

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

Auburn University)	
(Opposer))	
)	Opposition No.: _____
-v-)	Appl. Ser. No.: 77/441128
)	Published in the Official Gazette on September 9, 2008
Vintage Base Ball Federation, LLC)	
(Applicant))	

03/09/2009 09:00:00 501345 77441128

01 FD:6402 501345 DE

NOTICE OF OPPOSITION

Auburn University, a state university and body corporate under the laws of the State of Alabama, located and doing business in Auburn, Alabama (hereinafter “Opposer”), believing that it will be damaged by the registration of the mark AUBURN PRISONERS as shown in the above identified application, hereby opposes Application Serial No. 77/441128, filed April 6, 2008 (the “Application”), under the Trademark Act of 1946, in the name of Vintage Base Ball Federation, LLC (hereinafter “Applicant”), published for opposition in the *Official Gazette* on September 9, 2008, for the mark AUBURN PRISONERS in class 25 for clothing, namely, shirts, pants, T-shirts, sweatshirts, long sleeve undershirts, sweaters, baseball uniforms, jerseys, warm-up suits, jogging suits, slacks, sleepwear, nightshirts, jackets, coats, ponchos, raincoats, overalls, capes, ties, suspenders, belts, caps, hats, gloves, scarves, tank tops, blouses, dresses, skirts, underwear, robes, socks, footwear, slippers, vests, aprons, bandanas, and masquerade costumes (the “Applicant’s Goods”).

The grounds of opposition are as follows:



1. The Opposer, Auburn University, is the owner of a variety of marks, including AUBURN, AUBURN UNIVERSITY, AUBURN TIGERS, AUBURN COMMONS, and the AUBURN UNIVERSITY School Seal (“Opposer’s Marks), and variations thereof, as applied to a wide range of goods and services, including various clothing goods.

2. Opposer is now and for many decades has been trading as and known by the Opposer’s Marks and variants, identifying Opposer as the source of a variety of goods and services and thus likely to be found in use in identical settings along side of the Applicant’s Goods, which are, or will be, apparently offered under its alleged mark AUBURN PRISONERS.

3. Commencing long prior to the filing date of the Application, Opposer has engaged, is now engaged, and continues to be engaged, either directly or through authorized licensees, in the distribution, sale, advertising and promotion in interstate commerce of, among other things, the following goods and services: electric light fixtures, metal key chains, metal license plates, metal piggy banks, metal buckets, belt buckles of precious metal, costume jewelry, key rings of precious metal, piggy banks made of precious metal, clocks, jewelry, watches, class rings, rings, pins, lapel pins, necklaces, bracelets, pendants, charms, charm bracelets, earrings, belly rings, necklaces, leather key chains, all purpose carrying bags, book bags, school bags, shoulder bags, umbrellas, luggage, wallets, coin purses, luggage tags, purses, ID holders, plastic key chains, plastic novelty license plates, plastic pennants, plastic flags, picture frames, umbrella stands, pillows, decorative plaques, plastic name badges, collectibles in the nature of cold cast resin figurines, stadium cushions, novelty items in the nature of

collectible plastic megaphones, mirrors, wind chimes, diploma frames, picnic tables, ice buckets, beverage glassware, waste paper baskets, bottle openers, bowls, coffee cups, beverage containers, grills, cooking utensils, namely, grill covers, forks, tongs, spatulas, stained glass decorative wall hangings, stained glass figurines, stained glass fireplace screens, stained glass decorations, plastic coasters, serving trays not of precious metal, paper plates, picnic baskets, salt and pepper shakers, plant holders, non-metal piggy banks, cloth coasters, towels, blankets, cloth pennants, felt pennants, cloth flags, tapestries of textile, textile wall hangings, textile placemats, quilts, sheets, bed linens, balloons, basketballs, beach balls, foam basketballs, footballs, playground balls, soccer balls, rubber action balls, tennis balls, table tennis balls, volleyballs, toy balls, baseballs, basketball goals, bean bags, chess sets, checker sets, Christmas tree ornaments, Christmas stockings, flying discs, golf head covers, golf tees, putter cups, golf flags, golf bags, golf balls, golf putter covers, tennis nets, tennis racket covers, stuffed toy animals, dolls, puzzles, board games, plastic figurine toys, foam figurine toys, baseball bats, bean bags, toy megaphones, toy diecast vehicles other than automobiles, clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, baby bottoms, toy cars that bear indicia of the applicant university and replicate or resemble trucks, 1938 model panel vans, 1946 model automobiles, and late model, namely since 1950, passenger automobiles, vans, buses, and sport utility vehicles, printed materials, namely, notebooks, loose leaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books,

