

ESTTA Tracking number: **ESTTA242694**

Filing date: **10/15/2008**

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	Drexel University
Granted to Date of previous extension	11/26/2008
Address	3141 Chestnut Street Philadelphia, PA 19104 UNITED STATES

Attorney information	Roberta Jacobs-Meadway Eckert Seamans Cherin & Mellott LLC Two Liberty Place 50 South 16th Street, 22d floor Philadelphia, PA 19102 UNITED STATES rjacobsmeadway@eckertseamans.com, eforberger@eckertseamans.com Phone:215-851-8522
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Applicant Information

Application No	77267851	Publication date	07/29/2008
Opposition Filing Date	10/15/2008	Opposition Period Ends	11/26/2008
Applicant	Easepal Enterprises Limited 7th Floor Central Garden BLDG. #8 East Jiangtou Road Xiamen, CHINA		

Goods/Services Affected by Opposition

Class 022. All goods and services in the class are opposed, namely: Unfitted vehicle covers; Camouflage nets for visual and radar uses; Tarpaulins; Awnings; Tents; Awnings of synthetic materials, not of metal; Car towing ropes; Ropes; Packaging bags of textile material
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2535635	Application Date	03/01/2000
Registration Date	02/05/2002	Foreign Priority Date	NONE
Word Mark	DREXEL DRAGONS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1999/12/31 First Use In Commerce: 1999/12/31 Entertainment services in the nature of presentation of variety of games and sporting events, namely, intercollegiate football, basketball, baseball, ice hockey, soccer, swimming, tennis, crew, gymnastics, fencing, lacrosse, softball, squash, wrestling, and track and field events

U.S. Registration No.	2501817	Application Date	08/07/2000
Registration Date	10/30/2001	Foreign Priority Date	NONE
Word Mark	DREXEL D R A G O N S		
Design Mark			
Description of Mark	The mark is presented in the colors blue, red and gold and color is claimed as a feature of the mark. The dragon is pantone 129 (gold), the dragon fire is pantone 200 (red), and the outline, eye, nostril, and remaining darker portions are pantone 281 (blue).		
Goods/Services	Class 025. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 wearing apparel namely, hats, t-shirts, sweatshirts, shorts, sweatpants, headbands Class 041. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 entertainment services in the nature of presentation of a variety of intercollegiate sporting events, namely, football, basketball, baseball, ice hockey, soccer, swimming, tennis, crew, gymnastics, fencing, lacrosse, softball, squash, wrestling and track and field events		

U.S. Registration No.	2629037	Application Date	07/31/2000
Registration Date	10/01/2002	Foreign Priority Date	NONE
Word Mark	DREXEL DRAGONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/11/00 First Use In Commerce: 2000/11/00 Wearing apparel namely, hats, t-shirts, sweatshirts, shorts, sweatpants, headbands Class 041. First use: First Use: 2000/11/00 First Use In Commerce: 2000/11/00 Entertainment services in the nature of presentation of a variety of intercollegiate sporting events, namely, football, basketball, baseball, ice hockey, soccer, swimming, tennis, crew, gymnastics, fencing, lacrosse, softball, squash, wrestling and track and field events		

Attachments	75931919#TMSN.gif (1 page)(bytes) 76105310#TMSN.gif (1 page)(bytes) 76099618#TMSN.gif (1 page)(bytes) DREXEL V EASEPAL NOO.PDF (23 pages)(1263798 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 Overnight Courier on this date.

Signature	/Roberta Jacobs-Meadway/
Name	Roberta Jacobs-Meadway
Date	10/15/2008

by publication of said mark in the Official Gazette of July 29, 2008.

2. The application which is the subject of this opposition, serial no. 77/267,851, was filed on the basis of intent to use on August 20, 2007. Applicant claims no earlier date for the purpose of priority in the United States.

3. Drexel is and has for many years been a leader in the field of education. The Drexel program includes athletics. The nature and extent of Drexel's activities may be seen at the website, www.drexel.edu.

4. In connection with the services rendered and products sold under the Drexel mark and name, Drexel developed a symbol, or mascot, namely a dragon. Images of the Drexel Dragon are visible on the Drexel website. Since as early as 1929, Drexel has used DRAGON as a trademark and service mark and as a name for its athletic teams.

5. The dragon character is referred to generally as both the Drexel Dragon and as the Dragon, and Drexel has developed various marks around and depicting the dragon character and using the dragon name.

