

ESTTA Tracking number: **ESTTA550458**

Filing date: **07/25/2013**

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

Proceeding	91202562
Party	Plaintiff Boston Athletic Association
Correspondence Address	BARBARA A BARAKAT WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE STREET BOSTON, MA 02109 UNITED STATES barbara.barakat@wilmerhale.com, angela.dyer@wilmerhale.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Barbara A. Barakat
Filer's e-mail	barbara.barakat@wilmerhale.com, angela.dyer@wilmerhale.com
Signature	/barbara a. barakat/
Date	07/25/2013
Attachments	BAA 3rd NOReliance.PDF(1141309 bytes)

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

Boston Athletic Association,)	
)	
Opposer)	
)	
v.)	Opposition No. 91/202562
)	
Velocity, LLC,)	
)	
Applicant)	

OPPOSER’S THIRD NOTICE OF RELIANCE

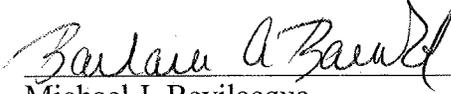
Pursuant to 37 C.F.R. §2.122(d)(2), Opposer Boston Athletic Association submits, and gives notice of its reliance on, the following United States Trademark Registrations of Opposer:

Trial Exhibit No.

U. S. Trademark Registration No. 1346832 for BOSTON MARATHON	31
U.S. Trademark Registration No. 1832708 for BOSTON MARATHON	32

Two copies of each registration taken from the online records of the USPTO, and its status page showing the current status and assignment information, are submitted.

BOSTON ATHLETIC ASSOCIATION
By its attorneys,



Michael J. Bevilacqua
Barbara A. Barakat
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

Date: July 25, 2013

CERTIFICATE OF SERVICE

I hereby certify that the a copy of the foregoing Opposer's Third Notice of Reliance was served by first-class mail, postage-prepaid, this 25th day of July, 2013 upon:

Andrea J. Mealey
Mark A. Bross
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109-1775


Barbara A. Barakat

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

_____)	
Boston Athletic Association,)	
)	
Opposer)	
)	
v.)	Opposition No. 91/202562
)	
Velocity, LLC,)	
)	
Applicant)	
_____)	

OPPOSER'S NOTICE OF RELIANCE

TRIAL EXHIBIT #31



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Jul 18 03:12:28 EDT 2013

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH QG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: _____ OR [Jump](#) to record: **Record 2 out of 4**

[TSDR](#)
[Assign Status](#)
[Final Status](#)
 (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	BOSTON MARATHON
Goods and Services	IC 014. US 027 028. G & S: rings, pendants, and pins. FIRST USE: 19860000. FIRST USE IN COMMERCE: 19860000
	IC 016. US 037 038. G & S: souvenir program books, maps, lithographic prints, posters and pens. FIRST USE: 19810000. FIRST USE IN COMMERCE: 19810000
	IC 018. US 003. G & S: fanny packs and tote bags. FIRST USE: 19880000. FIRST USE IN COMMERCE: 19880000
	IC 021. US 002. G & S: mugs. FIRST USE: 19870000. FIRST USE IN COMMERCE: 19870000
	IC 025. US 039. G & S: shirts, sweatshirts, T-shirts, jackets, gloves, shorts, hats, and pants. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000
	IC 026. US 040. G & S: embroidered emblems. FIRST USE: 19890000. FIRST USE IN COMMERCE: 19890000
	IC 041. US 107. G & S: entertainment services; namely, staging marathon races and charitable fundraising walks. FIRST USE: 18970000. FIRST USE IN COMMERCE: 18970000

Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74334603
Filing Date	November 25, 1992
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 8, 1993

