

ESTTA Tracking number: **ESTTA444664**

Filing date: **12/05/2011**

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	The Cincinnati Reds LLC
Granted to Date of previous extension	12/04/2011
Address	Great American Ball Park 100 Joe Nuxhall Way Cincinnati, OH 45202 UNITED STATES

Attorney information	Maya L. Tarr Cowan Liebowitz & Latman 1133 Avenue of Americas New York, NY 10036 UNITED STATES mxt@cll.com, jmn@cll.com, trademark@cll.com Phone:212-790-9200
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**Applicant Information**

Application No	85151260	Publication date	06/07/2011
Opposition Filing Date	12/05/2011	Opposition Period Ends	12/04/2011
Applicant	Danielle Bimonte 260 West 27th St (6) New York, NY 10001 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 2010/07/01 First Use In Commerce: 2010/07/01 All goods and services in the class are opposed, namely: entertainment services in the nature of live musical performances by an individual
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**Grounds for Opposition**

Other	Please see attached pleading.
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Attachments	MS. RED Letter to the Commissioner.pdf ( 1 page )(154532 bytes ) MS. RED NOO.pdf ( 5 pages )(30188 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	/Maya L. Tarr/
Name	Maya L. Tarr
Date	12/05/2011



Cowan, Liebowitz & Latman, P.C.  
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December 5, 2011

**By Electronic Filing**

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

Re: The Cincinnati Reds LLC  
Notice of Opposition Against  
Danielle Bimonte  
Applications to register **MS. RED**  
Ref. No. 21307.012

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/151,260 published in the Official Gazette on June 7, 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 of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Maya L. Tarr/  
Maya L. Tarr

Enclosures

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



2. Since long prior to July 1, 2010, Applicant's claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark REDS or RED, including, without limitation, MR. REDLEGS, MR. RED and ROSIE RED as names of mascots, alone or with other word, letter and/or design elements (the "Opposer's REDS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, baseball games at which music is played or performed, concerts and other musical events, mascot services, apparel, toys and sporting goods, paper goods and printed matter and novelty items.

3. Opposer owns United States federal registrations for Opposer's REDS Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 34, 36 and 41; namely, Registration Nos. 893,049, 1,121,465, 1,129,214, 1,143,424, 1,143,710, 1,144,130, 1,144,264, 1,144,467, 1,145,767, 1,149,866, 1,150,449, 1,150,777, 1,156,489, 1,188,127, 1,534,968, 1,543,239, 1,560,468, 1,569,789, 2,504,075, 2,533,903, 2,558,520, 2,948,016, 2,968,240, 3,295,173, 3,331,564, 3,385,818, 3,589,112, 3,598,827, 3,619,653, 3,747,846, 4,026,994 and 4,029,778. Registration Nos. 893,049, 1,121,465, 1,129,214, 1,143,424, 1,143,710, 1,144,130, 1,144,264, 1,144,467, 1,145,767, 1,149,866, 1,150,449, 1,150,777, 1,156,489, 1,188,127, 1,534,968, 1,543,239, 1,560,468, 1,569,789, 2,533,903, 2,948,016 and 2,968,240 are incontestable. Registration No. 2,504,075 is partially incontestable.

4. Since long prior to July 1, 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 REDS Marks, including, but not limited to, baseball games at which music is played or performed, concerts and other musical events, mascot services, apparel, toys and

sporting goods, paper goods and printed matter 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 REDS Marks, Opposer has built up highly valuable goodwill in Opposer's REDS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On October 13, 2010, Applicant filed the Application for the standard character word mark MS. RED for "entertainment services in the nature of live musical performances by an individual" in International Class 41, claiming a first use date and first use in commerce date of July 1, 2010.

7. Upon information and belief, Applicant did not use the mark MS. RED for the services covered in the Application in United States commerce prior to its claimed first use date of July 1, 2010.

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

9. Applicant's MS. RED mark so resembles Opposer's REDS Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services 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 MS. RED mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's MS. RED 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 Maya L. Tarr (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  
December 5, 2011

Respectfully submitted,

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

By: /Maya L. Tarr/

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 5, 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 counsel and correspondent of record, Wallace Collins, 250 E. 39<sup>th</sup> Street, Apt. 9K, New York, NY 10016-0073.

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/Maya L. Tarr/  
Maya L. Tarr