

ESTTA Tracking number: **ESTTA591985**

Filing date: **03/12/2014**

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	Angels Baseball LP
Granted to Date of previous extension	03/12/2014
Address	2000 Gene Autry Way Anaheim, CA 92806 UNITED STATES

Attorney information	Anna Jakobsson 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, ayj@cll.com Phone:212-790-9232
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**Applicant Information**

Application No	85968578	Publication date	11/12/2013
Opposition Filing Date	03/12/2014	Opposition Period Ends	03/12/2014
Applicant	patrick chemoul 6753 hollywood blvd los angeles, CA 90028 FRX		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2013/06/01 First Use In Commerce: 2013/06/01  
All goods and services in the class are opposed, namely: Men's and women's denim jeans, shirts, jackets, t-shirts, skirts, sweats, tank top

**Grounds for Opposition**

Other	Please see attached pleading.
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Attachments	Letter AMERICAN ANGELS 85968578.pdf(51581 bytes ) NOO AMERICAN ANGELS 85968578.pdf(14873 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	/Anna Jakobsson/
Name	Anna Jakobsson
Date	03/12/2014



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March 12, 2014

**By Electronic Filing**

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

Re: Office of the Commissioner of Baseball  
Notice of Opposition Against  
Patrick Chemoul  
Application to register AMERICAN ANGELS  
Ref. No. 21307.024

We enclose a Notice of Opposition against Application Serial Number 85/968,578 published in the Official Gazette on 11/12/2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 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,

/Anna Jakobsson/  
Anna Jakobsson

Enclosures

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



2. Since long prior to June 1, 2013, Applicant's claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names or marks ANGELS or ANGEL, alone or with other word, letter and/or design elements, including, without limitations, with geographic terms such as LOS ANGELES, ANAHEIM and CALIFORNIA, and have used wing or halo designs, with the words ANGELS or ANGELS, and/or with other word, letter and/or design elements (the "Opposer's ANGELS 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, denim apparel, pants, shirts, jackets, t-shirts, skirts, sweat shirts, sweat pants and tank tops; jewelry; bags; paper goods and printed matter; toys and sporting goods and novelty items.

3. Opposer owns U.S. federal registrations for Opposer's ANGELS Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28 and 41, namely, Registrations Nos. 1,232,818, 1,408,209, 1,485,613, 1,576,459, 1,646,800, 1,881,515, 2,018,032, 2,482,497, 2,581,357, 2,594,105, 2,597,466, 2,606,782, 2,611,737, 2,665,314, 2,667,909, 2,668,048, 2,824,312, 2,879,939, 3,211,693, 3,231,140, 3,238,174, 3,238,175, 3,238,176, 3,238,177, 3,326,194, 3,326,197, 3,353,457, 3,403,355, 3,406,606, 3,410,418, 3,474,157, 3,486,603, 3,506,593, 3,659,451, 3,659,452, 3,659,453, 3,659,454 and 3,662,058. Registrations Nos. 1,232,818, 1,408,209, 1,485,613, 1,576,459, 1,646,800, 1,881,515, 2,606,782, 2,667,909, 2,668,048, 2,824,312, 2,879,939, 3,211,693, 3,231,140, 3,238,174, 3,238,175, 3,238,176, 3,238,177, 3,326,194, 3,326,197 and 3,353,457 are incontestable.

4. Since long prior to June 1, 2013, 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 ANGELS 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, denim apparel, pants, shirts, jackets, t-shirts, skirts, sweat shirts, sweat pants and tank tops; jewelry; bags; jewelry; bags; 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 ANGELS Marks, Opposer has built up highly valuable goodwill in Opposer's ANGELS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On June 24, 2013, Applicant filed the Application for Applicant's Mark for "men's and women's denim jeans, shirts, jackets, t-shirts, skirts, sweats, tank top" in International Class 25, claiming a first use date of June 1, 2013.

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 June 1, 2013.

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 ANGELS Marks.

9. Applicant's Mark, AMERICAN ANGELS, contains the term ANGELS, which is identical or virtually identical to Opposer's ANGELS Marks, and the geographic term AMERICAN, which has been disclaimed, making ANGELS the dominant part of Applicant's Mark.

10. Applicant's Mark, AMERICAN ANGELS, combines the term ANGELS preceded by a geographic term, similar to many of Opposer's ANGELS Marks, such as, but not limited to, LOS ANGELES ANGELS, ANAHEIM ANGELS, and CALIFORNIA ANGELS.

11. Upon information and belief, Applicant is located in the Los Angeles area, which is where ANGEL STADIUM OF ANAHEIM, Opposer's home ballpark, is located.

12. Upon information and belief, Applicant is familiar with Opposer's ANGELS Club.

13. Further, as Opposer's ANGELS Club is an AMERICAN LEAGUE team, Applicant's Mark AMERICAN ANGELS could be understood to refer to Opposer's ANGELS Club.

14. Applicant's Mark so resembles Opposer's ANGELS 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, Don M. Obert and Anna Jakobsson (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  
March 12, 2014

Respectfully submitted,

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

By:  /Anna Jakobsson/

Mary L. Kevlin  
Richard S. Mandel  
Don M. Obert  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 12 , 2014, 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 Correspondent of Record, Patrick Chemoul, 6753 Hollywood Blvd, Los Angeles, California 90028-4623.

/Anna Jakobsson/  
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Anna Jakobsson