

ESTTA Tracking number: **ESTTA551090**

Filing date: **07/29/2013**

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	Kansas City Royals Baseball Corporation
Granted to Date of previous extension	07/28/2013
Address	Harry S. Truman Sports Complex 1 Royal Way Kansas City, MO 64129 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

Applicant Information

Application No	85700042	Publication date	01/29/2013
Opposition Filing Date	07/29/2013	Opposition Period Ends	07/28/2013
Applicant	Scot Family Reunion, LLC 21 Music Square E, 2nd Floor Nashville, TN 37212 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2010/11/16 First Use In Commerce: 2010/11/16 All goods and services in the class are opposed, namely: Pre-recorded sound recordings and audiovisual recordings featuring music and music-based entertainment, downloadable musical sound recordings and downloadable audiovisual recordings featuring music and music-based entertainment
Class 041. First Use: 2010/10/21 First Use In Commerce: 2010/10/21 All goods and services in the class are opposed, namely: Entertainment services, namely, performances by a live musical artist and providing non-downloadable prerecorded music online and information regarding a musical artist online via a global computer network

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	THE LAST ROYALS - Lt. to Commissioner re Notice of Opposition.pdf(68785 bytes) THE LAST ROYALS - Notice of Opposition.pdf(15935 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	07/29/2013



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July 29, 2013

By Electronic Filing

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

Re: Kansas City Royals Baseball Corporation
Notice of Opposition Against
Scot Family Reunion, LLC
Application to register THE LAST ROYALS
Ref. No. 21307.030

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/700,042 published in the Official Gazette on January 29, 2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$600 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.)

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned KANSAS CITY ROYALS MAJOR LEAGUE BASEBALL club.
2. Since long prior to October 21, 2010, Applicant's earliest claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names or marks ROYALS or ROYAL, alone or with other word, letter and/or design elements ("Opposer's ROYALS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, concerts, CDs, DVDs, CD and DVD organizers, baseball games at which music, videos and films are also played and performed, apparel, paper goods and printed matter, toys and sporting goods and novelty items.
3. Opposer owns United States federal registrations for Opposer's ROYALS Marks in International U.S. Classes 6, 14, 16, 20, 21, 24, 25, 26, 28, 30, 34, 41 and International U.S. Class 200; namely, Registration Nos. 940,214, 1,034,779, 1,505,238, 1,522,388, 1,522,533, 1,538,005, 1,552,486, 1,607,457, 1,774,283, 2,623,374, 3,363,256 and 3,370,316. All of the foregoing registrations are incontestable with the exception of Registration Nos. 3,363,256 and 3,370,316.
4. Since long prior to October 21, 2010, 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 ROYALS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, concerts, CDs, DVDs, CD and DVD organizers, baseball games at which music, videos and films are also

played and performed, apparel, paper goods and printed matter, toys and sporting goods 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 ROYALS Marks, Opposer has built up highly valuable goodwill in Opposer's ROYALS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On August 9, 2012, Applicant filed the Application for Applicant's Mark for "Pre-recorded sound recordings and audiovisual recordings featuring music and music-based entertainment, downloadable musical sound recordings and downloadable audiovisual recordings featuring music and music-based entertainment" in International Class 9 and for "Entertainment services, namely, performances by a live musical artist and providing non-downloadable prerecorded music online and information regarding a musical artist online via a global computer network" in International Class 41, claiming first use dates of November 16, 2010 and October 21, 2010, respectively.

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods and services covered in the Application in United States commerce prior to its earliest claimed first use date of October 21, 2010.

8. The goods and services covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's ROYALS Marks.

9. Applicant's Mark so resembles Opposer's ROYALS Marks as to be likely, when used in connection with Applicant's goods and services, to cause confusion, to cause mistake,

and to deceive the trade and public, who are likely to believe that Applicant's goods and services have their origin with Opposer and/or that such goods and services 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
July 29, 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
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(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 29, 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 Attorney and Correspondent of Record, Laxmi Vijaysankar, Esq., Serling Rooks Ferrara Mckoy & Worob, LLP, 119 5th Avenue, Fl 3, New York, NY 10003-1007.

/Lisa M. Willis/

Lisa M. Willis