calendars, binders for diplomas, pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers, playing cards, newsletter for university graduates, alumni, and supporters, and educational services, namely university and community education, public lectures and workshops, seminars, and conferences, and entertainment services, namely sports exhibitions, theatrical productions, public lectures, art exhibitions, musical concerts, dance and ballet performances, and motion picture exhibitions, and providing an online electronic newsletter for university graduates, alumni, and supporters (said goods and services hereinafter collectively referred to as “Opposer’s Goods”).

4. Commencing long prior to the filing date of the Application, Opposer has used, is now using, and continues to use, either directly or through authorized licensees, some or all of Opposer’s Marks and variations thereof on and in connection with Opposer’s Goods distributed and sold by Opposer or its authorized licensees in interstate commerce. Thus, Opposer has long-standing common law ownership rights in Opposer's Marks in connection with Opposer’s Goods, which rights arose prior to the filing date of the Application.

5. Further, Opposer is the owner of, and will rely herein in part upon, the following Federal trademark registrations:

<u>Mark</u>	<u>Registration No.</u>	<u>Issued</u>
AUBURN	3052639	01/31/06
AUBURN	2054439	04/22/97
AUBURN	2381222	08/29/00
AUBURN	2045683	03/18/97
AUBURN	2040157	02/25/97

AUBURN UNIVERSITY	3052641	01/31/06
AUBURN UNIVERSITY	2080848	07/22/97
AUBURN UNIVERSITY	2040159	02/25/97
AUBURN UNIVERSITY	2047365	03/25/97
AUBURN TIGERS	2172166	07/14/98
AUBURN TIGERS	3052640	01/31/06
AUBURN TIGERS	2164990	06/16/98
AUBURN COMMONS	3026287	12/13/05
AUBURN UNIVERSITY school seal	2064683	05/27/97
AUBURN UNIVERSITY school seal	2056958	04/29/97
AUBURN UNIVERSITY school seal	2066511	06/03/97
ALL AUBURN ALL ORANGE	3569638	02/03/09
ALL AUBURN ALL ORANGE	3567414	01/27/09
AUBURN UNIVERSITY logo	3412540	04/15/08

Copies of the current printout of information from the electronic database records of the USPTO showing the current status and title of each of the above referenced registrations are attached as Exhibits A-S.

6. Since its initial use of Opposer's Marks, including the AUBURN mark, Opposer has made a substantial investment in advertising and promoting Opposer's Goods under Opposer's Marks.

7. Opposer and its authorized licensees have extensively used, advertised, promoted and offered Opposer's Goods bearing Opposer's Marks to the public through various channels of trade in commerce, with the result that Opposer's

customers and the public in general have come to know and recognize Opposer's Marks and associate same with Opposer and/or goods sold by Opposer or its authorized licensees, including Opposer's Goods.

8. As a result of the high quality of Opposer's Goods and the extensive use, promotion, sales, and public acceptance of Opposer's Goods, such goods have acquired an outstanding reputation, and Opposer has built extensive goodwill in connection with the sales of products and services, including Opposer's Goods, under Opposer's Marks.

9. Because of Opposer's extensive use, advertisement, promotion, offering, and sale to the public of Opposer's Goods bearing Opposer's Marks for many decades through various channels of trade in commerce, Opposer's Marks have become famous and are entitled to a broad scope of protection.

