

ESTTA Tracking number: **ESTTA524671**

Filing date: **03/04/2013**

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	Minnesota Timberwolves Basketball Limited Partnership
Granted to Date of previous extension	03/03/2013
Address	1725 Roe Crest Drive North Mankato, MN 56002 UNITED STATES

Correspondence information	Anil V. George Attorney for Opposer NBA Properties, Inc. Olympic Tower - 645 Fifth Avenue New York, NY 10022 UNITED STATES ipgroup@nba.com Phone:212-407-8330
----------------------------	---

Applicant Information

Application No	85525233	Publication date	09/04/2012
Opposition Filing Date	03/04/2013	Opposition Period Ends	03/03/2013
Applicant	CROSSTECH MANUFACTURING, INC. 33877 Gendreau Road Crosslake, MN 564424075 UNITED STATES		

Goods/Services Affected by Opposition

Class 007. First Use: 2005/04/00 First Use In Commerce: 2005/04/00 All goods and services in the class are opposed, namely: Machines, namely, hydraulically-operated, rotary blade brush cutters

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2457484	Application Date	11/06/1995
Registration Date	06/05/2001	Foreign Priority Date	NONE

Word Mark	MINNESOTA TIMBERWOLVES
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00 pre-recorded audio and video laser discs, tapes, cassettes and pre-recorded compact discs featuring basketball; computer software, namely, screen saving programs and multimedia programs providing information, statistics and trivia on basketball

U.S. Registration No.	2139471	Application Date	11/06/1995
Registration Date	02/24/1998	Foreign Priority Date	NONE

Word Mark	MINNESOTA TIMBERWOLVES
Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1996/05/18 First Use In Commerce: 1996/05/18 publications and printed matter, namely, basketball trading cards, dance team trading cards, mascot trading cards, entertainment trading cards, stickers, decals, commemorative basketball stamps, trading card milk bottle caps, post cards, paper and plastic place mats, note cards, memo pads, ball point pens, pencils, 3-ring binders, stationery folders, wirebound notebooks, portfolio notebooks, unmounted and mounted photographs, posters, calendars, bumper stickers, book covers, gift wrapping paper, children's activity books, statistical books, guide books and reference books for basketball, magazines in the field of basketball, commemorative game programs, paper pennants, stationery, stationery-type portfolios, and statistical sheets for basketball topics, newsletters and pamphlets in the field of basketball for distribution to the television and radio media

U.S. Registration	2122148	Application Date	11/06/1995
-------------------	---------	------------------	------------

No.			
Registration Date	12/16/1997	Foreign Priority Date	NONE
Word Mark	MINNESOTA TIMBERWOLVES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/05/18 First Use In Commerce: 1996/05/18 clothing, namely hosiery, footwear, T-shirts, sweatshirts, sweatpants, pants, tank tops, jerseys, shorts, pajamas, sport shirts, rugby shirts, sweaters, belts, ties, nightshirts, hats, warm-up suits, jackets, parkas, coats, cloth bibs, head bands, wrist bands, aprons, boxer shorts, slacks, caps, ear muffs, and gloves		

U.S. Registration No.	2098142	Application Date	11/06/1995
Registration Date	09/16/1997	Foreign Priority Date	NONE
Word Mark	MINNESOTA TIMBERWOLVES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1996/05/18 First Use In Commerce: 1996/05/18 toys and sporting goods, namely, basketballs, golf balls, playground balls, sports balls, rubber action balls and foam action balls, basketball nets, basketball backboards, pumps for inflating basketballs and needles therefor, golf clubs, golf bags, electronic basketball table top games, video games, computer video games, video game cartridges, video game machines, basketball table top games, basketball board games, electronic video arcade game machines, basketball kit comprised of a basketball net and whistle, dolls, stuffed toys, jigsaw puzzles and Christmas tree ornaments		

U.S. Registration No.	2091986	Application Date	11/06/1995
-----------------------	---------	------------------	------------

Registration Date	08/26/1997	Foreign Priority Date	NONE
Word Mark	MINNESOTA TIMBERWOLVES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1996/11/03 First Use In Commerce: 1996/11/03 entertainment services in the nature of rendering live basketball games and basketball exhibitions and the production and distribution of radio and television broadcasts of basketball games and exhibitions		

