Stylized) mark in United States commerce prior to September 25, 2005, Applicant's constructive first use date

8. Upon information and belief, Applicant's N (Stylized) mark is intended to trade on the goodwill of Opposer and its Red Sox Marks.

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

10. Applicant's N (Stylized) mark so resembles Opposer's Red Sox Marks, when used in connection with Applicant's services, as to be likely 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 N (Stylized) mark.

11. Opposer would be further injured by the granting of a certificate of registration to Applicant for Applicant's N (Stylized) mark because such mark would falsely suggest a connection between Applicant and Opposer.

12. Opposer's Red Sox Marks are distinctive and famous and were so prior to September 25, 2007, Applicant's constructive first use date. Registration of Applicant's N (Stylized) mark would also injure Opposer by diluting the distinctive quality of Opposer's Red Sox Marks by blurring.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's N (Stylized) Mark and requests that the opposition be sustained and the Application be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin and Richard S. Mandel (members of the bar of the State of New York) and Roberto Ledesma (member of the bar of the State of Florida) 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
July 9, 2008

Respectfully submitted,

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

By: /Roberto Ledesma/
Mary L. Kevlin
Richard S. Mandel
Roberto Ledesma
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing NOTICE OF OPPOSITION to be sent via First Class Mail to Applicant who is also Applicant's Correspondent, Jean Sagerian, 36 New Boston Road, Sturbridge, MA 01566-1011 on July 9, 2008.

/Roberto Ledesma /

Roberto Ledesma