

ESTTA Tracking number: **ESTTA417659**

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	Minnesota Twins, LLC
Granted to Date of previous extension	07/03/2011
Address	Target Field 1 Twins Way Minneapolis, MN 55403 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	77316949	Publication date	01/04/2011
Opposition Filing Date	07/01/2011	Opposition Period Ends	07/03/2011
Applicant	Brown, Ronald Etienne Chuo-ku TME Building 1-9-10 Higashi Nihombashi Tokyo, 103-0004 JAPAN		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Wine

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	TWINS (Brown) - Ltr re NOO.pdf (1 page)(140732 bytes) TWINS (Brown) - NOO.pdf (5 pages)(15074 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

wide variety of goods and services, including, but not limited to, wine bags, wine toppers, bottle cozies, beer steins, beer bottles, beer, other beverage and food products and services, cups and mugs, apparel, jewelry, novelty items, paper goods and printed matter.

3. Opposer owns U.S. federal registrations and applications for Opposer's TWINS Marks in International Classes 6, 14, 16, 18, 21, 24, 25, 26, 28, 30, 34, and 41; namely, Registration Nos. 1,535,214, 1,549,088, 1,550,094, 1,553,285, 1,563,422, 1,594,846, 1,609,875, 1,730,992, 2,597,173 and 3,936,635 and Application Nos. 77/951,853 and 77/951,855. All of Opposer's U.S. federal registrations for Opposer's TWINS Marks other than Registration No. 3,936,635 are incontestable.

4. Since long prior to October 30, 2007, 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 TWINS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, wine bags, wine toppers, bottle cozies, beer steins, beer bottles, beer, other beverage and food products and services, cups and mugs, apparel, jewelry, novelty items, paper goods and printed matter, 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 TWINS Marks, Opposer has built up highly valuable goodwill in Opposer's TWINS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On October 30, 2007, Applicant filed the Application to register the standard character word mark TWINS for "Wine" in International Class 33 based on an intent to use.

7. Upon information and belief, Applicant did not use the mark TWINS in United States commerce for the goods covered by the Application prior to October 30, 2007, his constructive first use date.

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

9. Applicant's TWINS mark, which consists solely of the standard character term TWINS, is identical to and/or so resembles Opposer's TWINS 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 TWINS mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's TWINS 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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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 1, 2011, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Correspondent and Attorney of Record, Edward S. Wright, Law Offices of Edward S. Wright, 1100 Alma St Ste 207, Menlo Park, CA 94025-3344.

/Carissa L. Alden/
Carissa L. Alden