

ESTTA Tracking number: **ESTTA499250**

Filing date: **10/10/2012**

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	Arena Football One, LLC
Granted to Date of previous extension	10/10/2012
Address	640 N. LaSalle Street - Suite 557 Chicago, IL 60654 UNITED STATES
Correspondence information	William L. Niro Attorney Niro, Haller & Niro 181 W. Madison Street Suite 4600 Chicago, IL 60602 UNITED STATES wniro@nshn.com, mecysne@nshn.com Phone:(312) 236-0733

Applicant Information

Application No	85513851	Publication date	06/12/2012
Opposition Filing Date	10/10/2012	Opposition Period Ends	10/10/2012
Applicant	Lady Arena Football League, LLC 4925 Valleydale Ave. Los Angeles, CA 90043 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Hats; Headbands for clothing; Jackets; Shirts; Sweatshirts; T-shirts; Wrist bands
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1855376	Application Date	01/21/1993
Registration Date	09/20/1994	Foreign Priority Date	NONE
Word Mark	AFL		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1993/05/00 First Use In Commerce: 1993/05/00 entertainment services in the nature of organizing, scheduling and conducting football games

U.S. Registration No.	2948918	Application Date	08/15/2002
Registration Date	05/10/2005	Foreign Priority Date	NONE

Word Mark	AFL ARENA FOOTBALL LEAGUE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 016. First use: First Use: 2002/09/01 First Use In Commerce: 2002/09/01 Printed annual media guides containing information about football, general merchandise catalogs, bumper stickers, writing pads and pens, pencils, trading cards, posters, paper pennants, post cards, calendars, paper stickers, appliques in the form of decals, printed event admission tickets and greeting cards- all sold in relation to the game of indoor professional American-style football</p> <p>Class 025. First use: First Use: 2002/09/01 First Use In Commerce: 2002/09/01 Men's, women's and children's clothing, namely, player uniforms, namely footwear, jersey tops and pants; cheerleader uniforms; replica uniform shirts, coaches' caps, wool hats, painters' caps, baseball caps, visors, headbands, belts, t-shirts, tank tops, golf shirts, sweaters, sweatshirts, leather jackets, neckties, coats, shorts, sweatpants, pants, socks and underwear- all sold in relation to indoor professional American-style football</p>
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U.S. Registration No.	3954765	Application Date	09/02/2010
Registration Date	05/03/2011	Foreign Priority Date	NONE

Word Mark	AFL
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Design Mark	
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Description of Mark	The mark consists of the letters "AFL" and a shield containing a football and a football player.
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Goods/Services	Class 025. First use: First Use: 2002/08/17 First Use In Commerce: 2002/08/17 Men's, women's and children's clothing, namely, player uniforms, jersey tops
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	<p>and pants; cheerleader uniforms; replica uniform shirts, coaches' caps, wool hats, painters' caps, baseball caps, visors, headbands, belts, t-shirts, tank tops, golf shirts, sweaters, sweatshirts, leather jackets, neckties, coats, shorts, sweat pants, pants, socks and underwear</p> <p>Class 041. First use: First Use: 2002/08/17 First Use In Commerce: 2002/08/17 Entertainment services, namely, organizing and presenting football games before live audiences and on television, radio, for global computer network display and other media</p>
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Attachments	<p>76440734#TMSN.gif (1 page)(bytes) 85121839#TMSN.jpeg (1 page)(bytes) Opposition_Notice.pdf (4 pages)(22459 bytes)</p>
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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	/William L. Niro/
Name	William L. Niro
Date	10/10/2012

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

In the Matter of Application Serial No. 85513851
Mark: LAFL LADY ARENA FOOTBALL LEAGUE

Arena Football One, LLC,

Opposer,

v.

Lady Arena Football League, LLC,

Applicant.

Opposition No.: _____

NOTICE OF OPPOSITION

Opposer, Arena Football One, LLC, a limited liability company, organized under the laws of the State of Louisiana and located and doing business at 640 N. LaSalle Street, Suite 557, Chicago, IL 60654, believes that it would be damaged by the issuance of a registration for the trademark LAFL LADY ARENA FOOTBALL LEAGUE, as applied for in Application Serial No. 85513851 and therefore opposes the same. As grounds for its opposition, Opposer, by its attorney, William L. Niro, NIRO, HALLER & NIRO, alleges as follows:

1. For more than 25 years, and prior to any date upon which Applicant can rely, Opposer has used the mark AFL and the mark ARENA FOOTBALL LEAGUE on or in connection with men's and women's clothing, including hats, jackets, shirts, t-shirts, sweatshirts and wrist bands, all sold in relation to indoor professional American football in the United States, and is continuing to do so. Opposer has invested substantial amount of time, effort and money in promoting the AFL and ARENA FOOTBALL LEAGUE marks. As a result, the marks have become distinctive of Opposer's goods and have come to represent enormous goodwill for Opposer.

2. Opposer owns incontestable U.S. Registration No. 1,855,376 for the mark AFL, issued September 20, 1994; incontestable U.S. Registration No. 2,948,918 issued May 10, 2005, for the mark AFL ARENA FOOTBALL LEAGUE; and U.S. Registration No. 3,954,765 issued May 3, 2011 for the mark AFL, both for "men's, women's and children's clothing and headwear, namely, shirts, t-shirts, sweatshirts, hats, caps, headbands" and other items of clothing in International Class 25. Opposer's registrations are valid, subsisting, and in full force and effect. As such, this registration serves as conclusive evidence of Opposer's exclusive rights to use the AFL, and the AFL-ARENA FOOTBALL LEAGUE marks.

3. Opposer's marks are inherently distinctive and have acquired secondary meaning to consumers in the marketplace.

4. By virtue of its longstanding use, the excellent quality of the goods, and its general reputation, Opposer has become well-known and acquired and maintains an excellent and widespread reputation for goods sold in connection with Opposer's marks. The marks are symbolic of extensive goodwill and consumer recognition nationally and internationally.

5. On January 11, 2012, Applicant, Lady Arena Football League, LLC, filed an intent to use application under section 1(b) of the Trademark Act to register the mark LAFL LADY ARENA FOOTBALL LEAGUE, which at publication lists the following goods for which registration is sought: "hats; headbands for clothing; jackets; shirts; sweatshirts; t-shirts; wristbands" in International Class 25. On information and belief, Applicant has used the mark some time prior to the date of publication.

6. The mark that Applicant seeks to register is similar in sound, appearance, meaning and commercial impression to Opposer's AFL and AFL ARENA FOOTBALL LEAGUE marks and will be used on goods that are both identical to and closely related to the goods on which the Opposer uses its registered marks. Based on the similarities of the marks and the goods, the public is likely to associate the goods offered by Applicant under the mark

LAFL LADY ARENA FOOTBALL LEAGUE with Opposer or with Opposer's goods, or to believe that Applicant's goods are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

7. For the above reasons, any use of the mark LAFL LADY ARENA FOOTBALL LEAGUE by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods sold under the LAFL LADY ARENA FOOTBALL LEAGUE mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

By reason of the foregoing, Opposer will be damaged by the registration of the mark LAFL LADY ARENA FOOTBALL LEAGUE to Applicant.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 85513851 be denied.

Dated: October 10, 2012

Respectfully submitted,

/s/ William L. Niro

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this paper has been served upon the below listed parties at their address of record by electronic transmission on October 10, 2012:

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/s/ William L. Niro

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