6. The dragon character is used without the Drexel name and mark as well as with the Drexel name and mark.

7. Drexel is the owner of the following U.S. trademark registrations for DREXEL DRAGONS and the design of the dragon:

REGISTRATION NO.	MARK	GOODS/SERVICES
2,535,635	DREXEL DRAGONS	Entertainment Services in the nature of presentation of variety of games and sporting events, namely, intercollegiate football, basketball, baseball, ice hockey, soccer, swimming, tennis, crew, gymnastics, fencing, lacrosse, softball, squash, wrestling and track and field events.

REGISTRATION NO.	MARK	GOODS/SERVICES
2,501,817	DREXEL DRAGONS and Design	Wearing apparel, namely, hats, t-shirts, sweatshirts, shorts, sweatpants, head bands, Entertainment services in the nature presentation of variety of games and sporting events, namely, intercollegiate football, basketball, baseball, ice hockey, soccer, swimming, tennis, crew, gymnastics, fencing, lacrosse, softball, squash, wrestling and track and field events.
2,629,037	DREXEL DRAGONS and Design	Wearing apparel, namely, hats, t-shirts, sweatshirts, shorts, sweatpants, head bands, Entertainment services in the nature presentation of variety of games and sporting events, namely, intercollegiate football, basketball, baseball, ice hockey, soccer, swimming, tennis, crew, gymnastics, fencing, lacrosse, softball, squash, wrestling and track and field events.

Printouts of the records of the U.S.P.T.O. including the assignment records for each of these registrations showing current title and status are attached as Exhibit A.

8. Drexel has continuously and extensively used the dragon device to identify Drexel's services and goods and distinguish them from the services and goods of others.

9. Drexel's use of the DREXEL DRAGONS and Design of Dragon marks and of the Drexel dragon has been significant, continuous and substantially exclusive.

10. The DREXEL DRAGON and Design of Dragon device and the dragon device are inherently distinctive when used on and in connection with Drexel's programs, services and goods.

11. The DREXEL DRAGON and Design of Dragon device and the dragon device have been well and favorably known and associated with Drexel since long prior to the

filing date of the application herein opposed.

12. Since its initial use of the DRAGON mark and the dragon character, Drexel has made a substantial investment in advertising and promoting its programs, services and goods under its DRAGON mark and the dragon design. Drexel has extensively used, advertised, promoted, offered, rendered and sold such programs, services and goods through various channels of trade in commerce. Drexel's alumni, customers and the public in general know and recognize its DRAGON mark and the dragon design and associate the same with Drexel. Drexel has built extensive goodwill in connection with its programs, services and goods offered under the Drexel DRAGON mark and the dragon character.

13. Applicant's filing date claimed in the application herein opposed is subsequent to Drexel's 1929 date of first use of DRAGON, and the dates of issue of Drexel's registrations relied on herein. Accordingly, priority is not an issue in this proceeding.

14. Applicant's DRAGON SPORT and Dragon design mark so resembles Drexel's DRAGON mark and dragon design to be likely, when used in connection with Applicant's goods, to cause confusion or mistake or to deceive purchasers as to the relationship or affiliation between applicant and Drexel, resulting in damage and detriment to Drexel and its reputation.

15. Drexel's programs, services and goods and Applicant's goods are closely related, and are offered, sold and/or rendered through overlapping channels of trade and are purchased by overlapping class of purchasers.

16. Applicant's goods include, *inter alia*, awnings and tents and packaging bags of textile material. Drexel's teams employ tents and Drexel's facilities include awnings and Drexel makes available to students and alumni and others bags made of textile material. The

goods made available and used often feature the Drexel dragon device and the DRAGONS mark. See the photographs attached hereto as Exhibit B.

17. The application herein opposed contains no limitations with respect to trade channels, so it must be assumed that the goods will travel through all trade channels appropriate for goods of that type for purchase by the typical purchasers of goods of that type. Such purchasers would include college students, graduate students, alumni, parents of students and others associated with universities such as Drexel.

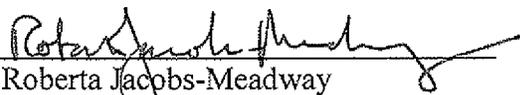
18. The mark of the application herein opposed not only features the word DRAGON, but it features the design of a dragon head and neck which is strikingly similar to the Drexel Dragon design, looking to be merely a slightly elongated version of the Drexel dragon's head and neck.

19. Granted the similarities between the marks and the relationship between the goods and services, confusion is likely.

WHEREFORE, Opposer prays that this Opposition be sustained and registration be refused the mark of Application Serial No. 77/267,851.