Registration Number 1832708
Registration Date April 26, 1994
Owner (REGISTRANT) Boston Athletic Association CORPORATION MASSACHUSETTS 40 TRINITY PLACE, 4TH FLOOR Boston MASSACHUSETTS 02116
Attorney of Record Michael J. Bevilacqua, Esquire
Prior Registrations 1346832
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040109.
Renewal 1ST RENEWAL 20040109
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Basis: 1(a)
First Use: 1987 **Use in Commerce:** 1987
For: shirts, sweatshirts, T-shirts, jackets, gloves, shorts, hats, and pants
International Class(es): 025 - Primary Class **U.S Class(es):** 039
Class Status: ACTIVE
Basis: 1(a)
First Use: 1980 **Use in Commerce:** 1980
For: embroidered emblems
International Class(es): 026 - Primary Class **U.S Class(es):** 040
Class Status: ACTIVE
Basis: 1(a)
First Use: 1989 **Use in Commerce:** 1989
For: entertainment services; namely, staging marathon races and charitable fundraising walks
International Class(es): 041 - Primary Class **U.S Class(es):** 107
Class Status: ACTIVE
Basis: 1(a)
First Use: 1897 **Use in Commerce:** 1897

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Boston Athletic Association
Owner Address: 40 TRINITY PLACE, 4TH FLOOR
 Boston, MASSACHUSETTS 02116
 UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** MASSACHUSETTS

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Michael J. Bevilacqua, Esquire **Docket Number:** 101.702.120
Attorney Primary Email Address: michael.bevilacqua@wilmerhale.com **Attorney Email Authorized:** Yes
Correspondent
Correspondent Name/Address: Michael J. Bevilacqua, Esquire
 Wilmer Cutler Pickering Hale and DorrLLP
 60 State Street
 Boston, MASSACHUSETTS 02109
 UNITED STATES
Phone: 617-526-6448 **Fax:** 617-526-5000
Correspondent e-mail: michael.bevilacqua@wilmerhale.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 28, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 28, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 30, 2007	CASE FILE IN TICRS	

Jan. 09, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jan. 09, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 27, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 28, 2003	TEAS SECTION 8 & 9 RECEIVED	
Mar. 21, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Dec. 01, 1999	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 26, 1994	REGISTERED-PRINCIPAL REGISTER	
Jun. 08, 1993	PUBLISHED FOR OPPOSITION	
May 07, 1993	NOTICE OF PUBLICATION	
Mar. 08, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 24, 1993	EXAMINER'S AMENDMENT MAILED	
Feb. 23, 1993	ASSIGNED TO EXAMINER	69965
Feb. 18, 1993	ASSIGNED TO EXAMINER	68113

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 26, 2004

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jul. 30, 2007

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91202562

Filing Date: Nov 16, 2011

Status: Pending

Status Date: Nov 16, 2011

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Velocity, LLC

Correspondent Address: ANDREA J MEALEY
HINCKLEY ALLEN & SNYDER LLP
28 STATE ST
BOSTON MA , 02109-1775
UNITED STATES

Correspondent e-mail: amealey@haslaw.com , tmocket@haslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MARATHON MONDAY	Opposition Pending	<u>85224698</u>	

Plaintiff(s)

Name: Boston Athletic Association

Correspondent Address: BARBARA A BARAKAT
WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON MA , 02109
UNITED STATES

Correspondent e-mail: barbara.barakat@wilmerhale.com , angela.dyer@wilmerhale.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BOSTON MARATHON	Renewed	<u>73481394</u>	<u>1346832</u>

BOSTON MARATHON

Renewed

74334603

1832708

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 16, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2011	Dec 26, 2011
3	PENDING, INSTITUTED	Nov 16, 2011	
4	ANSWER	Dec 21, 2011	
5	STIPULATION FOR AN EXTENSION OF TIME	May 16, 2012	
6	EXTENSION OF TIME GRANTED	May 18, 2012	
7	STIPULATION FOR AN EXTENSION OF TIME	Aug 20, 2012	
8	EXTENSION OF TIME GRANTED	Aug 20, 2012	
9	P'S MOTION TO AMEND PLEADING/AMENDED PLEADING	Sep 19, 2012	
10	D'S OPPOSITION TO P'S MOTION FOR LEAVE	Oct 08, 2012	
11	PL'S PRETRIAL DISCLOSURE	Nov 05, 2012	
12	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Nov 20, 2012	
13	TRIAL DATES RESET	Mar 28, 2013	
14	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 29, 2013	
15	AMENDED ANSWER	May 28, 2013	