10. Upon information and belief, notwithstanding Opposer's rights in and to Opposer's Marks, on April 6, 2008, Applicant filed an application for registration of the mark AUBURN PRISONERS that appears in the Application for the goods listed in the Application. The Application was assigned Application Serial No. 77/441128, and was published for Opposition in the *Official Gazette* on September 9, 2008.

11. The word mark AUBURN PRISONERS in the Application is identical to or so resembles Opposer's Marks in sight, pronunciation, commercial impression, and connotation as to be likely, when used with the proposed goods of Applicant, to cause confusion or mistake or to deceive purchasers, resulting in damage and detriment to Opposer and its reputation.

12. Upon information and belief, the goods identified in the Application are either identical, or closely related, to some or all of Opposer's Goods. Upon information and belief, Opposer's Goods and Applicant's Goods will be sold in close proximity and purchased and consumed by the same general class of purchasers.

13. Upon information and belief, Opposer's rights in Opposer's Marks, and its registrations set forth in section 5 hereof, precede any rights Applicant may have in the mark set forth in the Application.

14. Upon information and belief, Opposer avers that its customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's proposed goods to be marketed under Applicant's proposed AUBURN PRISONERS mark as set forth in the Application and misled into believing that such goods are produced by, emanate from, or are in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

15. Upon information and belief, Opposer avers that it will be damaged by the registration by Applicant of the AUBURN PRISONERS trademark set forth in the Application in that the mark is identical or substantially similar to Opposer's Marks and will be used in connection with goods identical, or closely related, to the goods offered to the public by Opposer or its authorized licensees.

16. Upon information and belief, Opposer avers that the registration of Applicant's AUBURN PRISONERS mark set forth in the Application will result in the dilution of the distinctive quality of the famous Opposer's Marks to the detriment of Opposer.

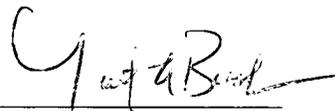
Wherefore, because this Opposer, Auburn University, believes and avers that it is being and will continue to be damaged by registration of the AUBURN PRISONERS mark set forth in the Application, Opposer prays that Application Serial No. 77/441128 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Opposer has appointed Timothy A. Bush, a member of the law firm of Sirote & Permutt, P.C., and a member of the Bar of the State of Alabama, to prosecute this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

Timothy A. Bush
Sirote & Permutt, P.C.
2311 Highland Avenue South
Birmingham, AL 35205

The Commissioner is hereby authorized to charge the \$300 filing fee for this Opposition to Account No. 501346.

Respectfully submitted,



Attorney for Opposer
Timothy A. Bush
Sirote & Permutt, P.C.
2311 Highland Ave.
Birmingham, AL 35255
(205)930.5282
fax: (205)930.5101

Date: Nov. 4, 2009

CERTIFICATE OF MAILING

I hereby certify that the preceding Notice of Opposition is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on this 4th day of March, 2009.

A handwritten signature in cursive script, appearing to read "McClain", written over a horizontal line.

Tiffany McClain

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "NOTICE OF OPPOSITION" was served on Applicant by Express Mail Post Office to Addressee, on the 4th day of March, 2009, at the following address:

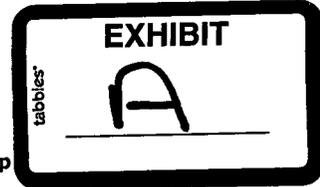
Vintage Base Ball Federation, LLC
Box 188
36 Millard Rd
North Egremont, MA 01252-9701

By Yut G. Bue
Attorney for Opposer
Dated:



