

ESTTA Tracking number: **ESTTA478667**

Filing date: **06/18/2012**

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	Detroit Tigers, Inc.
Granted to Date of previous extension	06/17/2012
Address	Comerica Park 2100 Woodward Avenue Detroit, MI 48201 UNITED STATES

Attorney information	Lisa M. Willis Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES trademark@cll.com, jmn@cll.com, lmw@cll.com
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**Applicant Information**

Application No	85389457	Publication date	12/20/2011
Opposition Filing Date	06/18/2012	Opposition Period Ends	06/17/2012
Applicant	Trinity University One Trinity Place San Antonio, TX 78212 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2003/04/00 First Use In Commerce: 2003/04/00 All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, hats and caps, athletic uniforms; baseball caps; down jackets; dress shirts; golf shirts; hooded sweat shirts; knit shirts; socks; pique shirts; polo shirts; sweat shirts; sweat pants; and t-shirts
Class 041. First Use: 2003/04/00 First Use In Commerce: 2003/04/00 All goods and services in the class are opposed, namely: Entertainment services in the nature of competitions and events in the field of athletics; providing college athletic and sporting events; providing news and information in the field of sports

**Applicant Information**

Application No	85460229	Publication date	05/29/2012
Opposition Filing Date	06/18/2012	Opposition Period Ends	06/28/2012
Applicant	Trinity University One Trinity Place San Antonio, TX 78212		

	UNITED STATES
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## Goods/Services Affected by Opposition

<p>Class 041. First Use: 1916/00/00 First Use In Commerce: 1916/00/00  All goods and services in the class are opposed, namely: Entertainment services in the nature of competitions and events in the field of athletics; providing college athletic and sporting events; providing news and information in the field of sports</p>
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## Grounds for Opposition

Other	
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Attachments	TU and Tiger Design and TRINITY TIGERS Lt. to Commissioner re Notice of Opposition.pdf ( 1 page )(90203 bytes ) TU and Tiger Design and TRINITY TIGERS Notice of Opposition.pdf ( 6 pages )(31993 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	/Lisa M. Willis/
Name	Lisa M. Willis
Date	06/18/2012





the nature of competitions and events in the field of athletics; providing college athletic and sporting events; providing news and information in the field of sports” as shown in Application Serial No. 85/389,457 and by registration of the standard character word mark TRINITY TIGERS (together with the TU and Tiger Design Mark, “Applicant’s Marks”) in International Class 41 for “Entertainment services in the nature of competitions and events in the field of athletics; providing college athletic and sporting events; providing news and information in the field of sports” as shown in Application Serial No. 85/460,229 (together, the “Applications”), and having been granted extensions of time to oppose the TU and Tiger Design Mark up to and including June 17, 2012, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned DETROIT TIGERS MAJOR LEAGUE BASEBALL club.
2. Since long prior to April 2003, Applicant’s claimed first use date for Application Serial No. 85/389,457, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark TIGERS or TIGER, alone or with other word, letter and/or design elements, including a design of a tiger (the “Opposer’s TIGERS Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services including, but not limited to, apparel; sporting goods and toys; printed matter; and novelty items and since long prior to 1916, Applicant’s claimed first use date for Application Serial No. 85/460,229, Opposer has used Opposer’s TIGERS Marks in connection with baseball games and exhibition services.
3. Opposer owns United States federal application and registrations for Opposer’s TIGERS Marks in International Classes 6, 14, 16, 18, 21, 25, 28 and 41; namely Registration

Nos. 1,015,996; 1,021,470; 1,480,101; 1,706,648; 1,764,610; 1,983,453; 2,001,049; 2,182,612; 3,480,285; 3,480,300 and 3,748,117 and Application Serial No. 78/727,741. Registration Nos. 1,015,996; 1,021,470; 1,480,101; 1,706,648; 1,764,610; 2,001,049 and 2,182,612 are incontestable. Registration No. 1,983,453 is partially incontestable.

4. Since long prior to April 2003, Applicant's claimed first use date for Application Serial No. 85/389,457, 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 TIGERS Marks, in connection with baseball games and exhibition services and a wide variety of goods and services including, but not limited to apparel; sporting goods and toys; printed matter; and novelty items, and since long prior to 1916, Applicant's claimed first use date for Application Serial No. 85/460,229, Opposer has used Opposer's TIGERS Marks in connection with baseball games and exhibition services 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 TIGERS Marks, Opposer has built up highly valuable goodwill in Opposer's TIGERS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On August 4, 2011, Applicant filed the Application Serial No. 85/389,457 for the TU and Tiger Design Mark in International Class 25 for "Athletic apparel, namely, shirts, pants, jackets, hats and caps, athletic uniforms; baseball caps; down jackets; dress shirts; golf shirts; hooded sweat shirts; knit shirts; socks; pique shirts; polo shirts; sweat shirts; sweat pants; and t-shirts" and in International Class 41 for "Entertainment services in the nature of competitions

and events in the field of athletics; providing college athletic and sporting events; providing news and information in the field of sports,” claiming a first use date of April 2003.

7. Upon information and belief, Applicant did not use the TU and Tiger Design mark for the goods and services covered in Application Serial No. 85/389,457 in United States commerce prior to its claimed first use date of April 2003.

8. On October 31, 2011, Applicant filed Application Serial No. 85/460,229 for the standard character word mark TRINITY TIGERS in International Class 41 for “Entertainment services in the nature of competitions and events in the field of athletics; providing college athletic and sporting events; providing news and information in the field of sports,” claiming a first use date of 1916.

9. Upon information and belief, Applicant did not use the TRINITY TIGERS mark for the services covered in the Application Serial No. 85/460,229 in United States commerce prior to its claimed first use date of 1916.

10. The goods and services covered by the Applications are identical and/or closely related to the goods offered and services rendered in connection with Opposer’s TIGERS Marks.

11. Applicant’s Marks so resemble Opposer’s TIGERS Marks as to be likely, when used in connection with Applicant’s goods and services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant’s goods and services have their origin with Opposer and/or that such goods and 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 certificates of registration for Applicant’s Marks.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Marks and requests that the opposition be sustained and said registrations be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Lisa M. Willis (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  
June 18, 2012

Respectfully submitted,

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

By: /Lisa M. Willis/

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Richard S. Mandel  
Lisa M. Willis  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 18, 2012, I caused a true and correct copy of the foregoing Consolidated Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Correspondent and Attorney of Record, Matthew M. Jennings, Esq., Cox Smith Matthews Incorporated, 112 E Pecan St., Ste 1800, San Antonio, TX 78205-1521.

/Lisa M. Willis/

Lisa M. Willis