

ESTTA Tracking number: **ESTTA501419**

Filing date: **10/22/2012**

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	10/21/2012
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 lmw@cll.com, trademark@cll.com, jmn@cll.com Phone:212-790-9200
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Applicant Information

Application No	85273464	Publication date	04/24/2012
Opposition Filing Date	10/22/2012	Opposition Period Ends	10/21/2012
Applicant	BOI TRADING COMPANY LTD. Units 1-7 The Eurocentre 116-118 Bury New Road Manchester, M88EB UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, t-shirts, tops, shirts, jumpers, sweatshirts, jackets, trousers, jeans, pants, sweat pants, textile belts, underwear, caps, and hats, shoes
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Grounds for Opposition

Other	Please see attached pleading.
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Attachments	Lt. to Commissioner re Opposition to TOKYO TIGERS.pdf (1 page)(69609 bytes) TOKYO TIGERS - Notice of Opposition.pdf (5 pages)(15294 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	10/22/2012

2. Since long prior to March 22, 2011, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark TIGERS or TIGER and/or various tiger designs, alone or with other words, including geographic terms such as Detroit, Lakeland and Connecticut, letters and/or designs (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, including without limitation, t-shirts, tops, shirts, jumpers, sweatshirts, jackets, pants, sweat pants, belts, underwear, caps, and hats and footwear; toys and sporting goods, paper and printed matter and novelty items.

3. Opposer owns United States federal applications 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 Nos. 78/727,741; 85/696,396; 85/696,400 and 85/696,411. 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 March 22, 2011, Applicant's constructive 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 TIGERS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, apparel, including without limitation, t-shirts, tops, shirts, jumpers, sweatshirts, jackets, pants, sweat pants, belts, underwear, caps, and hats and footwear; toys and sporting goods, paper 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 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 March 22, 2011, Applicant filed the Application for Applicant's Mark for "Clothing, namely, t-shirts, tops, shirts, jumpers, sweatshirts, jackets, trousers, jeans, pants, sweat pants, textile belts, underwear, caps, and hats, shoes" in International Class 25, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered in the Application in United States commerce prior to its constructive first use date of March 22, 2011.

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 TIGERS Marks.

9. Applicant's Mark, which consists of the identical term TIGERS preceded by a geographical term, so resembles Opposer's TIGERS Marks, which often include geographical terms, 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 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
October 22, 2012

Respectfully submitted,

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

By: /Lisa M. Willis/

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Lisa M. Willis
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 22, 2012, 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 Correspondent of Record, Rachel Blue, Esq., McAfee & Taft, 1717 S. Boulder Ave. STE 900, Tulsa, OK 74119-4844.

/Lisa M. Willis/

Lisa M. Willis