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AUBURN

Word Mark AUBURN

Goods and Services IC 006. US 002 012 013 014 023 025 050. G & S: metal key chains, metal license plates, metal piggy banks, and metal buckets. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 014. US 002 027 028 050. G & S: belt buckles of precious metal, costume jewelry, key rings of precious metal, piggy banks made of precious metal, clocks, jewelry, watches, class rings, rings, pins, lapel pins, necklaces, bracelets, pendants, charms, charm bracelets, earrings, belly rings, and necklaces. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 018. US 001 002 003 022 041. G & S: leather key chains, all purpose carrying bags, book bags, school bags, shoulder bags, umbrellas, luggage, wallets, coin purses, luggage tags, purses, ID holders. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 020. US 002 013 022 025 032 050. G & S: plastic key chains, plastic novelty license plates, plastic pennants, plastic flags, picture frames, umbrella stands, pillows, decorative plaques, plastic name badges, collectibles in the nature of cold cast resin figurines, stadium cushions, novelty items in the nature of collectible plastic megaphones, mirrors, wind chimes, diploma frames, and picnic tables. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 021. US 002 013 023 029 030 033 040 050. G & S: ice buckets, beverage glassware, waste paper baskets, bottle openers, bowls, coffee cups, beverage containers, grills, cooking utensils, namely, grill covers, forks, tongs, and spatulas, stained glass decorative wall hangings, stained glass figurines, stained glass fireplace screens, stained glass decorations, plastic coasters, serving trays not of precious metal, paper plates, picnic baskets, salt and pepper shakers, plant holders, and non-metal piggy banks. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 024. US 042 050. G & S: cloth coasters, towels, blankets, cloth pennants, felt pennants, cloth flags, tapestries of textile, textile wall hangings, textile placemats, quilts, sheets, and bed linens. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 028. US 022 023 038 050. G & S: balloons, basketballs, beach balls, foam basketballs, footballs, playground balls, soccer balls, rubber action balls, tennis balls, table tennis balls, volleyballs, toy balls, baseballs, basketball goals, bean bags, chess sets, checker sets, Christmas tree ornaments, Christmas stockings, flying discs, golf head covers, golf tees, putter cups, golf flags, golf bags, golf balls, golf putter covers, tennis nets, tennis racket covers, stuffed toy animals, dolls, puzzles, board games, plastic figurine toys, foam figurine toys, baseball bats, bean bags, toy megaphones, and toy diecast vehicles other than automobiles. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 76617572

Filing Date October 26, 2004

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition November 8, 2005

Registration Number 3052639

Registration Date January 31, 2006

Owner (REGISTRANT) **Auburn University** BODY CORPORATE ALABAMA 6 Samford Hall **Auburn University** ALABAMA 368495118

Attorney of Record Timothy A. Bush

Prior Registrations 2040157;2040159;2045683;2047365;2054439;2056958;2064683;2066511;2080848; 2164990;2172166;2381222;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

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Typed Drawing

Word Mark AUBURN
Goods and Services IC 025. US 022 039. G & S: clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, and baby bottoms. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75038579
Filing Date December 29, 1995
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 28, 1997
Registration Number 2054439
Registration Date April 22, 1997
Owner (REGISTRANT) Auburn University INSTRUMENTALITY OF THE STATE OF ALABAMA ALABAMA 6 Samford Hall Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20071102.
Renewal 1ST RENEWAL 20071102

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Indicator

LIVE

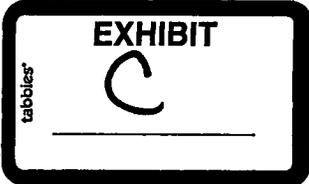
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Typed Drawing

Word Mark AUBURN
Goods and Services IC 028. US 022 023 038 050. G & S: toy cars that bear indicia of the applicant university and replicate or resemble trucks, 1938 model panel vans, 1946 model automobiles, and late model, namely since 1950, passenger automobiles, vans, buses, and sport utility vehicles. FIRST USE: 19950000. FIRST USE IN COMMERCE: 19950000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75773049
Filing Date August 11, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition June 6, 2000
Registration Number 2381222
Registration Date August 29, 2000
Owner (REGISTRANT) Auburn University CORPORATION ALABAMA 6 Samford Hall Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).

