

ESTTA Tracking number: **ESTTA416375**

Filing date: **06/24/2011**

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 Miami Heat Limited Partnership
Granted to Date of previous extension	06/26/2011
Address	601 Biscayne Blvd. Miami, FL 33132 UNITED STATES
Correspondence information	Anuil V. George Attorney for Opposer NBA Properties, Inc. Olympic Tower - 645 Fifth Avenue New York, NY 10022 UNITED STATES ipgroup@nba.com Phone:212-407-8330

Applicant Information

Application No	85087249	Publication date	12/28/2010
Opposition Filing Date	06/24/2011	Opposition Period Ends	06/26/2011
Applicant	Professional Services Group PO BOX 1993 Rowlett, TX 75030 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 025. All goods and services in the class are opposed, namely: Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic footwear; Athletic shoes; Athletic uniforms; Baseball caps; Baseball caps and hats; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Fur hats; Gift packages sold as a unit consisting primarily of a sweatshirt and also including a photo frame, a coffee mug, and a tote bag; Gloves for apparel; Hats; Hats for infants, babies, toddlers and children; Leather hats; Paper hats for use as clothing items; Party hats; Rain hats; Scientific and technological apparel, namely, shirts, pants, jackets, footwear, hats and caps, uniforms; Sports caps and hats; Toboggan hats, pants and caps; Women's hats and hoods; Woolly hats</p>
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Dilution	Trademark Act section 43(c)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2179772	Application Date	08/12/1987
Registration Date	08/11/1998	Foreign Priority Date	NONE
Word Mark	MIAMI HEAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1987/06/15 First Use In Commerce: 1987/06/15 CLOTHING, NAMELY, TEE-SHIRTS, ALL SOLD IN PROMOTION OF, AND IN CONNECTION WITH, THE PROFESSIONAL BASKETBALL TEAM KNOWN AS MIAMI HEAT, OR A PROFESSIONAL BASKETBALL TEAM WHICH IS THE SUCCESSOR-IN-INTEREST OF THAT NAME, OR A PROFESSIONAL BASKETBALL ASSOCIATION		

U.S. Registration No.	2151548	Application Date	07/13/1989
Registration Date	04/21/1998	Foreign Priority Date	NONE
Word Mark	MIAMI HEAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1988/03/02 First Use In Commerce: 1988/03/02 CLOTHING, NAMELY, HOSIERY, FOOTWEAR, TEE-SHIRTS, SWEAT SHIRTS, SWEAT PANTS, TANK TOPS, JERSEYS, SHORTS, PAJAMAS, SHIRTS, SWEATERS, BELTS, NIGHTSHIRTS, HATS, WARM-UP SUITS, JACKETS, CLOTH BIBS, HEAD BANDS AND WRIST BANDS, ALL SOLD IN PROMOTION OF, AND IN CONNECTION WITH, THE PROFESSIONAL BASKETBALL TEAM KNOWN AS MIAMI HEAT, OR A PROFESSIONAL BASKETBALL TEAM WHICH IS THE SUCCESSOR-IN-INTEREST OF THAT NAME, OR A PROFESSIONAL BASKETBALL ASSOCIATION		

U.S. Registration No.	1485606	Application Date	06/01/1987
Registration Date	04/19/1988	Foreign Priority Date	NONE
Word Mark	THE HEAT		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1986/10/16 First Use In Commerce: 1986/10/16 ENTERTAINMENT SERVICES, NAMELY, ORGANIZING BASKETBALL EXHIBITIONS

U.S. Registration No.	2524977	Application Date	03/19/2001
Registration Date	01/01/2002	Foreign Priority Date	NONE

Word Mark	THE HEAT GROUP
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 2000/03/15 First Use In Commerce: 2000/03/15 entertainment services, namely, organizing basketball exhibitions; and special event planning
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Attachments	73812292#TMSN.gif (1 page)(bytes) 76228161#TMSN.gif (1 page)(bytes) Bring the Heat - Miami Heat.pdf (4 pages)(94542 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 Facsimile or email (by agreement only) on this date.

