

ESTTA Tracking number: **ESTTA576685**

Filing date: **12/16/2013**

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	Pittsburgh Associates
Granted to Date of previous extension	12/18/2013
Address	PNC Park at North Shore 115 Federal Street Pittsburgh, PA 15212 UNITED STATES

Attorney information	Scott Ceresia Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES SPC@CLL.COM, jmn@cll.com, trademark@cll.com Phone:2127909247
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**Applicant Information**

Application No	85731161	Publication date	08/20/2013
Opposition Filing Date	12/16/2013	Opposition Period Ends	12/18/2013
Applicant	Manganas, Greg 1823 E Carson St Pittsburgh, PA 15203 USX		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2008/01/05 First Use In Commerce: 2008/01/05 All goods and services in the class are opposed, namely: Baseball caps; Jackets; Pants; Shirts; Shoes
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**Grounds for Opposition**

Other	Please see attached pleading.
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Attachments	PIFFSBURGH - Notice of Opposition (with cover letter).pdf(152396 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	/Scott P. Ceresia/
Name	Scott Ceresia
Date	12/16/2013





have used the word PITTSBURGH in various distinctive stylizations, including without limitation, the following:



, alone or with other word, letter and/or design elements (“Opposer’s PITTSBURGH Marks”) in connection with baseball games and exhibition services and a variety of goods and services, including, but not limited to, apparel, including, without limitation, shirts, pullovers, shorts, pants, jackets, jerseys, sleepwear, footwear, hats and caps.

3. Opposer owns U.S. federal registrations for Opposer’s PITTSBURGH Marks in International Classes 25 and 41, namely, Registration Nos. 1,501,664; 1,539,239; 3,735,354 and 4,378,315. Registration Nos. 1,501,664 and 1,539,239 are incontestable.

4. Since long prior to January 5, 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 PITTSBURGH 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, pullovers, shorts, pants, jackets, jerseys, sleepwear, footwear, hats and caps, 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 PITTSBURGH Marks, Opposer has built up highly

valuable goodwill in Opposer's PITTSBURGH Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On September 17, 2012, Applicant filed the Application for Applicant's Mark for "Baseball caps; Jackets; Pants; Shirts; Shoes" in International Class 25, claiming a first use date of January 5, 2008.

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 his claimed first use date of January 5, 2008.

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

9. Upon information and belief, Applicant is located in Alleghany County, Pennsylvania, the county where the Pittsburgh Club and its home ballpark are located.

10. Upon information and belief, Applicant's Mark, which merely replaces the two "t's" in Opposer's PITTSBURGH Marks with similar looking "f's", is intended and will be understood to refer to the word PITTSBURGH.

11. Upon information and belief, Applicant has used Applicant's Mark in a stylized script that closely resembles the distinctive stylization of Opposer's PITTSBURGH Marks, as shown in Exhibit A.

12. Upon information and belief, Applicant has used Applicant's Mark in a manner and context that is intended to be associated with Opposer and Opposer's PITTSBURGH Marks.

13. As Applicant has claimed Applicant's Mark as a standard character mark, registration of such mark effectively could give Applicant rights to use Applicant's Mark in any stylization, including the stylizations of Opposer's PITTSBURGH Marks, that have been duly registered and/or have priority over Applicant's Mark, or in stylizations confusingly similar thereto. Additionally, registration of such mark effectively could prevent Opposer from developing additional "PITTSBURGH" marks in the future and/or registering Opposer's PITTSBURGH Marks for goods in International Class 25 or related classes.

14. Applicant's Mark, which merely replaces the two "t's" in Opposer's PITTSBURGH Marks with similar looking "f's", so resembles Opposer's PITTSBURGH 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 Scott P. Ceresia (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  
December 16, 2013

Respectfully submitted,

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

By: /Scott P. Ceresia/

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Richard S. Mandel  
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CERTIFICATE OF SERVICE

I hereby certify that, on December 16, 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 Greg Manganas, 1823 E Carson St., Pittsburgh, Pennsylvania, 15203.

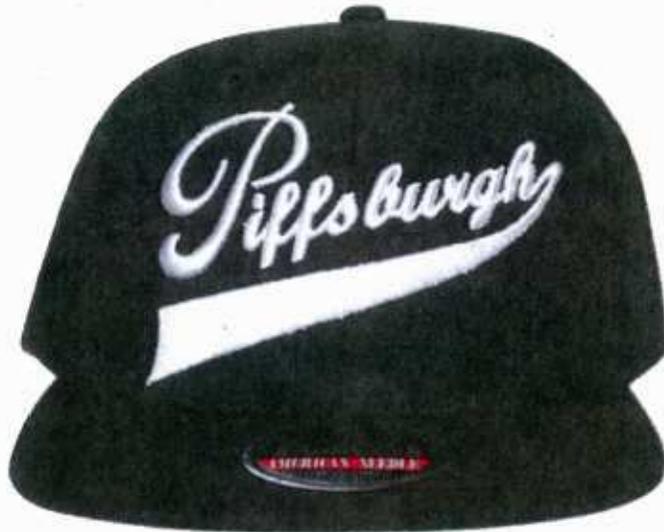
/Scott P. Ceresia/  
Scott P. Ceresia

## **EXHIBIT A**



## Piffsburgh OG snapback wh/blk

\$25.00



Smokers Only Piffsburgh snapback AVAILABLE NOW. Many spotted Wiz Khalifa rockin the Piffsburgh as well as the Pittsburgh King hats... White embroidery on black crown with grey undervisor

SPREAD THE WORD