U.S. Registration No.	2212589	Application Date	08/21/1997
Registration Date	12/22/1998	Foreign Priority Date	NONE
Word Mark	MINNESOTA TIMBERWOLVES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1996/07/00 First Use In Commerce: 1996/07/00 athletic bags, shoe bags for travel, overnight bags, umbrellas, backpacks, baby backpacks, duffel bags, tote bags, luggage, luggage tags, patio umbrellas, valises, attache cases, billfolds, wallets, briefcases, canes, business card cases, book bags, all purpose sports bags, golf umbrellas, gym bags, purses, fanny packs, waist packs, cosmetic cases sold empty, garment bags for travel, handbags, key cases, knapsacks, suitcases, toiletry cases sold empty and trunks for traveling		

U.S. Registration No.	2606918	Application Date	12/04/2000
Registration Date	08/13/2002	Foreign Priority Date	NONE

Word Mark	MINNESOTA TIMBERWOLVES
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1995/10/28 First Use In Commerce: 1995/10/28 On-line retail store services featuring audio and video recordings, eyewear, jewelry, clothing, toys and other varied merchandise with a professional basketball theme

U.S. Registration No.	2661674	Application Date	12/04/2000
Registration Date	12/17/2002	Foreign Priority Date	NONE

Word Mark	MINNESOTA TIMBERWOLVES
Design Mark	
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 1995/10/28 First Use In Commerce: 1995/10/28 Providing on-line chat rooms for transmission of messages among computer users concerning professional basketball; broadcasting programs via a global computer network

U.S. Registration No.	2648297	Application Date	12/04/2000
Registration Date	11/12/2002	Foreign Priority Date	NONE
Word Mark	MINNESOTA TIMBERWOLVES		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 042. First use: First Use: 1995/10/28 First Use In Commerce: 1995/10/28 Computer services, namely, providing on-line magazines and newsletters in the field of basketball, and providing on-line coloring books, drawings and pictures for coloring; providing temporary use of on-line non-downloadable software for displaying audio and/or visual recordings of or relating to professional basketball, for viewing statistics, trivia and information in the field of basketball, for viewing or accessing video games, trivia games, action skill games, arcade games, adult and child party games and board games, and for viewing or accessing computer screensavers, wallpaper, browser skins and cursors</p>

Attachments	75016403#TMSN.gif (1 page)(bytes) 75016402#TMSN.gif (1 page)(bytes) 75016427#TMSN.gif (1 page)(bytes) 75016426#TMSN.gif (1 page)(bytes) 75016408#TMSN.gif (1 page)(bytes) 75344452#TMSN.gif (1 page)(bytes) 76175247#TMSN.gif (1 page)(bytes) 76175246#TMSN.gif (1 page)(bytes) 76175248#TMSN.gif (1 page)(bytes) Brush Wolf - Crosstech Manufacturing - Minn Twolves.pdf (4 pages)(125313 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	/Anil V. George/
Name	Anil V. George
Date	03/04/2013

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

In re Application of Crosstech Manufacturing, Inc.

SERIAL NO. : 85/525233
MARK : BRUSH WOLF & DESIGN

-----X
MINNESOTA TIMBERWOLVES BASKETBALL :
LIMITED PARTNERSHIP :
Petitioner :
v. :
CROSSTECH MANUFACTURING, INC. :
Applicant :
-----X

NOTICE OF OPPOSITION

Minnesota Timberwolves Basketball Limited Partnership (“Opposer”) believes that it will be damaged by the registration of the proposed BRUSH WOLF & DESIGN mark (the “Mark”) for machines, namely, hydraulically-operated rotary blade brush cutters in Class 7, identified in application serial number 85/525,233 (the “Application”), and, hereby, opposes registration of the same.

1. Opposer is a Minnesota limited partnership with its principal office and place of business at 1725 Roe Crest Drive, North Mankato, Minnesota, 56002.
2. Opposer owns the Minnesota Timberwolves (the “Timberwolves”), a member team of the National Basketball Association (the “NBA”).
3. Since prior to the filing date of the Application, the Timberwolves have been and now are engaged in the business of providing basketball entertainment services

and assorted ancillary products, including apparel, under various TIMBERWOLVES, WOLVES, TIMBERWOLVES and Design, MINNESOTA TIMBERWOLVES, and MINNESOTA TIMBERWOLVES and Design trademarks and service marks (collectively, the "Timberwolves Marks").