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Jul 18 03:12:28 EDT 2013

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: _____ OR [Jump](#) to record: **Record 2 out of 4**

[TSDR](#)
[AVAILABILITY STATUS](#)
[FILE STATUS](#)
 (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark **BOSTON MARATHON**

Goods and Services IC 014. US 027 028. G & S: rings, pendants, and pins. FIRST USE: 19860000. FIRST USE IN COMMERCE: 19860000

IC 016. US 037 038. G & S: souvenir program books, maps, lithographic prints, posters and pens. FIRST USE: 19810000. FIRST USE IN COMMERCE: 19810000

IC 018. US 003. G & S: fanny packs and tote bags. FIRST USE: 19880000. FIRST USE IN COMMERCE: 19880000

IC 021. US 002. G & S: mugs. FIRST USE: 19870000. FIRST USE IN COMMERCE: 19870000

IC 025. US 039. G & S: shirts, sweatshirts, T-shirts, jackets, gloves, shorts, hats, and pants. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 026. US 040. G & S: embroidered emblems. FIRST USE: 19890000. FIRST USE IN COMMERCE: 19890000

IC 041. US 107. G & S: entertainment services; namely, staging marathon races and charitable fundraising walks. FIRST USE: 18970000. FIRST USE IN COMMERCE: 18970000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74334603

Filing Date November 25, 1992

Current Basis 1A

Original Filing Basis 1A

Published for Opposition June 8, 1993

Registration Number 1832708
Registration Date April 26, 1994
Owner (REGISTRANT) Boston Athletic Association CORPORATION MASSACHUSETTS 40 TRINITY PLACE, 4TH FLOOR Boston MASSACHUSETTS 02116
Attorney of Record Michael J. Bevilacqua, Esquire
Prior Registrations 1346832
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040109.
Renewal 1ST RENEWAL 20040109
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Dict	SEARCH OG	Top	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[|HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Basis: 1(a)
First Use: 1987 **Use in Commerce:** 1987
For: shirts, sweatshirts, T-shirts, jackets, gloves, shorts, hats, and pants
International Class(es): 025 - Primary Class **U.S Class(es):** 039
Class Status: ACTIVE
Basis: 1(a)
First Use: 1980 **Use in Commerce:** 1980
For: embroidered emblems
International Class(es): 026 - Primary Class **U.S Class(es):** 040
Class Status: ACTIVE
Basis: 1(a)
First Use: 1989 **Use in Commerce:** 1989
For: entertainment services; namely, staging marathon races and charitable fundraising walks
International Class(es): 041 - Primary Class **U.S Class(es):** 107
Class Status: ACTIVE
Basis: 1(a)
First Use: 1897 **Use in Commerce:** 1897

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Boston Athletic Association
Owner Address: 40 TRINITY PLACE, 4TH FLOOR
 Boston, MASSACHUSETTS 02116
 UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** MASSACHUSETTS

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Michael J. Bevilacqua, Esquire **Docket Number:** 101.702.120
Attorney Primary Email Address: michael.bevilacqua@wilmerhale.com **Attorney Email Authorized:** Yes

Correspondent
Correspondent Name/Address: Michael J. Bevilacqua, Esquire
 Wilmer Cutler Pickering Hale and DorrLLP
 60 State Street
 Boston, MASSACHUSETTS 02109
 UNITED STATES
Phone: 617-526-6448 **Fax:** 617-526-5000
Correspondent e-mail: michael.bevilacqua@wilmerhale.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 28, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 28, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 30, 2007	CASE FILE IN TICRS	

