

ESTTA Tracking number: **ESTTA598287**

Filing date: **04/14/2014**

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

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|---------------------------------------|---|
| Name | Pittsburgh Associates |
| Granted to Date of previous extension | 04/13/2014 |
| Address | PNC Park at North Shore 115 Federal Street Pittsburgh, PA 15212 UNITED STATES |

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| Attorney information | Anna Jakobsson Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES ajj@cll.com, mlk@cll.com, mxt@cll.com, jmn@cll.com, trademark@cll.com Phone:212-790-9200 |
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Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 85933879 | Publication date | 10/15/2013 |
| Opposition Filing Date | 04/14/2014 | Opposition Period Ends | 04/13/2014 |
| Applicants | Woodson, Timothy 124 TARA RIDGE COURT BALLWIN, MO 63021 USX Ifland, Martha Rose 124 Tara Ridge Court Ballwin, MO 63021 USX | | |

Goods/Services Affected by Opposition

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| Class 025. First Use: 2013/05/01 First Use In Commerce: 2013/05/01 All goods and services in the class are opposed, namely: Bandanas; Caps; Footwear; Gloves; Headwear; Jackets; Novelty headwear with attached wigs; Outer jackets; Pants; Scarves; Shirts; Shorts; Skullies; Socks; Sweatjackets; Sweaters; Swim suits; Swim wear; T-shirts; Tops; Undergarments; Visors; Wearable garments and clothing, namely, shirts |
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Applicant Information

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|------------------------|------------------|------------------------|------------|
| Application No | 85966353 | Publication date | 10/15/2013 |
| Opposition Filing Date | 04/14/2014 | Opposition Period Ends | |
| Applicants | Woodson, Timothy | | |

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| | 124 TARA RIDGE COURT BALLWIN, MO 63021 USX |
| | Ifland, Martha Rose 124 TARA RIDGE COURT BALLWIN, MO 63021 USX |

Goods/Services Affected by Opposition

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| Class 033. First Use: 2013/01/01 First Use In Commerce: 2013/01/01 All goods and services in the class are opposed, namely: Alcoholic beverage produced from a brewed malt base with natural flavors; Alcoholic beverages, namely, ready to drink alcoholic beverages; pre-mixed alcoholic drinks; alcoholic carbonated drinks; alcoholic coolers; and prepared alcoholic cocktails; Distilled Spirits; Liquor; Liquor and liqueur beverages, namely, cordials; cream liqueurs; liqueurs; spirits and liqueurs; herb liqueurs; wines and liqueurs; Prepared cocktails consisting primarily of distilled spirits and also including beer; Rum; Spirits |
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Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 85960728 | Publication date | 10/15/2013 |
| Opposition Filing Date | 04/14/2014 | Opposition Period Ends | |
| Applicants | Woodson, Timothy 124 TARA RIDGE COURT BALLWIN, MO 63021 USX | | |
| | Ifland, Martha Rose 124 Tara Ridge Court Ballwin, MO 63021 USX | | |

Goods/Services Affected by Opposition

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| Class 041. First Use: 2013/05/01 First Use In Commerce: 2013/06/10 All goods and services in the class are opposed, namely: Entertainment services in the nature of an ongoing reality based television program; Entertainment, namely, a continuing reality based show broadcast over television, satellite, audio, and video media |
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Grounds for Opposition

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| Other | Please see attached pleading. |
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| Attachments | PIRATES OF THE MISSISSIPPI NOO.pdf(17977 bytes) PIRATES OF THE MISSISSIPPI NOO Letter.pdf(51743 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.

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| Signature | /Anna Jakobsson/ |
| Name | Anna Jakobsson |

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| Date | 04/14/2014 |
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cordials; cream liqueurs; liqueurs; spirits and liqueurs; herb liqueurs; wines and liqueurs; Prepared cocktails consisting primarily of distilled spirits and also including beer; Rum; Spirits” as shown in Application Serial No. 85/966,353, and in International Class 41 for “Entertainment services in the nature of an ongoing reality based television program; Entertainment, namely, a continuing reality based show broadcast over television, satellite, audio, and video media” as shown in Application Serial No. 85/960,728 (collectively, the “Applications”), and having been granted extensions of time to oppose up to and including April 13, 2014, hereby opposes the same.

As grounds for the consolidated opposition, it is alleged that:

1. Opposer is the owner of the renowned PITTSBURGH PIRATES MAJOR LEAGUE BASEBALL club.
2. Since long prior to January 1, 2013, Applicants’ claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names or marks PIRATES, PIRATE and/or various pirate, skull or pirate skull designs, alone or with other word, including, without limitation, geographic terms, such as PITTSBURGH, letter and/or design elements (collectively, “Opposer’s PIRATES Marks”), in connection with baseball games and exhibition services rendered live and through broadcast media, including, without limitation, television and radio, and via a global computer network or a commercial on-line service, and a wide variety of goods and services, including, but not limited to, caps, footwear, headwear, jackets, pants, sweatpants, shirts, shorts, socks, sweatshirts, t-shirts, tank tops, boxer shorts, and visors; alcoholic beverages such as beer and wine; food and food concessions; providing information in the field of sports, entertainment and related topics and providing informational messages relating thereto.