4. The Timberwolves have used the TIMBERWOLVES Marks extensively and continuously and, in connection thereto, engaged in wide ranging promotional efforts and generated substantial sales. As a result, the Timberwolves Marks have become known to the public; is closely associated with the Timberwolves; is closely associated with the goods and services of the Timberwolves; is recognized by the public as pointing to the source of origin for the goods and services of the Timberwolves; and represents the substantial goodwill of the Timberwolves

5. In addition to being distinctive of the services of the Timberwolves, the Timberwolves Marks are famous. The Timberwolves Marks are famous, among other reasons, because of extensive and continuous nationwide use by and/or on behalf of the Timberwolves, the substantial sales for services associated with the Timberwolves Marks, the wide ranging promotional efforts relating to the Timberwolves Marks by the Minnesota Timberwolves and the NBA, and extensive media attention concerning the Timberwolves, the products and services of the Timberwolves, and the Timberwolves Marks.

6. Opposer owns numerous federal trademark registrations for the Timberwolves Marks in a variety of classes.

7. Notwithstanding the rights of the Timberwolves, Applicant seeks registration of the Mark for Class 7 goods.

8. The Wolf's Head design is the dominant element of the Timberwolves Marks.

9. The Mark prominently includes a closely similar Wolf's Head design as the dominant element.

10. The Timberwolves have prior and superior rights based on the earlier use of the Timberwolves Marks.

12. Use of the Mark likely will cause people to believe that the relevant goods are authorized, endorsed, or sponsored by, and, therefore, connected or associated with the NBA and the TIMBERWOLVES when that is not the case.

13. Applicant's use of the proposed Mark dilutes the Timberwolves Marks by blurring the distinctiveness of the latter.

14. Applicant's adoption of the Mark is without license or permission from Opposer.

15. Registration of the Mark would be contrary to and violate Trademark Act Sections 2(a), 15 U.S.C. § 1052(a); 2(d), 15 U.S.C. § 1052(d); and 43(c), 15 U.S.C. § 1125(c), and, therefore, violate and diminish the prior and superior rights of the Timberwolves in the Timberwolves Marks.

16. Registration of the Mark would be contrary to and violate Trademark Act Section 2(a), 15 U.S.C. § 1052(a), as the Mark falsely suggests an association with the TIMBERWOLVES when none exists.

17. Registration of the Mark would be contrary to and violate Trademark Act Section 2(d), 15 U.S.C. § 1052(d), as the Mark is confusingly similar to the Timberwolves Marks.

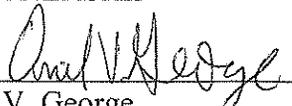
18. Registration of the Mark would be contrary to and violate Trademark Act Section 43(c), 15 U.S.C. § 1125(c), as use of the Mark would dilute the Timberwolves Marks, which are famous, by blurring the distinctiveness of the Timberwolves Marks.

19. Opposer will be damaged if the PTO grants registration of the Mark because Applicant will obtain statutory rights in violation and derogation of the established prior and superior rights of the Timberwolves.

20. WHEREFORE, Opposer prays this opposition be sustained and that Application Serial No. 85/525,233 be refused and denied registration.

March 4, 2013
NBA PROPERTIES, INC.
Olympic Tower -645 Fifth Avenue
New York, NY 10022
(212) 407-8000

MINNESOTA TIMBERWOLVES
BASKETBALL LIMITED
PARTNERSHIP

By: 
Anil V. George

CERTIFICATE OF SERVICE

I, Anil V. George, certify that I have on this day, March 4, 2013, by mailing first class United States Mail, postage pre-paid, a copy of the foregoing NOTICE OF OPPOSITION, served the following:

Lawrence M. Nawrocki, Esq.
Nawrocki, Rooney & Sivertson
3433 Broadway Street NE, Suite 401
Minneapolis, MN 55413-3009



Anil V. George
March 4, 2013