

ESTTA Tracking number: **ESTTA557831**

Filing date: **09/04/2013**

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	Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Granted to Date of previous extension	09/04/2013
Address	7000 Coliseum Way Second Floor Oakland, CA 94621 UNITED STATES

Attorney information	Aryn M. Emert Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES ame@cll.com, jmn@cll.com, trademark@cll.com Phone:212-790-9200
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**Applicant Information**

Application No	85525733	Publication date	05/07/2013
Opposition Filing Date	09/04/2013	Opposition Period Ends	09/04/2013
Applicant	Y & Z WORLD DEVELOPMENT INC SUITE 1105 463 7TH AVENUE NEW YORK, NY 10018 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Bottoms; Hoods; Jackets; Jerseys; Short sets; Tops; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses
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**Grounds for Opposition**

Other	Please see attached pleading.
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Attachments	Letter to Commissioner - WD NY ATHLETICA.pdf(68923 bytes ) NOO - WD NY ATHLETICA.pdf(24945 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	/Aryn M. Emert/
Name	Aryn M. Emert
Date	09/04/2013



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September 4, 2013

**By Electronic Filing**

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

Re: Athletics Investment Group LLC d/b/a The Oakland Athletics  
Baseball Company  
Notice of Opposition Against  
Y & Z WORLD DEVELOPMENT INC  
Application to register WD-NY ATHLETICA  
Ref. No. 21307.034

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Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/525,733 published in the Official Gazette on May 7, 2013. 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,

/Aryn M. Emert/

Aryn M. Emert

Enclosures

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



1. Opposer is the owner of the renowned OAKLAND ATHLETICS MAJOR LEAGUE BASEBALL club.

2. Since long prior to January 26, 2012, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark ATHLETICS, alone or with other words, including geographic terms such as Oakland and Philadelphia, letters and/or designs (the "Opposer's ATHLETICS 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, bottoms, headwear, jackets, jerseys, shorts, tops, belts, scarves, shirts, women's clothing, including, but not limited to, shirts and dresses; jewelry; paper goods and printed matter; toys and sporting goods; and novelty items.

3. Opposer owns U.S. federal registrations for Opposer's ATHLETICS Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 28 and 41; namely, Registration Nos. 1,263,825; 1,267,687; 1,530,675; 1,530,851; 1,560,962; 2,573,396; 2,630,348; 2,759,932; 3,349,789; 3,538,727; 3,633,242 and 3,633,243. Registration Nos. 1,263,825; 1,267,687; 1,530,675; 1,530,851; 1,560,962; 2,573,396 and 2,630,348 are incontestable.

4. Since long prior to January 26, 2012, 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 ATHLETICS 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, bottoms, headwear, jackets, jerseys, shorts, tops, belts, scarves, shirts, women's clothing, including, but not limited to, shirts and dresses; jewelry; 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 ATHLETICS Marks, Opposer has built up highly valuable goodwill in Opposer's ATHLETICS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On January 26, 2012, Applicant filed the Application for Applicant's Mark for "bottoms; hoods; jackets; jerseys; short sets; tops; travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; wearable garments and clothing, namely, shirts; women's clothing, namely, shirts, dresses, skirts, blouses" in International Class 25, based on an intent to use.

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 constructive first use date of January 26, 2012

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 ATHLETICS Marks.

9. Applicant's Mark contains the geographic term NY.

10. The term ATHLETICA in Applicant's Mark is a Latin term that translates to ATHLETICS in English.

11. The term ATHLETICA in Applicant's Mark is identical to the term ATHLETICS in Opposer's ATHLETICS Marks under the doctrine of foreign equivalents.

12. Applicant's Mark which consists of the identical term ATHLETICS (when translated into English) preceded by a geographic term, so resembles Opposer's ATHLETICS Marks, which often consist of the term ATHLETICS preceded by a geographic term, 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 Aryn M. Emert (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  
September 4, 2013

Respectfully submitted,

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

By: /Aryn M. Emert/

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 4, 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 and Applicant's Correspondent of Record, Y & Z World Development Inc., 463 7th Ave, Rm. 1105, New York, New York 10018-8700; Attn: Warren Donner and Edward Zhu.

/Aryn M. Emert/  
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Aryn M. Emert