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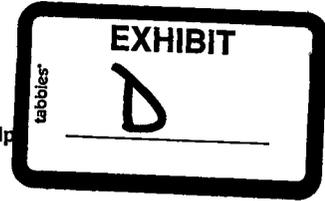
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Typed Drawing

Word Mark AUBURN
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely, notebooks, looseleaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books, calendars, binders for diplomas, pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers and playing cards. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75038507
Filing Date December 29, 1995
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 24, 1996
Registration Number 2045683
Registration Date March 18, 1997
Owner (REGISTRANT) AUBURN UNIVERSITY BODY CORPORATE ALABAMA 107 SAMFORD HALL AUBURN ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070920.

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Typed Drawing

Word Mark AUBURN
Goods and Services IC 041. US 100 101 107. G & S: educational services, namely university and community education, public lectures and workshops, seminars, and conferences, and entertainment services, namely sports exhibitions, theatrical productions, public lectures, art exhibitions, musical concerts, dance and ballet performances, and motion picture exhibitions. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75038479
Filing Date December 29, 1995
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 3, 1996
Registration Number 2040157
Registration Date February 25, 1997
Owner (REGISTRANT) Auburn University BODY CORPORATE ALABAMA 107 Samford Hall Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark SERVICE MARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070310.

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AUBURN UNIVERSITY

Word Mark AUBURN UNIVERSITY

Goods and Services IC 006. US 002 012 013 014 023 025 050. G & S: metal key chains, metal license plates, metal piggy banks, and metal buckets. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 018. US 001 002 003 022 041. G & S: leather key chains, all purpose carrying bags, book bags, school bags, shoulder bags, umbrellas, luggage, wallets, coin purses, luggage tags, purses, ID holders. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 020. US 002 013 022 025 032 050. G & S: plastic key chains, plastic novelty license plates, plastic pennants, plastic flags, picture frames, umbrella stands, pillows, decorative plaques, plastic name badges, collectibles in the nature of cold cast resin figurines, stadium cushions, novelty items in the nature of collectible plastic megaphones, mirrors, wind chimes, diploma frames, and picnic tables. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 021. US 002 013 023 029 030 033 040 050. G & S: ice buckets, beverage glassware, waste paper baskets, bottle openers, bowls, coffee cups, beverage containers, grills, cooking utensils, namely, grill covers, forks, tongs, and spatulas, stained glass decorative wall hangings, stained glass figurines, stained glass fireplace screens, stained glass decorations, plastic coasters, serving trays not of precious metal, paper plates, picnic baskets, salt and pepper shakers, plant holders, and non-metal piggy banks. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 024. US 042 050. G & S: cloth coasters, towels, blankets, cloth pennants, felt pennants, cloth flags, tapestries of textile, textile wall hangings, textile placemats, quilts, sheets, and bed linens. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 028. US 022 023 038 050. G & S: balloons, basketballs, beach balls, foam basketballs, footballs,

playground balls, soccer balls, rubber action balls, tennis balls, table tennis balls, volleyballs, toy balls, baseballs, basketball goals, bean bags, chess sets, checker sets, Christmas tree ornaments, Christmas stockings, flying discs, golf head covers, golf tees, putter cups, golf flags, golf bags, golf balls, golf putter covers, tennis nets, tennis racket covers, stuffed toy animals, dolls, puzzles. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 76617574

Filing Date October 26, 2004

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition November 8, 2005

Registration Number 3052641

Registration Date January 31, 2006

Owner (REGISTRANT) **Auburn University** A BODY CORPORATE ALABAMA 6 Samford Hall **Auburn University** ALABAMA 368495118

Attorney of Record Timothy A. Bush

Prior Registrations 2040157;2040159;2045683;2047365;2054439;2056958;2064683;2066511;2080848; 2164990;2172166;2381222;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark AUBURN UNIVERSITY

Goods and Services IC 025. US 022 039. G & S: clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, and baby bottoms. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75038575

Filing Date December 29, 1995

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition April 29, 1997

Registration Number 2080848

Registration Date July 22, 1997

Owner (REGISTRANT) Auburn University INSTRUMENTALITY ALABAMA 106 Samford Hall Auburn ALABAMA 36849

Attorney of Record Timothy A. Bush

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070605.