Jan. 09, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jan. 09, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 27, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 28, 2003	TEAS SECTION 8 & 9 RECEIVED	
Mar. 21, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Dec. 01, 1999	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 26, 1994	REGISTERED-PRINCIPAL REGISTER	
Jun. 08, 1993	PUBLISHED FOR OPPOSITION	
May 07, 1993	NOTICE OF PUBLICATION	
Mar. 08, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 24, 1993	EXAMINER'S AMENDMENT MAILED	
Feb. 23, 1993	ASSIGNED TO EXAMINER	69965
Feb. 18, 1993	ASSIGNED TO EXAMINER	68113

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 26, 2004

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jul. 30, 2007

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91202562

Filing Date: Nov 16, 2011

Status: Pending

Status Date: Nov 16, 2011

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Velocity, LLC

Correspondent Address: ANDREA J MEALEY
HINCKLEY ALLEN & SNYDER LLP
28 STATE ST
BOSTON MA , 02109-1775
UNITED STATES

Correspondent e-mail: amealey@haslaw.com , tmDocket@haslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MARATHON MONDAY	Opposition Pending	<u>85224698</u>	
	Plaintiff(s)		

Name: Boston Athletic Association

Correspondent Address: BARBARA A BARAKAT
WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON MA , 02109
UNITED STATES

Correspondent e-mail: barbara.barakat@wilmerhale.com , angela.dyer@wilmerhale.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BOSTON MARATHON	Renewed	<u>73481394</u>	<u>1346832</u>

BOSTON MARATHON

Renewed

74334603

1832708

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 16, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2011	Dec 26, 2011
3	PENDING, INSTITUTED	Nov 16, 2011	
4	ANSWER	Dec 21, 2011	
5	STIPULATION FOR AN EXTENSION OF TIME	May 16, 2012	
6	EXTENSION OF TIME GRANTED	May 18, 2012	
7	STIPULATION FOR AN EXTENSION OF TIME	Aug 20, 2012	
8	EXTENSION OF TIME GRANTED	Aug 20, 2012	
9	P'S MOTION TO AMEND PLEADING/AMENDED PLEADING	Sep 19, 2012	
10	D'S OPPOSITION TO P'S MOTION FOR LEAVE	Oct 08, 2012	
11	PL'S PRETRIAL DISCLOSURE	Nov 05, 2012	
12	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Nov 20, 2012	
13	TRIAL DATES RESET	Mar 28, 2013	
14	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 29, 2013	
15	AMENDED ANSWER	May 28, 2013	

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

_____)	
Boston Athletic Association,)	
)	
Opposer)	
)	
v.)	Opposition No. 91/202562
)	
Velocity, LLC,)	
)	
Applicant)	
_____)	

OPPOSER'S NOTICE OF RELIANCE

TRIAL EXHIBIT #32



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Jul 18 03:12:28 EDT 2013

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[Browse Doc](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: _____ OR [Jump](#) to record: **Record 4 out of 4**

[TSDR](#)
[Assign Status](#)
[LAI Status](#)
 (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	BOSTON MARATHON
Goods and Services	IC 041. US 107. G & S: ENTERTAINMENT SERVICE, NAMELY STAGING MARATHON RACES. FIRST USE: 18970000. FIRST USE IN COMMERCE: 18970000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73481394
Filing Date	May 21, 1984
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 23, 1985
Registration Number	1346832
Registration Date	July 2, 1985
Owner	(REGISTRANT) BOSTON ATHLETIC ASSOCIATION (BAA), C/O R. H. KINGSLEY BROWN CORPORATION MASSACHUSETTS 150 CAUSEWAY ST. BOSTON MASSACHUSETTS 02114
Attorney of Record	Michael J. Bevilacqua, Esquire
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MARATHON" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20050903.
Renewal	1ST RENEWAL 20050903
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browser Dict](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Generated on: This page was generated by TSDR on 2013-07-18 13:12:12 EDT

Mark: BOSTON MARATHON

US Serial Number: 73481394 Application Filing Date: May 21, 1984
US Registration Number: 1346832 Registration Date: Jul. 02, 1985
Register: Principal
Mark Type: Service Mark
Status: The registration has been renewed.
Status Date: Sep. 03, 2005
Publication Date: Apr. 23, 1985

Mark Information

Mark Literal Elements: BOSTON MARATHON
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)
Disclaimer: "MARATHON"
Acquired Distinctiveness In whole
Claim:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: ENTERTAINMENT SERVICE, NAMELY STAGING MARATHON RACES.