Signature	/Anil V. George/
Name	Anuil V. George
Date	06/24/2011

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

In re Application of Professional Services Group

SERIAL NO. : 85/087,249
MARK : BRING THE HEAT
FILING DATE : July 18, 2010

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Miami Heat Limited Partnership :
Petitioner :
v. : Opposition No. _____
Professional Services Group :
Applicant :
-----X

NOTICE OF OPPOSITION

Miami Heat Limited Partnership (“Opposer”) believes that it will be damaged by the registration of the proposed mark, BRING THE HEAT (the “Mark”), identified in application serial number 85/087,249 and, hereby, opposes registration of the same in Class 25.

1. Opposer is a Florida limited partnership its principal office and place of business at 601 Biscayne Boulevard, Miami, FL, 33132.
2. Since long prior to July 18, 2010 the filing date of the Intent to Use application filed the Applicant in the above listed application, Opposer has and now is

engaged in the business of providing assorted basketball entertainment services through the National Basketball Association (the "NBA").

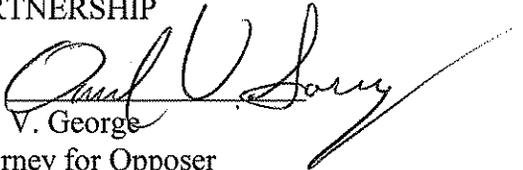
3. Opposer provides such basketball entertainment services and related, collateral goods, including all form of clothing, headwear and footwear under the MIAMI HEAT AND FLAMING BALL DESIGN, MIAMI HEAT, and HEAT marks (collectively the "Heat Marks").
4. Opposer has used the Heat Marks extensively and continuously. In connection thereto, Opposer has engaged in wide ranging promotional efforts and generated substantial sales. As a result, the Heat Marks have become known to the public and are closely associated with the Miami Heat basketball team, the NBA and its goods and services. Thus, the Heat Marks are identified as a source of origin and have generated substantial goodwill.
5. In addition to being distinctive of the goods and services of the Miami Heat, the Opposer's marks are famous. The Heat Marks are famous, among other reasons, because of their extensive and continuous nationwide use by the Miami Heat, the substantial sales volumes for goods and services associated with the Heat Marks, the wide ranging promotional efforts relating to the Heat Marks by the Miami Heat and the NBA, and extensive media attention concerning the Miami Heat, the goods and services of the NBA and the Miami Heat.
6. Opposer has been using the Miami Heat name and logo for goods in and/or related to Class 25 prior to Applicant's filing date.
7. Notwithstanding Opposer's rights, Applicant seeks registration of the Mark for Class 25 goods.

8. The Mark contains the word "HEAT" in connection with "athletic clothing" in Class 25.
9. Applicant's adoption and use of the Mark is without license or permission of Opposer.
10. Use of the Mark likely will cause people to believe that the relevant goods are authorized, endorsed, or sponsored by the Miami Heat or the NBA when that is not the case.
11. Registration of the Mark would be contrary to and violate Trademark Act Sections 2(a), 15 U.S.C. § 1052(a), and 2(d), 15 U.S.C. § 1052(d), and, therefore, violate and diminish the prior and superior rights of Opposer in the Heat Marks.
12. Opposer will be damaged if Application Serial No. 85/087,249 is granted registration because Applicant will obtain statutory rights in violation and derogation of the established prior and superior rights of Opposer.
13. WHEREFORE, Opposer prays that its opposition be sustained and that Application Serial No. 85/087,249 be refused and denied registration.

June 24, 2011

NBA PROPERTIES, INC.
Olympic Tower
645 Fifth Avenue
New York, New York 10022
(212) 407-8000

THE MIAMI HEAT LIMITED
PARTNERSHIP

By: 
Anil V. George
Attorney for Opposer

CERTIFICATE OF SERVICE

I, Anil V. George, hereby certify that I have on this 24th day of June, 2011, e-mailed the foregoing NOTICE OF OPPOSITION to the following:

Gary D. Miller, Sr.
Professional Services Group
psgmil@gmail.com


Anil V. George