Renewal 1ST RENEWAL 20070605

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Indicator

LIVE

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Typed Drawing

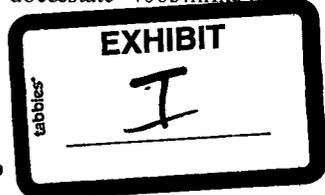
Word Mark AUBURN UNIVERSITY
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely, notebooks, looseleaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books, calendars, binders for diplomas, pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers, playing cards. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75038506
Filing Date December 29, 1995
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 3, 1996
Registration Number 2040159
Registration Date February 25, 1997
Owner (REGISTRANT) Auburn University BODY CORPORATE ALABAMA 107 Samford Hall Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061111.

Renewal 1ST RENEWAL 20061111

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Typed Drawing

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Word Mark AUBURN UNIVERSITY

Goods and Services IC 041. US 100 101 107. G & S: educational services, namely, university and community education, public lectures and workshops, seminars, and conferences, and entertainment services, namely, sports exhibitions, theatrical productions, public lectures, art exhibitions, musical concerts, dance and ballet performances, and motion picture exhibitions. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75038478

Filing Date December 29, 1995

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition December 31, 1996

Registration Number 2047365

Registration Date March 25, 1997

Owner (REGISTRANT) Auburn University BODY CORPORATE ALABAMA 6 Samford Hall Auburn ALABAMA 36849

Attorney of Record Timothy A. Bush

Type of Mark SERVICE MARK

Register PRINCIPAL-2(F)

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061120.

Renewal 1ST RENEWAL 20061120
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark AUBURN TIGERS

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely, notebooks, looseleaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books, calendars, [binders for diplomas,] pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers and playing cards. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75038508

Filing Date December 29, 1995

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition December 17, 1996

Registration Number 2172166

Registration Date July 14, 1998

Owner (REGISTRANT) Auburn University INSTRUMENTALITY ALABAMA 6 Samford Hall Auburn ALABAMA 36849

Attorney of Record TIMOTHY A BUSH

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)-IN PART

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080621.

Renewal 1ST RENEWAL 20080621

Live/Dead Indicator LIVE
Distinctiveness Limitation Statement as to "AUBURN"

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AUBURN TIGERS

Word Mark AUBURN TIGERS

Goods and Services IC 006. US 002 012 013 014 023 025 050. G & S: metal key chains, metal license plates, metal piggy banks, and metal buckets. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 020. US 002 013 022 025 032 050. G & S: plastic key chains, plastic novelty license plates, plastic pennants, plastic flags, picture frames, umbrella stands, pillows, decorative plaques, plastic name badges, collectibles in the nature of cold cast resin figurines, stadium cushions, novelty items in the nature of collectible plastic megaphones, mirrors, wind chimes, diploma frames, and picnic tables. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 024. US 042 050. G & S: cloth coasters, towels, blankets, cloth pennants, felt pennants, cloth flags, tapestries of textile, textile wall hangings, textile placemats, quilts, sheets, and bed linens. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 028. US 022 023 038 050. G & S: balloons, basketballs, beach balls, foam basketballs, footballs, playground balls, soccer balls, rubber action balls, tennis balls, table tennis balls, volleyballs, toy balls, baseballs, basketball goals, bean bags, chess sets, checker sets, Christmas tree ornaments, Christmas stockings, flying discs, golf head covers, golf tees, putter cups, golf flags, golf bags, golf balls, golf putter covers, tennis nets, tennis racket covers, stuffed toy animals, dolls, puzzles, board games, plastic figurine toys, foam figurine toys, baseball bats, bean bags, toy megaphones, and toy diecast vehicles. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

Standard Characters Claimed
Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number 76617573
Filing Date October 26, 2004
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 8, 2005
Registration Number 3052640
Registration Date January 31, 2006
Owner (REGISTRANT) **Auburn University** BODY CORPORATE ALABAMA 6 Samford Hall Auburn University ALABAMA 368495118
Attorney of Record Timothy A. Bush
Prior Registrations 2040157;2040159;2045683;2047365;2054439;2056958;2064683;2066511;2080848;2164990;2172166;2381222;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AUBURN" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)-IN PART
Live/Dead Indicator LIVE
Distinctiveness Statement as to "AUBURN"

