

ESTTA Tracking number: **ESTTA566190**

Filing date: **10/21/2013**

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	10/20/2013
Address	7000 Coliseum Way Second Floor Oakland, CA 94621 UNITED STATES

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

Application No	85784250	Publication date	04/23/2013
Opposition Filing Date	10/21/2013	Opposition Period Ends	10/20/2013
Applicant	Trine University, Inc. One University Avenue Angola, IN 46703 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2008/08/01 First Use In Commerce: 2008/08/01 All goods and services in the class are opposed, namely: Clothing and accessories, namely, shirts, t-shirts, sweatshirts, pants, shorts, sweat pants, jackets, and hats
Class 041. First Use: 2008/08/01 First Use In Commerce: 2008/08/01 All goods and services in the class are opposed, namely: Entertainment, education and training services, namely, participating in, conducting, and organizing collegiate sporting events in an array of sports fields, and education classes and training of persons in an array of sports fields

**Grounds for Opposition**

Other	Please see attached pleading.
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Attachments	T TRINE ATHLETICS Ser No 85784250 Comm Let 10212013.pdf(95292 bytes ) T TRINE ATHLETICS Ser No 85784250 NOO 10212013.pdf(37926 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	/Don M. Obert/
Name	Don M. Obert
Date	10/21/2013



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**Don M. Obert**  
212-790-9245  
[dmo@cl.com](mailto:dmo@cl.com)

October 21, 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  
Trine University, Inc.  
Application to Register T TRINE ATHLETICS  
Ref. No. 21307.034

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/784,250 published in the Official Gazette on April 23, 2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$600.00 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,

/Don M. Obert/  
Don M. Obert

Enclosures

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

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

In re Application Serial No. 85/784,250  
Filed: November 20, 2012  
For Mark: T TRINE ATHLETICS  
Published in the Official Gazette: April 23, 2013

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ATHLETICS INVESTMENT GROUP LLC D/B/A	:	
THE OAKLAND ATHLETICS BASEBALL	:	Opposition No.
COMPANY,	:	
	:	
Opposer,	:	<b><u>NOTICE OF OPPOSITION</u></b>
	:	
v.	:	
	:	
TRINE UNIVERSITY, INC.,	:	
Applicant.	:	
-----X		

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

Opposer, Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company (“Opposer”), a California limited liability company, with offices at 7000 Coliseum Way, Second Floor, Oakland, CA 94621, believes that it will be damaged by registration of the standard character word mark T TRINE ATHLETICS (“Applicant’s Mark”) in International Class 25 for “Clothing and accessories, namely, shirts, t-shirts, sweatshirts, pants, shorts, sweat pants, jackets, and hats” and in International Class 41 for “Entertainment, education and training services, namely, participating in, conducting, and organizing collegiate sporting events in an array of sports fields, and education classes and training of persons in an array of sports fields” as shown in Application Serial No. 85/784,250 (the “Application”), and having been granted extensions of time to oppose up to and including October 20, 2013, hereby opposes the same.

As grounds for opposition, it is alleged that:

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

2. Since long prior to August 1, 2008, Applicant's claimed 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, letters and/or designs ("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, shirts, t-shirts, sweatshirts, shorts, jackets, and hats; entertainment, education and training services, including, without limitation, conducting and organizing sporting events, and education classes and training of persons in the field of sports; 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 August 1, 2008, 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 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, shirts, t-shirts, sweatshirts, shorts, jackets, and hats; entertainment,

education and training services, including, without limitation, conducting and organizing sporting events and education classes and training of persons in the field of sports; 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 November 20, 2012, Applicant filed the Application for Applicant's Mark for "Clothing and accessories, namely, shirts, t-shirts, sweatshirts, pants, shorts, sweat pants, jackets, and hats" in International Class 25 and for "Entertainment, education and training services, namely, participating in, conducting, and organizing collegiate sporting events in an array of sports fields, and education classes and training of persons in an array of sports fields" in International Class 41, claiming a first use date of August 1, 2008 in both classes.

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 claimed first use date of August 1, 2008.

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 ATHLETICS Marks.

9. Applicant's Mark so resembles Opposer's ATHLETICS 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 Don M. Obert (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  
October 21, 2013

Respectfully submitted,

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

By: /Don M. Obert/

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 21, 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, Stephanie A. Gumm, Faegre Baker Daniels LLP, 111 E. Wayne St., Ste 800, Fort Wayne, Indiana 46802-2600.

/Don M. Obert/

Don M. Obert