

ESTTA Tracking number: **ESTTA554742**

Filing date: **08/19/2013**

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	New York Yankees Partnership
Granted to Date of previous extension	08/18/2013
Address	Executive Offices, Yankee Stadium One East 161st Street Bronx, NY 10451 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	79096466	Publication date	02/19/2013
Opposition Filing Date	08/19/2013	Opposition Period Ends	08/18/2013
International Registration No.	0723373	International Registration Date	08/17/1999
Applicant	New Yorker S.H.K. Jeans GmbH & Co. KG Russeer Weg 101-103 24109 Kiel GERMANY		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Eye glasses, particularly sunglasses, sports glasses, ski glasses, frames for eye glasses, electronic data carriers, namely, pre-recorded data carriers featuring music; tone carriers of all kinds, namely, phonographs discs featuring music, phonograph records featuring music, sound recordings featuring music, phonograph tapes featuring music, pre-recorded audio discs featuring music, sound recordings, pre-recorded audio tapes featuring music, pre-recorded video discs featuring music, pre-recorded video tapes featuring music, pre-recorded compact disks featuring music, pre-recorded DVDs featuring music</p>
<p>Class 014. All goods and services in the class are opposed, namely: Costume jewellery; horological and chronometric instruments; watch straps</p>
<p>Class 018. All goods and services in the class are opposed, namely: Bags, namely, travelling bags, backpacks, shoulder bags, handbags, purses, all-purpose carrying bags; sports bags, school bags</p>
<p>Class 025.</p>

All goods and services in the class are opposed, namely: Clothing, namely, long trousers, jeans, pants, slacks, short trousers, shorts, boxer shorts, 3/4 length trousers, slacks with strap under foot, culottes, blouses, dresses, sweaters, shirts, short-sleeved shirts, T-shirts, long-sleeved shirts, socks; footwear, headgear, namely, hats, caps, head kerchiefs; outerwear for gentlemen and ladies, namely, waistcoats, jackets, denim jackets, coats, tunics, blazers, lounging jackets, bomber jackets, overalls, dungarees; underwear; undergarments; belts, scarves, gloves, bathing fashion for gentlemen and ladies, namely, beachwear, swim wear, bathing suits, swimsuits and bathing trunks; leisure and city shoes for gentlemen and ladies

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Please see attached pleading.

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1073346	Application Date	08/20/1976
Registration Date	09/13/1977	Foreign Priority Date	NONE
Word Mark	NEW YORK YANKEES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1921/00/00 First Use In Commerce: 1921/00/00 ENTERTAINMENT SERVICES IN THE NATURE OF BASEBALL EXHIBITIONS		

U.S. Registration No.	1076665	Application Date	08/20/1976
Registration Date	11/01/1977	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1910/00/00 First Use In Commerce: 1910/00/00 ENTERTAINMENT SERVICES IN THE NATURE OF BASEBALL EXHIBITIONS		

U.S. Registration No.	1182757	Application Date	07/02/1979
Registration Date	12/22/1981	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1976/06/00 First Use In Commerce: 1976/06/00 [Battery Operated Radios] Class 011. First use: First Use: 1974/01/00 First Use In Commerce: 1974/01/00 Baseball Helmet Lamps Class 014. First use: First Use: 1978/05/00 First Use In Commerce: 1978/05/00 Novelty Pins in the Nature of Jewelry		

