

ESTTA Tracking number: **ESTTA517879**

Filing date: **01/24/2013**

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	American Soccer Company, Inc.		
Entity	Corporation	Citizenship	California
Address	726 E. Anaheim Street Wilmington, CA 90744 UNITED STATES		

Correspondence information	Maria Rosa Cursage American Soccer Company, Inc. 726 E. Anaheim Street Wilmington, CA 90744 UNITED STATES sison@scoresports.com Phone:3108476331		
----------------------------	---	--	--

Applicant Information

Application No	85680834	Publication date	12/25/2012
Opposition Filing Date	01/24/2013	Opposition Period Ends	01/24/2013
Applicant	Recco Jr., Gerard 29 Birch Ave Hazlet, NJ 07730 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: T-shirts

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1422027	Application Date	05/27/1986
Registration Date	12/23/1986	Foreign Priority Date	NONE
Word Mark	SCORE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1986/02/01 First Use In Commerce: 1986/02/01 SHIRTS, PANTS, SHORTS, SOCKS

U.S. Registration No.	1916007	Application Date	10/29/1991
Registration Date	09/05/1995	Foreign Priority Date	NONE
Word Mark	SCORE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1986/03/00 First Use In Commerce: 1986/03/00 whistles and whistle lanyards</p> <p>Class 016. First use: First Use: 1986/03/00 First Use In Commerce: 1986/03/00 clipboards, data pads for soccer scores</p> <p>Class 018. First use: First Use: 1986/01/00 First Use In Commerce: 1986/01/00 tote bags</p> <p>Class 024. First use: First Use: 1989/12/00 First Use In Commerce: 1989/12/00 corner flags and cones</p> <p>Class 025. First use: First Use: 1986/01/00 First Use In Commerce: 1986/01/00 footwear, gloves, polo shirts, socks, T-shirts and warm-up suits</p> <p>Class 028. First use: First Use: 1986/03/00 First Use In Commerce: 1986/03/00 [sporting equipment; namely, corner flags and playing field cones for soccer, shinguards for athletic use and soccer balls; soccer referee equipment; namely, holders for carrying signal cards]</p> <p>Class 042. First use: First Use: 1986/01/00 First Use In Commerce: 1986/01/00 distributorship featuring clothing; namely, long and short-sleeve shirts, shorts, warm-up suits, T-shirts, polo shirts, socks, vests, gloves and soccer equipment; namely, balls, tote bags, flags, wallet and card sets, soccer score data pads, whistles and lanyards, shinguards, pumps, nets, corner cones, pressure gauges and line strippers</p>		

U.S. Registration No.	3618127	Application Date	09/24/2007
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	SCORE BASKETBALL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2007/01/00 First Use In Commerce: 2007/01/00 Basketball uniforms, basketball shorts, basketball jerseys, basketball socks

Attachments	73600824#TMSN.gif (1 page)(bytes) 77287640#TMSN.jpeg (1 page)(bytes) AmericanSoccerCoOpposition85680834.pdf (4 pages)(342062 bytes)
-------------	--

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	/Maria Rosa Cursage/
Name	Maria Rosa Cursage
Date	01/24/2013

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SCORE	1916007 (incontestable)	<p>IC 009. US 023 026. G & S: whistles and whistle lanyards. FIRST USE: 19860300. FIRST USE IN COMMERCE: 19860300</p> <p>IC 016. US 037 038. G & S: clipboards, data pads for soccer scores. FIRST USE: 19860300. FIRST USE IN COMMERCE: 19860300</p> <p>IC 018. US 003. G & S: tote bags. FIRST USE: 19860100. FIRST USE IN COMMERCE: 19860100</p> <p>IC 024. US 042 050. G & S: corner flags and cones. FIRST USE: 19891200. FIRST USE IN COMMERCE: 19891200</p> <p>IC 025. US 039. G & S: footwear, gloves, polo shirts, socks, T-shirts and warm-up suits. FIRST USE: 19860100. FIRST USE IN COMMERCE: 19860100</p> <p>IC 042. US 101. G & S: distributorship featuring clothing; namely, long and short-sleeve shirts, shorts, warm-up suits, T-shirts, polo shirts, socks, vests, gloves and soccer equipment; namely, balls, tote bags, flags, wallet and card sets, soccer score data pads, whistles and lanyards, shinguards, pumps, nets, corner cones, pressure gauges and line stripers. FIRST USE: 19860100. FIRST USE IN COMMERCE: 19860100</p>
	3618127	<p>IC 025. US 022 039. G & S: Basketball uniforms, basketball shorts, basketball jerseys, basketball socks. FIRST USE: 20070100. FIRST USE IN COMMERCE: 20070100</p>