Respectfully submitted,

Dated: October 14, 2008

By: 
Roberta Jacobs-Meadway
Sean McConnell
ECKERT SEAMANS CHERIN & MELLOTT,
LLC
Two Liberty Place
50 S. 16th Street, 22nd Floor
Philadelphia, PA 19102
(215) 851-8522

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached Notice of Opposition was served on correspondent for Easepal Enterprises, Ltd. on the dated listed below via Federal Express:

Cheng Lai Ching
162 Des Voeux Road
Rm 404, General Commercial Building
Central Hong Kong

Dated: 10-15-08

By: Mary J. Boesenhofer
Mary J. Boesenhofer

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-02 11:44:07 ET

Serial Number: 76099618 Assignment Information Trademark Document Retrieval

Registration Number: 2629037

Mark



(words only): DREXEL DRAGONS

Standard Character claim: No

Current Status: Registered.

Date of Status: 2002-10-01

Filing Date: 2000-07-31

Transformed into a National Application: No

Registration Date: 2002-10-01

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-01-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

I. Drexel University

Address:

Drexel University
3141 Chestnut Street

Philadelphia, PA 19104

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

Wearing apparel namely, hats, t-shirts, sweatshirts, shorts, sweatpants, headbands

Basis: 1(a)

First Use Date: 2000-11-00

First Use in Commerce Date: 2000-11-00

International Class: 041

Class Status: Active

Entertainment services in the nature of presentation of a variety of intercollegiate sporting events, namely, football, basketball, baseball, ice hockey, soccer, swimming, tennis, crew, gymnastics, fencing, lacrosse, softball, squash, wrestling and track and field events

Basis: 1(a)

First Use Date: 2000-11-00

First Use in Commerce Date: 2000-11-00

ADDITIONAL INFORMATION

Design Search Code(s):

01.15.03 - Fire (flames), other than emanating from objects, words, numbers, fireplaces or candles;

Flames, other than flames emanating from objects, words, numbers, fireplaces or candles

01.15.15 - Fire (flames), emanating from objects, words or numbers

04.05.01 - Dragons; Griffons

Prior Registration Number(s):

2118379

2134658

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-11 - TEAS Change Of Correspondence Received

2008-03-11 - TEAS Change Of Correspondence Received

2008-01-14 - Case File In TICRS
2002-10-01 - Registered - Principal Register
2002-06-27 - Allowed for Registration - Principal Register (SOU accepted)
2002-04-09 - Assigned To Examiner
2002-04-04 - Statement of use processing complete
2002-03-13 - Amendment to Use filed
2002-03-15 - PAPER RECEIVED
2001-10-09 - Notice of allowance - mailed
2001-07-17 - Published for opposition
2001-07-04 - Notice of publication
2001-02-07 - Approved for Pub - Principal Register (Initial exam)
2001-02-01 - Assigned To Examiner
2001-01-26 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Roberta Jacobs-Meadway

Correspondent

Roberta Jacobs-Meadway
Eckert Seamans Cherin & Mellott L.L.C.
22nd Floor
Two Liberty Place, 50 South 16th Street
Philadelphia PA 19102
Phone Number: 215.851.8522
Fax Number: 215.851.8383



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No assignment has been recorded at the USPTO

For Serial Number: 76099618

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Web interface last modified: April 20, 2007 v.2.0.1

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Serial Number: 76105310 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2501817

Mark



(words only): DREXEL D R A G O N S

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2007-11-10

Filing Date: 2000-08-07

Transformed into a National Application: No

Registration Date: 2001-10-30

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-11-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Drexel University

Address:

Drexel University
3141 Chestnut Street

Philadelphia, PA 19104

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

wearing apparel namely, hats, t-shirts, sweatshirts, shorts, sweatpants, headbands

Basis: 1(a)

First Use Date: 2000-01-01

First Use in Commerce Date: 2000-01-01

International Class: 041

Class Status: Active

entertainment services in the nature of presentation of a variety of intercollegiate sporting events, namely, football, basketball, baseball, ice hockey, soccer, swimming, tennis, crew, gymnastics, fencing, lacrosse, softball, squash, wrestling and track and field events

Basis: 1(a)

First Use Date: 2000-01-01

First Use in Commerce Date: 2000-01-01

ADDITIONAL INFORMATION

Description of Mark: The mark is presented in the colors blue, red and gold and color is claimed as a feature of the mark. The dragon is pantone 129 (gold), the dragon fire is pantone 200 (red), and the outline, eye, nostril, and remaining darker portions are pantone 281 (blue).