	<p>Class 016. First use: First Use: 1977/02/00 First Use In Commerce: 1977/02/00 Stickers, Decals and Posters</p> <p>Class 025. First use: First Use: 1969/00/00 First Use In Commerce: 1969/00/00 Simulated Uniform Tops, T-Shirts, Visors and Baseball Caps</p> <p>Class 026. First use: First Use: 1974/02/00 First Use In Commerce: 1974/02/00 Cloth Patches, [Needlepoint Kits Consisting Essentially of Needles, Matting and Yarn]</p> <p>Class 028. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Plastic Batting Helmets and Toys-Namely, Miniature Batting Helmet Replica, Banks, Bullpen Buggies, [Caps and Bats Kit Consisting of Bats and Batting Helmets, and Cap Replica with Pencil Sharpener]</p>
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U.S. Registration No.	1550798	Application Date	08/17/1988
Registration Date	08/08/1989	Foreign Priority Date	NONE
Word Mark	NEW YORK YANKEES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 THERMOMETERS</p> <p>Class 011. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 FLASHLIGHTS</p> <p>Class 021. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 BEVERAGE CONTAINERS, NAMELY, CUPS</p> <p>Class 024. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 FABRICS, NAMELY, TOWELS</p> <p>Class 028. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 TOYS AND SPORTING GOODS, NAMELY, INFLATABLE BATS</p>		

U.S. Registration No.	1564580	Application Date	11/18/1988
Registration Date	11/07/1989	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 021. First use: First Use: 1983/10/00 First Use In Commerce: 1983/10/00 BEVERAGE CONTAINERS, NAMELY, MUGS OF PORCELAIN</p>		

U.S. Registration No.	1577279	Application Date	08/17/1988
Registration Date	01/16/1990	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 006. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 NOVELTY ITEMS MADE OF METAL, NAMELY, METAL KEY RINGS</p> <p>Class 018. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 [UMBRELLAS]</p> <p>Class 020. First use: First Use: 1983/00/00 First Use In Commerce: 1983/00/00 ORNAMENTAL NOVELTY ITEMS, NAMELY, LAPEL PINS, [BUTTONS] AND FIGURINES</p> <p>Class 021. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 FOOD AND BEVERAGE CONTAINERS, NAMELY, CUPS, MUGS, GLASSES [AND DECORATIVE PLATES]</p> <p>Class 024. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 FABRICS, NAMELY, HAND TOWELS</p> <p>Class 034. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 [SMOKER'S ARTICLES, NAMELY, ASHTRAYS, CIGARETTE LIGHTERS AND MATCHES]</p>

U.S. Registration No.	1677662	Application Date	08/17/1988
Registration Date	03/03/1992	Foreign Priority Date	NONE
Word Mark	NEW YORK		
Design Mark			
Description of Mark	THE MARK CONSISTS OF THE WORDS "NEW YORK" IN A STYLIZED LETTERING AND IN THE COLORS NAVY BLUE AND WHITE.		
Goods/Services	<p>Class 021. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 [BEVERAGE CONTAINERS; NAMELY,] ((CUPS, MUGS)) [AND GLASSES]</p> <p>Class 024. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [FABRICS; NAMELY, PENNANTS,] ((TOWELS)) [AND STADIUM BLANKETS]</p> <p>Class 025. First use: First Use: 1911/00/00 First Use In Commerce: 1911/00/00 [CLOTHING; NAMELY,] T-SHIRTS, SWEATSHIRTS [AND CHILDREN'S PLAYSETS]</p>		

U.S. Registration No.	1898998	Application Date	07/14/1992
Registration Date	06/13/1995	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1903/00/00 First Use In Commerce: 1903/00/00 clothing; namely, shirts and uniform jerseys		

U.S. Registration No.	2651320	Application Date	02/21/2001
Registration Date	11/19/2002	Foreign Priority Date	NONE
Word Mark	NY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1909/00/00 First Use In Commerce: 1909/00/00 PAPER GOODS AND PRINTED MATTER, NAMELY, TRADING CARDS, POSTERS, STICKERS, DECALS, TEMPORARY TATTOOS, [BUMPER STICKERS,] SCOREBOOKS, SCORECARDS, GAME PROGRAMS, MAGAZINES AND BOOKS FEATURING BASEBALL, [STATIONERY FOLDERS, AUTOGRAPH BOOKS,] BOOK COVERS, CALENDARS, GREETING CARDS, GIFT WRAPPING PAPER, PAPER GIFT AND PARTY BAGS,[PAPER CUPS, PAPER PLATES, PAPER COASTERS,] PAPER NAPKINS, [PAPER TABLECLOTHS], LITHOGRAPHS,[PAPERWEIGHTS,]PENS[, PENCILS, DESK STANDS AND HOLDER FOR PENS, PENCILS AND INK, NON-ELECTRIC ERASERS, AND TICKET HOLDERS AND LANYARDS FOR TICKET HOLDERS]