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Typed Drawing

Word Mark	AUBURN TIGERS
Goods and Services	IC 025. US 022 039. G & S: clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, and baby bottoms. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75038576
Filing Date	December 29, 1995
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 14, 1997
Registration Number	2164990
Registration Date	June 16, 1998
Owner	(REGISTRANT) Auburn University INSTRUMENTALITY ALABAMA 6 SAMFORD HALL Auburn ALABAMA 36849
Attorney of Record	Timothy A. Bush
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)-IN PART
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080621.
Renewal	1ST RENEWAL 20080621
Live/Dead Indicator	LIVE

**Distinctiveness
Limitation
Statement** as to "AUBURN"

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Owner (REGISTRANT) **Auburn University** BODY CORPORATE ALABAMA 107 Samford Hall **Auburn University** ALABAMA 368495118

Attorney of Record Timothy A. Bush

Prior Registrations 2040157;2040159;2045539;2045683;2047365;2056958;2064683;2066511;2080848;2164990;2172166;2381222;AND OTHERS

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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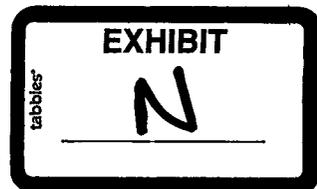
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Word Mark AUBURN UNIVERSITY INSTRUCTION, RESEARCH EXTENSION, FOR THE ADVANCEMENT OF SCIENCE AND ARTS ESTABLISHED 1856

Goods and Services IC 025. US 022 039. G & S: clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, and baby bottoms. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 05.15.02 - Laurel leaves or branches (borders or frames); Wreaths
 24.05.01 - Circular or elliptical seals; Seals, circular or elliptical
 24.07.10 - Cups, trophy; Trophies
 26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges

Serial Number 75038577

Filing Date December 29, 1995

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition March 4, 1997

Registration Number 2064683

Registration Date May 27, 1997
Owner (REGISTRANT) **Auburn University** INSTRUMENTALITY ALABAMA 6 SAMFORD HALL Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061028.
Renewal 1ST RENEWAL 20061028
Live/Dead Indicator LIVE

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Word Mark AUBURN UNIVERSITY, INSTRUCTION, RESEARCH, EXTENSION, FOR THE ADVANCEMENT OF SCIENCE AND ARTS ESTABLISHED 1856

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely, notebooks, looseleaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books, calendars, binders for diplomas, pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers and playing cards. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 05.15.02 - Laurel leaves or branches (borders or frames); Wreaths
 13.01.03 - Hurricane lamps; Lamps, hurricane; Lanterns (kerosene)
 24.09.07 - Advertising, banners; Banners
 26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges
 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle
 26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles

Serial Number 75038505

Filing Date December 29, 1995

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition February 4, 1997
Registration Number 2056958
Registration Date April 29, 1997
Owner (REGISTRANT) AUBURN UNIVERSITY BODY CORPORATE ALABAMA 6 SAMFORD HALL AUBURN ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)-IN PART
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20071012.
Renewal 1ST RENEWAL 20071012
Live/Dead Indicator LIVE
Distinctiveness Limitation Statement as to "AUBURN UNIVERSITY"

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Word Mark AUBURN UNIVERSITY INSTRUCTION RESEARCH EXTENSION FOR THE ADVANCEMENT OF SCIENCE AND ARTS ESTABLISHED 1856

Goods and Services IC 041. US 100 101 107. G & S: educational services, namely, university and community education, public lectures and workshops, seminars, and conferences, and entertainment services, namely, sports exhibitions, theatrical productions, public lectures, art exhibitions, musical concerts, dance and ballet performances, and motion picture exhibitions. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 05.15.02 - Laurel leaves or branches (borders or frames); Wreaths
 19.09.25 - Other bottles, jars or flasks
 24.09.07 - Advertising, banners; Banners
 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle
 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Serial Number 75038477