2. Opposer owns U.S. federal registrations and applications for Opposer's PIRATES Marks in International Classes 6, 9, 14, 16, 18, 21, 25, 28 and 41, namely, Registration Nos. 1,013,729, 1,480,072, 1,501,664, 1,539,239, 1,552,934, 1,608,016, 1,634,019, 2,012,501, 2,573,395, 2,620,454, 2,801,698, 2,880,609, 3,299,390, 3,303,986, 3,370,400, 3,393,066, 3,469,832, 3,951,983, 3,951,984, 3,967,257, 4,234,449, 4,234,450, 4,262,206, 4,269,149, 4,273,004, and 4,354,164, and Application Serial Nos. 86/084,943 and 86/084,945. Registration Nos. 1,013,729, 1,480,072, 1,501,664, 1,539,239, 1,552,934, 1,608,016, 1,634,019, 2,573,395, 2,620,454, 2,880,609, 3,299,390, and 3,303,986 are incontestable.

3. Since long prior to January 1, 2013, Applicants' earliest 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 PIRATES Marks, including, but not limited to, baseball games and exhibition services rendered live and through broadcast media, including, without limitation, television and radio, and via a global computer network or a commercial on-line service, and a wide variety of goods and services, including, but not limited to, caps, footwear, headwear, jackets, pants, sweatpants, shirts, shorts, socks, sweatshirts, t-shirts, tank tops, boxer shorts, and visors; alcoholic beverages such as beer and wine; food and food concessions; providing information in the field of sports, entertainment and related topics and providing informational messages relating thereto, and have offered such goods and rendered such services in commerce.

4. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's PIRATES Marks, Opposer has built up highly valuable goodwill in Opposer's PIRATES Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

5. On May 16, 2013, June 21, 2013, June 14, 2013, Applicants filed the Applications for the standard character mark PIRATES OF THE MISSISSIPPI, respectively, for “Bandanas; Caps; Footwear; Gloves; Headwear; Jackets; Novelty headwear with attached wigs; Outer jackets; Pants; Scarves; Shirts; Shorts; Skullies; Socks; Sweat jackets; Sweaters; Swim suits; Swim wear; T-shirts; Tops; Undergarments; Visors; Wearable garments and clothing, namely, shirts” in International Class 25, “Alcoholic beverage produced from a brewed malt base with natural flavors; Alcoholic beverages, namely, ready to drink alcoholic beverages; pre-mixed alcoholic drinks; alcoholic carbonated drinks; alcoholic coolers; and prepared alcoholic cocktails; Distilled Spirits; Liquor; Liquor and liqueur beverages, namely, cordials; cream liqueurs; liqueurs; spirits and liqueurs; herb liqueurs; wines and liqueurs; Prepared cocktails consisting primarily of distilled spirits and also including beer; Rum; Spirits” in International Class 33, and “Entertainment services in the nature of an ongoing reality based television program; Entertainment, namely, a continuing reality based show broadcast over television, satellite, audio, and video media” in International Class 41, claiming first use dates of May 16, 2013, January 1, 2013, and May 1, 2013, respectively.

6. Upon information and belief, Applicants did not use Applicants’ Mark for the goods and services covered in the Applications in United States commerce prior to their earliest claimed first use date of January 1, 2013.

7. The goods and services covered by the Applications are identical and/or closely related to the goods offered and services rendered in connection with Opposer’s PIRATES Marks.

8. Applicants' Mark contains the term PIRATES, which is identical to Opposer's PIRATES Marks, and the geographical term, MISSISSIPPI, which has been disclaimed, making PIRATES the dominant part of Applicants' Mark.

9. Applicants' Mark combines the term PIRATES with a geographical term, similar to some of Opposer's PIRATES Marks, such as PITTSBURGH PIRATES.

10. Applicants' Mark, which consists of the identical term PIRATES together with a geographical term, so resembles Opposer's PIRATES Marks as to be likely, when used in connection with Applicants' goods and services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicants' 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 Applicants certificates of registration for Applicants' Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicants' Mark and requests that the consolidated opposition be sustained and said registrations be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel, Maya Tarr, 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
April 14, 2014

Respectfully submitted,

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

By: /Anna Jakobsson/

Mary L. Kevlin

Richard S. Mandel

Maya Tarr

Anna Jakobsson

1133 Avenue of the Americas

New York, New York 10036

(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 14,2014, I caused a true and correct copy of the foregoing Consolidated Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicants and Correspondent of Record, Timothy Woodson, 124 Tara Ridge Court, Ballwin, Missouri 63021, and Martha Rose Ifland, 124 Tara Ridge Ct, Ballwin, Missouri 63021-6506.

/Anna Jakobsson/
Anna Jakobsson



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April 14, 2014

By Electronic Filing

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

Re: Pittsburgh Associates
Notice of Consolidated Opposition Against
Woodson, Timothy and Ifland, Martha Rose
Applications to register PIRATES OF THE MISSISSIPPI
Ref. No. 21307.020

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Numbers 85/933,879, 85/966,353, and 85/960,728 published in the Official Gazette on October 15, 2013. Contemporaneously with the electronic filing of this Consolidated Notice of Opposition, we are arranging for an electronic payment in the amount of \$900 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.)