

ESTTA Tracking number: **ESTTA424344**

Filing date: **08/10/2011**

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	08/14/2011
Address	Target Field 1Twins Way Minneapolis, MN 55403 UNITED STATES

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

Application No	85116041	Publication date	02/15/2011
Opposition Filing Date	08/10/2011	Opposition Period Ends	08/14/2011
Applicant	Twins Special LLC P.O. Box 7103 Rancho Santa Fe, CA 92067 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, shirts, tank tops, pants, shorts, sweatshirts, hats, robes, footwear, jackets, belts, jerseys and warm up suits
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Grounds for Opposition

Other	Please see attached pleading.
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Attachments	110810 - LETTER TO COMMISSIONER - Twins Special.PDF (1 page)(154868 bytes) 110810 - Twins Special NOO - rev.PDF (5 pages)(35649 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	/Aryn M. Emert/
Name	Aryn M. Emert
Date	08/10/2011



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August 10, 2011

By Electronic Filing

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

Re: Minnesota Twins, LLC's
Notice of Opposition Against
Twins Special LLC
Application to Register TWINS (and Design)
Attorney Ref. No. 21307.032

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/116,041 published in the Official Gazette on February 15, 2011. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 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, Esq. of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Aryn M. Emert/

Aryn M. Emert

Enclosures

cc: Diane Kovach (w/encs.)
Mary L. Kevlin, Esq (w/encs.)

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

In re Application Serial No. 85/116,041
Filed: August 25, 2010
For Mark: TWINS (and Design)
Published in the Official Gazette: February 15, 2011

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MINNESOTA TWINS, LLC, :
Opposer, : Opposition No.
v. :
TWINS SPECIAL LLC, : **NOTICE OF OPPOSITION**
Applicant. :
-----X

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Minnesota Twins, LLC (“Opposer”), a Delaware limited liability company, with offices at Target Field, 1 Twins Way, Minneapolis, MN 55403, believes that it will be damaged by registration of the mark TWINS (and Design) as shown below:



(“Applicant’s Mark”) in International Class 25 for “Clothing, namely, shirts, tank tops, pants, shorts, sweatshirts, hats, robes, footwear, jackets, belts, jerseys and warm up suits” as shown in Application Serial No. 85/116,041 (the “Application”), and having been granted extensions of time to oppose up to and including August 14, 2011, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned MINNESOTA TWINS MAJOR LEAGUE BASEBALL club.

2. Since long prior to August 25, 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 TWINS, alone or with other word, letter and/or design elements ("Opposer's TWINS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, shirts, pants, shorts, sweatshirts, hats, robes, socks, jackets, jerseys and various other apparel, sporting goods, jewelry, printed matter and paper goods and novelty items.

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 August 25, 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 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, shirts, pants, shorts, sweatshirts, hats, robes, socks, jackets, jerseys and various other apparel, sporting

goods, jewelry, printed matter and paper goods and novelty items, 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 August 25, 2010, Applicant filed the Application to register Applicant's Mark for "Clothing, namely, shirts, tank tops, pants, shorts, sweatshirts, hats, robes, footwear, jackets, belts, jerseys and warm up suits" in International Class 25 based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark in United States commerce for the goods covered by the Application prior to August 25, 2010, its constructive first use date.

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 TWINS Marks.

9. Applicant's Mark 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 Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant'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 Aryn M. Emert (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
August 10, 2011

Respectfully submitted,

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

By: /Aryn M. Emert /

Mary L. Kevlin
Richard S. Mandel
Aryn M. Emert
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 10, 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, Rebecca Lederhouse, Baker & McKenzie LLP, Suite 3500, One Prudential Plaza, 130 E. Randolph Dr, Chicago, Illinois 60601.

/Aryn M. Emert /
Aryn M. Emert