

ESTTA Tracking number: **ESTTA240656**

Filing date: **10/03/2008**

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	Angels Baseball LP
Granted to Date of previous extension	10/05/2008
Address	2000 Gene Autry Way Anaheim, CA 92806 UNITED STATES

Attorney information	Jane Shih Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES jss@cll.com, trademark@cll.com Phone:212 790 9200
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Applicant Information

Application No	78787280	Publication date	04/08/2008
Opposition Filing Date	10/03/2008	Opposition Period Ends	10/05/2008
Applicant	ANGL, INC. 7275 MELROSE AVE. STE. D LOS ANGELES, CA 90046 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2004/01/01 First Use In Commerce: 2004/01/01 All goods and services in the class are opposed, namely: Women's clothing, namely, jeans, dresses, miniskirts, sarongs, shorts, overalls, blouses, T-shirts, halter tops, jackets, coats, pajamas, undergarments, lingerie, hosiery, shoes, and hats.

Grounds for Opposition

Other	See attached pleading.
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Attachments	ANGL Cvr.PDF (1 page)(73352 bytes) ANGL NOO.PDF (5 pages)(33174 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	/Jane Shih/
Name	Jane Shih
Date	10/03/2008

Cowan, Liebowitz & Latman, P.C.

Law Offices

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Jane Shih
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October 3, 2008

By Electronic Filing

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

Re: Angels Baseball LP
Notice of Opposition Against
ANGL, INC.'s
Application to Register ANGL
Attorney Ref. No. 21307.024

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 78/787,280 published in the Official Gazette on April 8, 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.

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

Respectfully submitted,

/Jane Shih/

Jane Shih

Enclosures

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

1. Opposer is the owner of the renowned LOS ANGELES ANGELS OF ANAHEIM MAJOR LEAGUE BASEBALL club, formerly known as the ANAHEIM ANGELS, CALIFORNIA ANGELS and LA ANGELS club.

2. Since long prior to January 1, 2004, Applicant's claimed first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors have used names and marks comprising or containing the words ANGELS or ANGEL, either alone or with other word, letter and/or design elements ("Opposer's ANGELS Marks") in connection with baseball game and exhibition services and a wide variety of goods and services, including, without limitation, apparel, including, without limitation, hats, shirts, T-shirts, shorts, sweatshirts, jackets, coats, footwear, socks, boxer shorts, sleepwear, sporting goods, toys, and paper goods and printed matter.

3. Opposer owns United States federal applications and registrations for Opposer's ANGELS Marks in International Classes 9, 14, 16, 18, 25, 28 and 41, namely, Registration Nos. 1,485,613, 1,646,800, 1,881,515, 2,482,497, 2,581,357, 2,594,105, 2,594,106, 2,597,466, 2,603,792, 2,606,782, 2,606,783, 2,611,737, 2,638,556, 2,667,909, 2,668,048, 2,879,939, 3,211,693, 3,326,194, 3,326,197, 3,353,457, 3,403,355, 3,406,606, 3,410,418, 3,474,157 and 3,486,603 and Application Serial Nos. 78/831,965, 78/843,326, 78/843,327, 78/863,251, 78/863,253, 78/863,254, 78/863,255, 78/863,256 and 78/863,257. Registration Nos. 1,485,613, 1,646,800, 1,881,515 and 2,606,782 are incontestable.

4. Since long prior to January 1, 2004, Applicant's claimed first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and/or distribution of goods and services bearing or offered in connection

with Opposer's ANGELS Marks, including, but not limited to, baseball game and exhibition services and a wide variety of goods and services, including, without limitation, apparel, including, without limitation, hats, shirts, T-shirts, shorts, sweatshirts, jackets, coats, footwear, socks, boxer shorts, sleepwear, sporting goods, toys, and paper goods and printed matter, and have sold or distributed such goods and rendered such services in commerce.

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

6. On January 9, 2006, Applicant filed the Application to register Applicant's ANGL Mark for "Women's clothing, namely, jeans, dresses, miniskirts, sarongs, shorts, overalls, blouses, T-shirts, halter tops, jackets, coats, pajamas, undergarments, lingerie, hosiery, shoes, and hats" in International Class 25, claiming a first use date of January 1, 2004.

7. Upon information and belief, Applicant did not use Applicant's ANGL Mark for the goods covered in the Application in United States commerce prior to its claimed first use date of January 1, 2004.

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

9. Applicant's ANGL Mark so resembles Opposer's ANGELS Marks as to be likely, when applied to 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 ANGL Mark.

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

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's ANGL 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 Jane Shih, 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
October 3, 2008

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

By _____ /Jane Shih/
Mary L. Kevlin
Richard S. Mandel
Jane Shih
1133 Avenue of the Americas
New York, New York 10036-6799
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 3, 2008, I caused a true copy of the foregoing NOTICE OF OPPOSITION to be sent via First Class Mail, postage paid, to Applicant's Attorney of Record, Melvin L. Chung, Esq., Lee & Chung Attorneys at Law, 5042 Wilshire Blvd., #356, Los Angeles, CA 90036-4305.

Dated: New York, New York
October 3, 2008

/Jane Shih/
Jane Shih