

ESTTA Tracking number: **ESTTA528650**

Filing date: **03/25/2013**

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	Los Angeles Dodgers LLC
Granted to Date of previous extension	03/24/2013
Address	Dodger Stadium 1000 Elysian Park Avenue Los Angeles, CA 90012 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 Phone:212-790-9200
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Applicant Information

Application No	85460381	Publication date	09/25/2012
Opposition Filing Date	03/25/2013	Opposition Period Ends	03/24/2013
Applicant	Tolema Inc 5221 Oceanus Dr Huntington Beach, CA 92649 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 1997/08/30 First Use In Commerce: 1997/08/30 All goods and services in the class are opposed, namely: Wearable garments and clothing, namely, shirts

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	LA CHOPPERS - Lt. to Commissioner re Notice of Opposition.pdf (1 page) (90098 bytes) LA CHOPPERS - Notice of Opposition.pdf (5 pages)(54089 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	03/25/2013



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March 25, 2013

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Los Angeles Dodgers LLC
Notice of Opposition Against
Tolema Inc.
Application to register LA CHOPPERS
Ref. No. 21307.016

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/460,381 published in the Official Gazette on September 25, 2012. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300.00 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Lisa M. Willis/
Lisa M. Willis

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L Kevlin, Esq. (w/encs.)

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

In re Application Serial No. 85/460,381
Filed: October 31, 2011
For Mark: LA CHOPPERS
Published in the Official Gazette: September 25, 2012

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LOS ANGELES DODGERS LLC,	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
TOLEMAR INC.,	:	<u>NOTICE OF OPPOSITION</u>
Applicant.	:	
-----X	:	

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Los Angeles Dodgers LLC (“Opposer”), a Delaware limited liability company with offices at Dodger Stadium, 1000 Elysian Park Avenue, Los Angeles, California 90012, believes that it will be damaged by registration of the standard character letter mark LA CHOPPERS (“Applicant's Mark”) in International Class 25 for “Wearable garments and clothing, namely, shirts” as shown in Application Serial No. 85/460,381 (the “Application”), and having been granted extensions of time to oppose up to and including March 24, 2013, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned LOS ANGELES DODGERS MAJOR LEAGUE BASEBALL club.

2. Since long prior to August 30, 1997, Applicant's claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used names and marks comprising or containing the letters LA or the word LOS ANGELES, alone or with other word, letter and/or design elements, including without limitation, in the following

distinctive stylizations: , , , ,  and



(collectively, "Opposer's LA 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, shirts; toys and sporting goods; paper goods and printed matter; and novelty items.

3. Opposer owns U.S. federal registrations and applications for Opposer's LA Marks in International Classes 6, 9, 14, 16, 18, 21, 24, 25, 28 and 41, namely Registration Nos. 1,226,725; 1,532,657; 1,532,903; 1,611,326; 1,858,662; 2,512,741; 3,370,319, 3,370,320; 3,716,962; 3,720,088 and 3,992,354. Registration Nos. 1,226,725; 1,532,657; 1,532,903; 1,611,326 and 2,512,741 are incontestable. Registration No. 1,858,662 is partially incontestable.

4. Since long prior to August 30, 1997, Applicant's claimed 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 LA 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, shirts; toys and sporting goods; paper goods 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 LA Marks, Opposer has built up highly valuable goodwill in Opposer's LA Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On October 31, 2011, Applicant filed the Application for Applicant's Mark for "Wearable garments and clothing, namely, shirts" in International Class 25, claiming a first use date of August 30, 1997.

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 claimed first use date of August 30, 1997.

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 LA Marks.

9. Upon information and belief, Applicant uses or has used Applicant's Mark, LA CHOPPERS, in a manner in which the letters "LA," when the mark is stylized, are depicted in a stylization that is identical and/or highly similar to the stylization and lettering featured in certain of Opposer's LA Marks, including, without limitation, interlocking in the same, distinctive

stylization featured in Opposer's LA Marks, namely:



10. Applicant's Mark so resembles Opposer's LA Marks 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
March 25, 2013

Respectfully submitted,

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

By: /Lisa M. Willis/

Mary L. Kevlin
Richard S. Mandel
Lisa M. Willis
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 25, 2013, 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 and Attorney of Record, Jonathan S. Pink, Esq., Bryan Cave LLP, 1290 Avenue of the Americas, New York, NY 10104.

/Lisa M. Willis/
Lisa M. Willis