Filing Date December 29, 1995

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition March 11, 1997

Registration Number 2066511
Registration Date June 3, 1997
Owner (REGISTRANT) **Auburn University** BODY CORPORATE ALABAMA 107 Samford Hall Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark SERVICE MARK
Register PRINCIPAL-2(F)-IN PART
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061111.
Renewal 1ST RENEWAL 20061111
Live/Dead Indicator LIVE
Distinctiveness Limitation Statement as to "AUBURN"

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ALL AUBURN ALL ORANGE

Word Mark ALL AUBURN ALL ORANGE

Goods and Services IC 041. US 100 101 107. G & S: entertainment services, namely, organizing and conducting sports competitions. FIRST USE: 20040900. FIRST USE IN COMMERCE: 20040900

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77503015

Filing Date June 19, 2008

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition November 18, 2008

Registration Number 3569638

Registration Date February 3, 2009

Owner (REGISTRANT) Auburn University STATE UNIVERSITY ALABAMA 107 Samford Hall Auburn ALABAMA 36849

Attorney of Record Timothy A. Bush

Prior Registrations 2054439;2381222;3052639;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

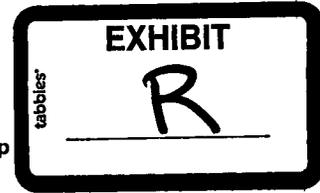
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ALL AUBURN ALL ORANGE

Word Mark	ALL AUBURN ALL ORANGE
Goods and Services	IC 014. US 002 027 028 050. G & S: Lapel pins. FIRST USE: 20040900. FIRST USE IN COMMERCE: 20040900
	IC 025. US 022 039. G & S: T-shirts. FIRST USE: 20040900. FIRST USE IN COMMERCE: 20040900
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77503005
Filing Date	June 19, 2008
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 11, 2008
Registration Number	3567414
Registration Date	January 27, 2009
Owner	(REGISTRANT) Auburn University STATE UNIVERSITY ALABAMA 107 Samford Hall Auburn ALABAMA 36849
Attorney of Record	Timothy A. Bush
Prior Registrations	2080848;3026287;3052639;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL

Live/Dead Indicator LIVE

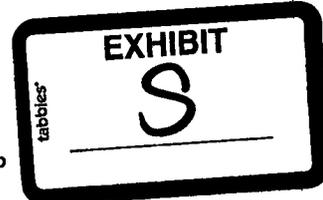
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NATURAL RESOURCES
MANAGEMENT & DEVELOPMENT
INSTITUTE

Word Mark AUBURN UNIVERSITY NATURAL RESOURCES MANAGEMENT & DEVELOPMENT INSTITUTE

Goods and Services IC 042. US 100 101. G & S: Research and development and consultation related thereto in the field of bioenergy, bioproducts, advanced energy efficient technologies, and water resources. FIRST USE: 20070410. FIRST USE IN COMMERCE: 20070531

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 07.03.25 - Aquariums (buildings); Convention hall; Hospitals; Libraries, public libraries; Schools; Wash, car (commercial)
17.01.02 - Clock faces (alone); Clock radios; Clocks; Radios with clock; Watch faces (alone)
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Trademark Search Facility Classification Code ART-17.01 Time-measuring instruments
BLDG-AND-SCEN A type of building or a type of scenery
NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
SHAPES-BAR-BANDS Designs with bar, bands or lines

Serial Number 77212017

Filing Date June 21, 2007

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition November 6, 2007

Registration Number 3412540
Registration Date April 15, 2008
Owner (REGISTRANT) **Auburn University** STATE UNIVERSITY ALABAMA 6 Samford Hall Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Prior Registrations 2040159;2056958;2066511;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NATURAL RESOURCES MANAGEMENT & DEVELOPMENT INSTITUTE" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark. The mark consists of an image of a clock tower over the wording "AUBURN UNIVERSITY NATURAL RESOURCES MANAGEMENT & DEVELOPMENT INSTITUTE".
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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