U.S. Registration No.	3320066	Application Date	05/26/2005
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00 Electrical and scientific apparatus, namely, pre-recorded videotapes relating to baseball, pre-recorded videodiscs relating to baseball; pre-recorded audio discs relating to baseball; compact disc cases; cell phone accessories, namely, cases and face plate covers; photographic cameras; electric switch plate covers; luminous signs, neon signs; sunglasses; decorative magnets; protective helmets, baseball batting helmets, catcher's helmets; video and computer game cartridges, video and computer game discs, video and computer game cassettes and video game controllers; computer accessories, namely, mouse pads, computer game programs, and computer game programs downloadable from a global computer network in the field of baseball		

U.S. Registration No.	3320067	Application Date	05/26/2005
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	The mark consists of the letters "NY" in stylized form.		
Goods/Services	Class 025. First use: First Use: 1969/00/00 First Use In Commerce: 1969/00/00 Clothing, namely, caps, hats, visors, knitted headwear, headbands, bandannas, shirts, T-shirts, tank tops, blouses, sweaters, turtlenecks, pullovers, vests, shorts, pants, dresses, skirts, baseball uniforms, jerseys, warm-up suits, jogging suits, sweatshirts, sweatpants, underwear, boxer shorts, robes, sleepwear, nightshirts, swimwear, jackets, ponchos, cloth bibs, infant wear, infant diaper covers, cloth diaper sets with undershirt and diaper cover, jumpers, rompers, coveralls, creepers, baby booties, ties, gloves, wristbands, footwear, socks, hosiery, slippers		

U.S. Registration No.	3331057	Application Date	05/26/2005
Registration Date	11/06/2007	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	The mark consists of the letters "NY" in stylized form.		
Goods/Services	Class 014. First use: First Use: 1978/05/00 First Use In Commerce: 1978/05/00 Jewelry, namely, bracelets, charms, earrings, rings, belly rings, necklaces, pendants, watches, costume jewelry, rubber or silicone bracelets and wristbands in the nature of a bracelet, medallions, ornamental metal pins, lapel pins, cuff links, metal belt buckles of precious metal, money clips of precious metal, precious metal key chains, precious metal key rings, clocks, wall clocks, alarm clocks, fob watches, clock key chains, and non-monetary coins of precious metal		

U.S. Registration No.	3331058	Application Date	05/26/2005
Registration Date	11/06/2007	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	The mark consists of the letters "NY" in stylized form.		
Goods/Services	Class 028. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Toys and sporting goods, namely stuffed toys, plush toys, foam toys, foam novelty items, namely, foam fingers, puppets; balloons, checker sets, chess sets, dominoes, board games, card games, playing cards, dart boards and dart board accessories, namely, darts, dart shafts and dart flights, toy cars and trucks, toy mobiles, jigsaw and manipulative puzzles, toy banks, toy figures, toy vehicles, dolls and doll accessories, bobbing head dolls, decorative wind socks, miniature baseball bats, mini batting helmet replicas, toy necklaces, miniature toy baseballs, baseballs, playground balls, rubber action balls, golf balls, golf club head covers, billiard accessories, namely, billiard balls, baseball bases, baseball bats, catcher's masks, batting gloves, baseball gloves, baseball mitts, inflatable toys; costume masks; Christmas tree ornaments, excluding confectionery and illumination articles, and Christmas stockings		