4. The above registrations are valid, subsisting, and in full force and effect. Registration nos. 1916007 and 1422027 are incontestable under 15 USC § 1065, and are inherently distinctive.
5. Applicant filed Trademark Application Serial No. 85680834 for the mark SCORE THE BALL for "T-shirts" in International Class 25.
6. Opposer has priority of Applicant, because Opposer's use, application filing dates, and registration dates for the SCORE mark long precede

1 Applicant's for its application and/or any claimed use [Applicant
filed under § 1(b).]

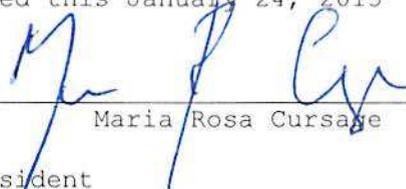
- 2 7. Registration of the SCORE THE BALL mark is barred by 15 U.S.C. §
3 1052(d), because it so resembles a mark registered in the Patent and
4 Trademark Office and/or used in the United States by Opposer and not
5 abandoned, as to be likely, when used on or in connection with the
6 alleged goods of the Applicant, to cause confusion, mistake or
7 deception.
- 8 8. Applicant's alleged mark SCORE THE BALL is confusingly similar to
9 Opposer's used and registered SCORE and SCORE BASKETBALL marks.
- 10 9. Applicant's alleged mark SCORE THE BALL so resembles Opposer's used
11 and registered SCORE and SCORE BASKETBALL marks, as to be likely,
12 when used on or in connection with the alleged goods of the
Applicant, to cause confusion, mistake, or deception. The likelihood
of confusion, mistake, or deception that would arise from concurrent
use and registration of Applicant's mark SCORE THE BALL with
Opposer's use and registration of its SCORE and SCORE BASKETBALL
marks is that persons are likely to believe that Applicant and its
services are in some way legitimately connected to, affiliated with,
sponsored, approved, endorsed and/or licensed by Opposer, when in
fact, they are not. Further, the Applicant is not, and was not, at
the time of the filing of the application for registration, the
rightful owner of the mark SCORE in Class 25. Registration of
Applicant's SCORE THE BALL is barred by 15 U.S.C. § 1052(d).

13 WHEREFORE, Opposer prays that Trademark Application Serial No. 85680834 be
14 rejected, and that registration of the mark SCORE THE BALL be denied and
refused.

15 This notice of Opposition is being filed electronically pursuant to the ESTTA
system.

16 Respectfully submitted,
17 AMERICAN SOCCER COMPANY, INC.

18 Dated this January 24, 2013

19 By: 
20 Maria Rosa Cursage

21 President
22 726 E. Anaheim Street
23 Wilmington, CA 90744
24 (P) 310.847.6331
25 (F) 310.835.6661

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

I, Maria Rosa Cursage, do hereby certify that I caused to be delivered by the United States Postal Service a true and correct copy of the Notice of Opposition to the following addressee:

Gerard Recco, Jr.
29 Birch Avenue
Hazlet, NJ 07730

such being the Applicant's correspondence address listed in the TSDR system as of this date on the twenty-fourth day of January, 2013.



Maria Rosa Cursage