

ESTTA Tracking number: **ESTTA599456**

Filing date: **04/18/2014**

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	Detroit Tigers, Inc.
Granted to Date of previous extension	04/20/2014
Address	Comercia Park 2100 Woodward Avenue Detroit, MI 48201 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

Applicant Information

Application No	85944984	Publication date	10/22/2013
Opposition Filing Date	04/18/2014	Opposition Period Ends	04/20/2014
Applicant	EBSCO Industries, Inc. Legal Services Birmingham, AL 35242 GERMANY		

Goods/Services Affected by Opposition

Class 018. First Use: 2012/11/16 First Use In Commerce: 2012/11/16 All goods and services in the class are opposed, namely: Drawstring bags; Sack packs, namely, drawstring bags used as backpacks; Sport bags; Tote bags
--

Grounds for Opposition

Other	Please see attached pleading.
-------	-------------------------------

Attachments	PAWS N CLAWS Ser No 85944984 COMM LET 04182014.pdf(72670 bytes) PAWS N CLAWS Ser No 85944984 NOO 04182014.pdf(15504 bytes)
-------------	---

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	04/18/2014



Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036

(212) 790-9200 Tel
(212) 575-0671 Fax
www.cl.com

Don M. Obert
212-790-9245
dmo@cl.com

April 18, 2014

By Electronic Filing

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

Re: Detroit Tigers, Inc.
Notice of Opposition Against
EBSCO Industries, Inc.
Application to Register PAWS N CLAWS
Ref. No. 21307.029

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/944,984 published in the Official Gazette on October 22, 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,

/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. 85/944,984
Filed: May 29, 2013
For Mark: PAWS N CLAWS
Published in the Official Gazette: October 22, 2013

-----X	:	
DETROIT TIGERS, INC.,	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
EBSCO INDUSTRIES, INC.,	:	<u>NOTICE OF OPPOSITION</u>
Applicant.	:	
	:	
	:	
-----X	:	

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

Opposer, Detroit Tigers, Inc. (“Opposer”), a Michigan corporation, with offices at 2100 Woodward Avenue, Detroit, Michigan 48201, believes that it will be damaged by registration of the standard character word mark PAWS N CLAWS ("Applicant's Mark") in International Class 18 for “Drawstring bags; Sack packs, namely, drawstring bags used as backpacks; Sport bags; Tote bags” as shown in Application Serial No. 85/944,984 (the “Application”), and having been granted extensions of time to oppose up to and including April 20, 2014, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned DETROIT TIGERS MAJOR LEAGUE BASEBALL club.

2. Since long prior to November 16, 2012, 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 PAWS and/or various depictions of a tiger, including depictions of a tiger with claws, and/or the Club's tiger mascot PAWS, alone or with other word, letter and/or design elements ("Opposer's Marks"), in connection with baseball games and exhibition services, mascot services and a wide variety of goods and services, including, but not limited to, bags and backpacks; apparel; paper goods and printed matter; and toys.

3. Opposer owns a U.S. federal registration and applications for Opposer's Marks in International Classes 25, 28 and 41; namely, Registration No. 2,182,612 and Application Serial Nos. 85/696,396, 85/696,400 and 85/696,411. Registration No. 2,182,612 is incontestable.

4. Since long prior to November 16, 2012, 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 Marks, including, but not limited to, baseball games and exhibition services, mascot services and a wide variety of goods and services, including, but not limited to, bags and backpacks; apparel; paper goods and printed matter; and toys, 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 Marks, Opposer has built up highly valuable goodwill in Opposer's Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On May 29, 2013, Applicant filed the Application for Applicant's Mark for "Drawstring bags; Sack packs, namely, drawstring bags used as backpacks; Sport bags; Tote bags" in International Class 18, claiming a first use date of November 16, 2012.

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 claimed first use date of November 16, 2012.

8. Applicant's Mark contains the term "PAWS" which is identical to some of Opposer's Marks.

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

10. Upon information and belief, Applicant uses Applicant's Mark in conjunction with certain drawstring bags and backpacks that incorporate a tiger design as shown in the following image .

11. Opposer also uses a tiger design in conjunction with Opposer's Marks on drawstring bags such as shown in the following image .

12. Upon information and belief, the close similarity of Applicant's Mark, which contains the term "PAWS" which is identical to some of Opposer's Marks, to Opposer's Marks is further exacerbated as a result of such use of the mark in commerce.

13. Applicant's Mark so resembles Opposer's 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 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
April 18 2014

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 April 18, 2014, I caused a true and correct copy of the foregoing Notice of Opposition to be served via First Class Mail, postage prepaid, on Applicant's Attorney and Correspondent of Record, Robert J. Veal, Esq., Veal Intellectual Property, LLC, 11555 Medlock Bridge Rd., Ste. 100, Johns Creek, Georgia 30097-3200.

/Don M. Obert/

Don M. Obert