

ESTTA Tracking number: **ESTTA417650**

Filing date: **07/01/2011**

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	Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Granted to Date of previous extension	07/03/2011
Address	7000 Coliseum Way Second Floor Oakland, CA 94621 UNITED STATES

Attorney information	Carissa L. Alden Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES cla@cll.com, jmn@cll.com, trademark@cll.com Phone:212-790-9200
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Applicant Information

Application No	77926242	Publication date	01/04/2011
Opposition Filing Date	07/01/2011	Opposition Period Ends	07/03/2011
Applicant	Gartner Studios, Inc. 220 East Myrtle Street Stillwater, MN 55082 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: Clipboards, stationery, envelopes, address labels, file folders, letter trays, thank you message cards, note pads, hanging file boxes for personal and business papers, document storage boxes for personal and business papers, hanging file folders for personal and business papers, binder clips, pre-designed adhesive stickers and blank journals
Class 018. All goods and services in the class are opposed, namely: Tote bags

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	APPLES & A'S - Ltr re NOO.pdf (1 page)(140898 bytes) APPLES & A'S - NOO.pdf (5 pages)(20129 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	/Carissa L. Alden/
Name	Carissa L. Alden
Date	07/01/2011



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July 1, 2011

By Electronic Filing

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

Re: Athletics Investment Group LLC d/b/a The Oakland Athletics
Baseball Company
Notice of Opposition Against
Gartner Studios, Inc.
Application to register APPLES & A'S
Ref. No. 21307.034

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 77/926,242 published in the Official Gazette on January 4, 2011. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$600 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,

/Carissa L. Alden/
Carissa L. Alden

Enclosures

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

and, having been granted extensions of time to oppose up to and including July 3, 2011, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned OAKLAND ATHLETICS MAJOR LEAGUE BASEBALL club.

2. Since long prior to February 2, 2010, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark "A'S," alone or with other word, letter and/or design elements ("Opposer's A'S Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, prints, lithographs, posters, other paper products and printed matter, tote bags, all purpose sport bags, business-related items such as calculators and computer accessories, household goods, toys and novelty items, jewelry and apparel.

3. Opposer owns U.S. federal registrations for Opposer's A'S Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 28, 41, namely, United States Registration Nos. 1,234,697; 1,257,146; 1,263,825; 1,267,687; 1,267,861; 1,523,854; 1,530,675; 1,570,831; 2,417,758; 2,573,396; 2,630,348; 2,759,932; 3,349,787; and 3,349,788. Registration Nos. 1,234,697; 1,257,146; 1,263,825; 1,267,687; 1,267,861; 1,523,854; 1,530,675; 1,570,831; and 2,417,758 are incontestable.

4. Since long prior to February 2, 2010, Applicant's constructive first use date, Opposer, its predecessors, and 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 A'S Marks, including, but not limited to, baseball games and

exhibition services and a wide variety of goods and services, including, but not limited to, prints, lithographs, posters, other paper products and printed matter, tote bags, all purpose sport bags, business-related items such as calculators and computer accessories, household goods, toys and novelty items, jewelry and apparel, and have offered such goods and rendered such services in commerce.

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

6. On February 2, 2010, Applicant filed the Application for the standard character word mark APPLES & A'S for "Clipboards, stationery, envelopes, address labels, file folders, letter trays, thank you message cards, note pads, hanging file boxes for personal and business papers, document storage boxes for personal and business papers, hanging file folders for personal and business papers, binder clips, pre-designed adhesive stickers and blank journals" in International Class 16 and "Tote bags" in International Class 18, each based on an intent to use.

7. Upon information and belief, Applicant did not use the mark APPLES & A'S in United States commerce for the goods covered by the Application prior to its constructive first use date of February 2, 2010.

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 A'S Marks.

9. Applicant's APPLES & A'S mark so resembles Opposer's A'S Marks as to be likely, when used in connection with 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 APPLES & A'S mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's APPLES & A'S 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 Carissa L. Alden (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
July 1, 2011

Respectfully submitted,

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

By: /Carissa L. Alden/

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