

ESTTA Tracking number: **ESTTA426112**

Filing date: **08/19/2011**

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	Angels Baseball LP
Granted to Date of previous extension	08/21/2011
Address	2000 Gene Autry Way Anaheim, CA 92806 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
----------------------	--

### Applicant Information

Application No	85125822	Publication date	02/22/2011
Opposition Filing Date	08/19/2011	Opposition Period Ends	08/21/2011
Applicant	Choi, Johnny Chun 1114 De Anza Place Arcadia, CA 91007 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 2010/06/15 First Use In Commerce: 2010/08/31  
All goods and services in the class are opposed, namely: A-shirts; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

### Grounds for Opposition

Other	Please see attached pleading.
-------	-------------------------------

Attachments	110819 - Letter to the Commission - ANGELS AND DIAMONDS.PDF ( 1 page ) (154849 bytes ) 110819 - NOTICE OF OPPOSITION ANGELS AND DIAMONDS - FINAL.PDF ( 5 pages ) (31032 bytes )
-------------	--

## 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	08/19/2011



Cowan, Liebowitz & Latman, P.C.  
1133 Avenue of the Americas  
New York, NY 10036  
(212) 790-9200 Tel  
(212) 575-0671 Fax  
www.cll.com

**Aryn M. Emert**  
(212) 790-9271  
ame@cll.com

August 19, 2011

**By Electronic Filing**

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

Re: Angels Baseball LP,  
Notice of Opposition Against  
Johnny Chun Choi  
Application to Register ANGELS & DIAMONDS  
Attorney Ref. No. 21307.024

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/125,822 published in the Official Gazette on February 22, 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. 85/125,822  
Filed: September 9, 2010  
For Mark: ANGELS & DIAMONDS  
Published in the Official Gazette: February 22, 2011

-----X	:	
ANGELS BASEBALL LP,	:	
	:	Opposition No.
Opposer,	:	
	:	
v.	:	
	:	<b><u>NOTICE OF OPPOSITION</u></b>
JOHNNY CHUN CHOI,	:	
	:	
Applicant.	:	
-----X	:	

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

Opposer, Angels Baseball LP (“Opposer”), a California limited partnership, with offices at 2000 Gene Autry Way, Anaheim, CA 92806, believes that it will be damaged by registration of the standard character word mark ANGELS & DIAMONDS (hereinafter “Applicant’s Mark”) in International Class 25 for “A-shirts; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms” as shown in Application Serial No. 85/125,822 (the “Application”), and having been granted extensions of time to oppose up to and including August 21, 2011, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned LOS ANGELES ANGELS OF ANAHEIM MAJOR LEAGUE BASEBALL club.

2. Since long prior to June 15, 2010, Applicant's claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names or marks ANGEL or ANGELS, alone or with other word, letter and/or design elements (the "Opposer's ANGELS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, clothing, including without limitation, athletic apparel, shirts, athletic uniforms, hats, caps, jackets, and sweatpants; footwear; toys and sporting goods; athletic bags; paper and printed matter and novelties.

3. Opposer owns U.S. federal applications for Opposer's ANGELS Marks in International Classes 9, 14, 16, 18, 25, 28 and 41, namely, Registration Nos. 1,485,613, 1,646,800, 1,881,515, 2,482,497, 2,581,357, 2,594,105, 2,594,106, 2,597,466, 2,606,782, 2,611,737, 2,638,556, 2,667,909, 2,668,048, 2,879,939, 3,211,693, 3,326,194, 3,326,197, 3,353,457, 3,403,355, 3,406,606, 3,410,418, 3,474,157, 3,486,603, 3,506,593, 3,659,451, 3,659,452, 3,659,453, 3,659,454 and 3,662,058. Registration Nos. 1,485,613, 1,646,800, 1,881,515, 2,606,782 and 2,879,939 are incontestable.

4. Since long prior to June 15, 2010, Applicant's claimed 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 ANGELS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, clothing, including without limitation, athletic apparel, shirts, athletic uniforms, hats, caps, jackets, and sweatpants; footwear; toys and sporting goods; athletic bags; paper and printed matter and novelties, 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 ANGELS Marks, Opposer has built up highly valuable goodwill in Opposer's ANGELS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On September 9, 2010, Applicant filed the Application for Applicant's Mark for "A-shirts; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms" in International Class 25, claiming a first use date of June 15, 2010, and a first use in commerce date of August 31, 2010.

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered in the Application in the United States prior to its claimed first use date of June 15, 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 ANGELS Marks.

9. Applicant's Mark containing the identical mark ANGELS together with the word DIAMONDS which is closely associated with Opposer's baseball services, so resembles Opposer's ANGELS 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 19, 2011

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 19, 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 and Applicant's Correspondent, Johnny Chun Choi, 1114 De Anza Pl., Arcadia, CA 91007-6142.

/Aryn M. Emert/  
Aryn M. Emert