U.S. Registration No.	3412814	Application Date	05/26/2005
Registration Date	04/15/2008	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	The mark consists of the letters "NY" in stylized form.		
Goods/Services	Class 018. First use: First Use: 1998/00/00 First Use In Commerce: 1998/00/00 Athletic bags, overnight bags, backpacks, duffel bags, tote bags, beach bags, lunch totes, knapsacks, attaché cases, briefcases, wallets, billfolds, cosmetic cases sold empty, toiletry cases sold empty, business card cases, luggage, luggage tags, suitcases, umbrellas, dog collars and dog leashes		

U.S. Registration No.	3593130	Application Date	01/24/2006
Registration Date	03/17/2009	Foreign Priority Date	NONE
Word Mark	NY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1993/03/00 First Use In Commerce: 1993/03/00 bubble gum, candy, candy mints, chewing gum, chocolate candies, cookies, ice cream, mustard, peppermint candy		

U.S. Registration No.	3804912	Application Date	03/07/2006
Registration Date	06/15/2010	Foreign Priority Date	NONE
Word Mark	NEW YORK HIGHLANDERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2009/12/07 First Use In Commerce: 2009/12/07 Clothing, namely, shirts, T-shirts		

U.S. Registration No.	3943688	Application Date	08/04/2010
Registration Date	04/12/2011	Foreign Priority Date	NONE
Word Mark	NEW YORK		
Design Mark			
Description of Mark	The mark consists of the word "NEW YORK" in stylized form.		
Goods/Services	Class 025. First use: First Use: 1983/00/00 First Use In Commerce: 1983/00/00 Clothing, namely, headwear, hats, caps, jerseys, jackets, shirts, sweatshirts, t-shirts, infantwear, shorts, and footwear		

Related Proceedings	Opposition No. 91209332
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Attachments	NEWYORKER (Stylized) - 8.19.13 Lt. to Commissioner re Notice of Opposition.pdf(100594 bytes) NEWYORKER (Stylized) - 8.19.13 Notice of Opposition.pdf(49534 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	08/19/2013
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Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036
(212) 790-9200 Tel
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August 19, 2013

By Electronic Filing

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

Re: New York Yankees Partnership
Notice of Opposition Against
New Yorker S.H.K. Jeans GmbH & Co. KG
Application to register NEWYORKER (Stylized)
Ref. No. 21307.033

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 79/096,466 published in the Official Gazette on February 19, 2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$1,200 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

Cowan, Liebowitz & Latman, P.C.

Commissioner for Trademarks

August 19, 2013

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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. 79/096,466
Filed: July 16, 2010
For Mark: NEWYORKER (Stylized)
Published in the Official Gazette: February 19, 2013

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NEW YORK YANKEES PARTNERSHIP,	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
NEW YORKER S.H.K. JEANS GMBH & CO. KG,	:	<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, New York Yankees Partnership (“Opposer”), an Ohio limited partnership with offices at Executive Offices, Yankee Stadium, One East 161st Street, Bronx, NY 10451, believes that it will be damaged by registration of the NEWYORKER (Stylized) mark shown below:



(“Applicant's Mark”) in International Class 9 for “Eye glasses, particularly sunglasses, sports glasses, ski glasses, frames for eye glasses, electronic data carriers, namely, pre-recorded data carriers featuring music; tone carriers of all kinds, namely, phonographs discs featuring music, phonograph records featuring music, sound recordings featuring music, phonograph tapes featuring music, pre-recorded audio discs featuring music, sound recordings, pre-recorded audio