International Class(es): 041 - Primary Class U.S Class(es): 107
Class Status: ACTIVE
Basis: 1(a)
First Use: 1897 Use in Commerce: 1897

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: BOSTON ATHLETIC ASSOCIATION (BAA), C/O R. H. KINGSLEY BROWN
Owner Address: 150 CAUSEWAY ST.
BOSTON, MASSACHUSETTS 02114
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: MASSACHUSETTS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michael J. Bevilacqua, Esquire
Attorney Primary Email Address: michael.bevilacqua@wilmerhale.com

Docket Number: 101.702.120
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Michael J. Bevilacqua, Esquire
 Wilmer Cutler Pickering Hale and DorrLLP
 60 State Street
 Boston, MASSACHUSETTS 02109
 UNITED STATES

Phone: 617-526-6448

Fax: 617-526-5000

Correspondent e-mail: michael.bevilacqua@wilmerhale.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Oct. 28, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 28, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 05, 2008	CASE FILE IN TICRS	
Sep. 03, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 03, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 03, 2005	ASSIGNED TO PARALEGAL	75461
Jun. 27, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 27, 2005	TEAS SECTION 8 & 9 RECEIVED	
Oct. 17, 1991	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 10, 1991	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 02, 1985	REGISTERED-PRINCIPAL REGISTER	
Apr. 23, 1985	PUBLISHED FOR OPPOSITION	
Mar. 22, 1985	NOTICE OF PUBLICATION	
Feb. 09, 1985	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 04, 1984	NON-FINAL ACTION MAILED	
Sep. 21, 1984	ASSIGNED TO EXAMINER	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 02, 2005

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jun. 05, 2008

Proceedings**Summary**

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91202562](#)

Filing Date: Nov 16, 2011

Status: Pending

Status Date: Nov 16, 2011

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Velocity, LLC

Correspondent Address: ANDREA J MEALEY
 HINCKLEY ALLEN & SNYDER LLP
 28 STATE ST
 BOSTON MA , 02109-1775
 UNITED STATES

Correspondent e-mail: amealey@haslaw.com , tmocket@haslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MARATHON MONDAY	Opposition Pending	<u>85224698</u>	

Plaintiff(s)

Name: Boston Athletic Association

Correspondent Address: BARBARA A BARAKAT
 WILMER CUTLER PICKERING HALE AND DORR LLP
 60 STATE STREET
 BOSTON MA , 02109
 UNITED STATES

Correspondent e-mail: barbara.barakat@wilmerhale.com , angela.dyer@wilmerhale.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BOSTON MARATHON	Renewed	<u>73481394</u>	<u>1346832</u>
BOSTON MARATHON	Renewed	<u>74334603</u>	<u>1832708</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 16, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2011	Dec 26, 2011
3	PENDING, INSTITUTED	Nov 16, 2011	
4	ANSWER	Dec 21, 2011	
5	STIPULATION FOR AN EXTENSION OF TIME	May 16, 2012	
6	EXTENSION OF TIME GRANTED	May 18, 2012	
7	STIPULATION FOR AN EXTENSION OF TIME	Aug 20, 2012	
8	EXTENSION OF TIME GRANTED	Aug 20, 2012	
9	P'S MOTION TO AMEND PLEADING/AMENDED PLEADING	Sep 19, 2012	
10	D'S OPPOSITION TO P'S MOTION FOR LEAVE	Oct 08, 2012	
11	PL'S PRETRIAL DISCLOSURE	Nov 05, 2012	
12	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Nov 20, 2012	
13	TRIAL DATES RESET	Mar 28, 2013	
14	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 29, 2013	
15	AMENDED ANSWER	May 28, 2013	