Design Search Code(s):

04.05.01 - Dragons; Griffons

Prior Registration Number(s):

2118379

2134658

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-11 - TEAS Change Of Correspondence Received

2008-03-11 - TEAS Change Of Correspondence Received

2007-11-10 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-10-29 - TEAS Section 8 & 15 Received

2007-01-12 - Case File In TICRS

2001-10-30 - Registered - Principal Register

2001-07-24 - Published for opposition

2001-07-11 - Notice of publication

2001-03-22 - Approved for Pub - Principal Register (Initial exam)

2001-03-22 - Amendment to Use approved

2001-03-22 - Amendment to use processing complete

2001-02-15 - Amendment to Use filed

2001-03-22 - Previous allowance count withdrawn

2001-02-08 - Approved for Pub - Principal Register (Initial exam)

2001-02-06 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Roberta Jacobs-Meadway

Correspondent

Roberta Jacobs-Meadway

Eckert Seamans Cherin & Mellott L.L.C.

22nd Floor

Two Liberty Place, 50 South 16th Street

Philadelphia PA 19102

Phone Number: 215.851.8522

Fax Number: 215.851.8383



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For Serial Number: 76105310

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Serial Number: 75931919 Assignment Information Trademark Document Retrieval

Registration Number: 2535635

Mark (words only): DREXEL DRAGONS

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2008-02-20

Filing Date: 2000-03-01

Transformed into a National Application: No

Registration Date: 2002-02-05

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2008-02-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Drexel University

Address:

Drexel University
3141 Chestnut Street
Philadelphia, PA 19104
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 041

Class Status: Active

Entertainment services in the nature of presentation of variety of games and sporting events, namely, intercollegiate football, basketball, baseball, ice hockey, soccer, swimming, tennis, crew, gymnastics, fencing, lacrosse, softball, squash, wrestling, and track and field events

Basis: 1(a)

First Use Date: 1999-12-31

First Use in Commerce Date: 1999-12-31

ADDITIONAL INFORMATION

Prior Registration Number(s):

2134658

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-11 - TEAS Change Of Correspondence Received

2008-03-11 - TEAS Change Of Correspondence Received

2008-02-20 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-02-08 - Assigned To Paralegal

2008-02-05 - TEAS Section 8 & 15 Received

2007-04-09 - Case File In TICRS

2002-02-05 - Registered - Principal Register

2001-11-13 - Published for opposition

2001-10-24 - Notice of publication

2001-06-27 - Approved for Pub - Principal Register (Initial exam)

2001-02-20 - Communication received from applicant

2000-11-16 - Final refusal mailed

2000-09-28 - Communication received from applicant

2000-08-02 - Non-final action mailed

2000-07-28 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

ROBERTA JACOBS-MEADWAY

Correspondent

Roberta Jacobs-Meadway
Eckert Seamans Cherin & Mellott L.L.C.
22nd Floor
Two Liberty Place, 50 South 16th Street
Philadelphia PA 19102
Phone Number: 215.851.8522
Fax Number: 215.851.8383



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Web interface last modified: April 20, 2007 v.2.0.1

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EXHIBIT B

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Items in Cart: 0

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T-Shirts

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Pants and Shorts

Hats

Bags

Kids

MAILING LIST

Join the Drexel Dragons official store mailing list.

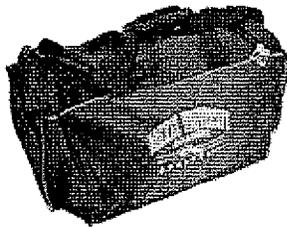
[home](#) | [view cart](#) | [help](#)

THE OFFICIAL DREXEL UNIVERSITY ATHLETICS STORE



Drexel Dragons • Bags

Sort by:



Drexel Dragons Medium Duffle Bag

\$49.00

Medium sized navy duffle featuring the Drxel Dragons logo.

Quantity:



Brasilia Gym Sack

\$14.00

Navy Brazilia style gym sack featuring Drexel text.

Quantity:

Questions or concerns?

You can also place an order by phone by calling 1-800-927-7821 (9am - 9pm Monday Thru Thursdays, 9am - 8pm Fridays EST).

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SEARCH

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Items in Cart: 0

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- Womens
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- Jackets and Sweatshirts
- Pants and Shorts
- Hats
- Bags
- Kids

MAILING LIST

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official store mailing list.

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THE OFFICIAL DREXEL UNIVERSITY ATHLETICS STORE



Drexel Dragons • T-Shirts • Dragon Country Tee



Dragon Country Tee

100% cotton grey t-shirt with Dragon Country font.

Item #: DQCT013

Large : \$18.00

Quantity:

BUY IT

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People who bought this also bought: [see all](#)



People Who Bought This Also Bought:



Tribal Babydoll Tee

Black babydoll tee featuring a tribal logo.

[more >](#)



Field Hockey Tee

White 100% cotton t-shirt featuring the Field Hockey logo.

[more >](#)