tapes featuring music, pre-recorded video discs featuring music, pre-recorded video tapes featuring music, pre-recorded compact disks featuring music, pre-recorded DVDs featuring music,” in International Class 14 for “Costume jewellery; horological and chronometric instruments; watch straps,” in International Class 18 for “Bags, namely, travelling bags, backpacks, shoulder bags, handbags, purses, all-purpose carrying bags; sports bags, school bags” and in International Class 25 for “Clothing, namely, long trousers, jeans, pants, slacks, short trousers, shorts, boxer shorts, 3/4 length trousers, slacks with strap under foot, culottes, blouses, dresses, sweaters, shirts, short-sleeved shirts, T-shirts, long-sleeved shirts, socks; footwear, headgear, namely, hats, caps, head kerchiefs; outerwear for gentlemen and ladies, namely, waistcoats, jackets, denim jackets, coats, tunics, blazers, lounging jackets, bomber jackets, overalls, dungarees; underwear; undergarments; belts, scarves, gloves, bathing fashion for gentlemen and ladies, namely, beachwear, swim wear, bathing suits, swimsuits and bathing trunks; leisure and city shoes for gentlemen and ladies” (collectively “Applicant’s Goods”) as shown in Application Serial No. 79/096,466 (the “Application”), and having been granted extensions of time to oppose up to and including August 18, 2013, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned NEW YORK YANKEES MAJOR LEAGUE BASEBALL club.
2. Since long prior to July 16, 2010, Applicant’s constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used various names or marks that comprise or contain the word NEW YORK and/or its abbreviation, NY, including, without limitation, in the following distinctive stylizations,

NEW YORK, NEW YORK, NEW YORK,

N.Y., NY, N.Y. and N.Y., alone or with other word, letter

and/or design elements (the “Opposer’s NEW YORK Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, phonograph discs, records, and tapes featuring music; DVDs and compact discs featuring music; pre-recorded audio discs, videotapes, and video discs; sunglasses; jewelry, watches and clocks; bags, including, without limitation, athletic bags, luggage, backpacks and tote bags; apparel, including, without limitation, pants, blouses, dresses, sweaters, shirts, T-shirts, footwear, headgear, outerwear, underwear, gloves, swimwear; toys and sporting goods; paper goods and printed matter and novelty items.

3. Opposer owns U.S. federal registrations for Opposer’s NEW YORK Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 30, and 41; namely, Registration Nos. 1,073,346, 1,076,665, 1,182,757, 1,550,798, 1,564,580, 1,577,279, 1,677,662, 1,898,998, 2,651,320, 3,320,066, 3,320,067, 3,331,057, 3,331,058, 3,412,814, 3,593,130, 3,804,912 and 3,943,688. Registration Nos. 1,073,346, 1,076,665, 1,182,757, 1,550,798, 1,564,580, 1,577,279, 1,898,998 and 2,651,320 are incontestable. Registration No. 1,677,662 is partially incontestable.

4. Since long prior to July 16, 2010, 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 NEW YORK Marks, including, but not limited to, baseball games and exhibition

services and a wide variety of goods and services, including, but not limited to, phonograph discs, records, and tapes featuring music; DVDs and compact discs featuring music; pre-recorded audio discs, videotapes, and video discs; sunglasses; jewelry, watches and clocks; bags, including, without limitation, athletic bags, luggage, backpacks and tote bags; apparel, including, without limitation, pants, blouses, dresses, sweaters, shirts, T-shirts, footwear, headgear, outerwear, underwear, gloves, swimwear; 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 NEW YORK Marks, Opposer has built up highly valuable goodwill in Opposer's NEW YORK Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On July 16, 2010, Applicant filed the Application pursuant to Section 66(a) requesting an extension of protection to the United States of an international registration for Applicant's Mark for Applicant's Goods in International Classes 9, 14, 18 and 25.

7. Upon information and belief, Applicant did not use Applicant's Mark for Applicant's Goods in United States commerce prior to its constructive first use date of July 16, 2010.

8. Applicant's Goods are identical and/or closely related to the goods offered and services rendered in connection with Opposer's NEW YORK Marks.

9. Applicant's Mark so resembles Opposer's NEW YORK 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
August 19, 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 August 19, 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, William C. Wright, Esq., Epstein Drangel LLP, 60 East 42nd Street, Suite 2410, New York, NY 10165.

/Lisa M. Willis/

Lisa M. Willis