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Jul 18 03:12:28 EDT 2013

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: _____ OR [Jump](#) to record: **Record 4 out of 4**

[TSDR](#)
[ASSIGN STATUS](#)
[FILE STATUS](#)
 (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	BOSTON MARATHON
Goods and Services	IC 041. US 107. G & S: ENTERTAINMENT SERVICE, NAMELY STAGING MARATHON RACES. FIRST USE: 18970000. FIRST USE IN COMMERCE: 18970000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73481394
Filing Date	May 21, 1984
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 23, 1985
Registration Number	1346832
Registration Date	July 2, 1985
Owner	(REGISTRANT) BOSTON ATHLETIC ASSOCIATION (BAA), C/O R. H. KINGSLEY BROWN CORPORATION MASSACHUSETTS 150 CAUSEWAY ST. BOSTON MASSACHUSETTS 02114
Attorney of Record	Michael J. Bevilacqua, Esquire
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MARATHON" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20050903.
Renewal	1ST RENEWAL 20050903
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [SEARCH OG](#) [Top](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[| HOME](#) [| SITE INDEX](#) [| SEARCH](#) [| eBUSINESS](#) [| HELP](#) [| PRIVACY POLICY](#)

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-07-18 13:11:32 EDT**Mark:** BOSTON MARATHONNo Image exists
for this case.**US Serial Number:** 73481394**Application Filing Date:** May 21, 1985**US Registration Number:** 1346832**Registration Date:** Jul. 02, 1985**Register:** Principal**Mark Type:** Service Mark**Status:** The registration has been renewed.**Status Date:** Sep. 03, 2005**Publication Date:** Apr. 23, 1985

Mark Information

Mark Literal Elements: BOSTON MARATHON**Standard Character Claim:** No**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)**Disclaimer:** "MARATHON"**Acquired Distinctiveness** In whole
Claim:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: ENTERTAINMENT SERVICE, NAMELY STAGING MARATHON RACES.**International Class(es):** 041 - Primary Class**U.S Class(es):** 107**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** 1897**Use in Commerce:** 1897

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

Current Owner(s) Information

Owner Name: BOSTON ATHLETIC ASSOCIATION (BAA), C/O R. H. KINGSLEY BROWN
Owner Address: 150 CAUSEWAY ST.
 BOSTON, MASSACHUSETTS 02114
 UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: MASSACHUSETTS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michael J. Bevilacqua, Esquire
Attorney Primary Email Address: michael.bevilacqua@wilmerhale.com
Docket Number: 101.702.1
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Michael J. Bevilacqua, Esquire
 Wilmer Cutler Pickering Hale and DorrLLP
 60 State Street
 Boston, MASSACHUSETTS 02109
 UNITED STATES
Phone: 617-526-6448
Fax: 617-526-5
Correspondent e-mail: michael.bevilacqua@wilmerhale.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 28, 2011	ATTORNEY REVOKED AND/OR APPOINTED	

Oct. 28, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 05, 2008	CASE FILE IN TICRS	
Sep. 03, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 03, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 03, 2005	ASSIGNED TO PARALEGAL	75461
Jun. 27, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 27, 2005	TEAS SECTION 8 & 9 RECEIVED	
Oct. 17, 1991	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 10, 1991	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 02, 1985	REGISTERED-PRINCIPAL REGISTER	
Apr. 23, 1985	PUBLISHED FOR OPPOSITION	
Mar. 22, 1985	NOTICE OF PUBLICATION	
Feb. 09, 1985	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 04, 1984	NON-FINAL ACTION MAILED	
Sep. 21, 1984	ASSIGNED TO EXAMINER	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 02, 2005

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jun. 05, 2011

Assignment Abstract Of Title Information - None recorded

Proceedings - Click to Load