

ESTTA Tracking number: **ESTTA607299**

Filing date: **05/30/2014**

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	San Francisco Baseball Associates LLC
Granted to Date of previous extension	06/01/2014
Address	AT&T Park 24 Willie Mays Plaza San Francisco, CA 94107 UNITED STATES

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

Application No	85967180	Publication date	12/03/2013
Opposition Filing Date	05/30/2014	Opposition Period Ends	06/01/2014
Applicant	D&G Sports Ventures LLC 9030 Somerset Blvd Bellflower, CA 90706 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 2012/01/02 First Use In Commerce: 2012/01/02 All goods and services in the class are opposed, namely: Providing facilities for playing paintball and airsoft games; Entertainment services in the nature of providing outdoor facilities for playing paintball and airsoft
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**Grounds for Opposition**

Other	Please see attached pleading.
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Attachments	GIANT SPORTZ NOO.pdf(324820 bytes ) GIANT SPORTZ NOO Letter.pdf(66143 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	05/30/2014

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

In re Application Serial No. 85/967,180  
Filed: June 22, 2013  
For Mark: GIANT SPORTZ  
Published in the Official Gazette: December 3, 2013

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SAN FRANCISCO BASEBALL ASSOCIATES :  
LLC, :  
 :  
Opposer, :  
 :  
v. :  
 :  
D&G SPORTS VENTURES LLC, :  
Applicant. :  
 :  
-----X

Opposition No.

**NOTICE OF OPPOSITION**

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

Opposer, San Francisco Baseball Associates LLC (“Opposer”), a Delaware limited liability company, with offices at AT&T Park, 24 Willie Mays Plaza, San Francisco, California 94107, believes that it will be damaged by registration of the standard character word mark GIANT SPORTZ (“Applicant’s Mark”) in International Class 41 for “Providing facilities for playing paintball and airsoft games; Entertainment services in the nature of providing outdoor facilities for playing paintball and airsoft” as shown in Application Serial No. 85/967,180 (the “Application”), and having been granted extensions of time to oppose up to and including June 1, 2014, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned SAN FRANCISCO GIANTS MAJOR LEAGUE BASEBALL club.

2. Since long prior to January 2, 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 GIANTS, GIANT, GIGANTE, or GIGANTES, alone or with other word, letter and/or design elements (the "Opposer's GIANTS Marks"), in connection with baseball game, exhibition and entertainment services and a wide variety of goods and services, including, but not limited to, providing facilities for sporting and entertainment events; apparel; toys and sporting goods; paper goods and printed matter; and novelty items.

3. Opposer owns U.S. federal registrations for Opposer's GIANTS Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 28, 34 and 41, namely, Registration Nos. 1,010,059; 1,314,552; 1,340,707; 1,522,132; 1,527,781; 1,531,352; 1,532,656; 1,544,375; 1,544,379; 1,547,331; 1,661,650; 2,529,743; 2,600,709; 2,688,009; 3,313,920; 3,313,921; 3,320,531 and 3,797,622. Registration Nos. 1,010,059; 1,314,552; 1,340,707; 1,522,132; 1,527,781; 1,531,352; 1,532,656; 1,544,375; 1,544,379; 1,547,331; 1,661,650; 2,600,709; 2,688,009; 3,313,920; 3,313,921; and 3,320,531 are incontestable.

4. Since long prior to January 2, 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 GIANTS Marks, including, but not limited to, baseball game, exhibition and entertainment services and a wide variety of goods and services, including, but not limited to, providing facilities for sporting and entertainment events; apparel; toys and sporting goods; paper goods and printed matter; 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 GIANTS Marks, Opposer has built up highly valuable goodwill in Opposer's GIANTS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On June 22, 2013, Applicant filed the Application for Applicant's Mark, namely the standard character word mark GIANT SPORTZ for "Providing facilities for playing paintball and airsoft games; Entertainment services in the nature of providing outdoor facilities for playing paintball and airsoft" in International Class 41, claiming a first use date of January 2, 2012.

7. Upon information and belief, Applicant did not use Applicant's Mark for the services covered in the Application in United States commerce prior to its claimed first use date of January 2, 2012.

8. The goods and services covered by the Application are closely related to the goods offered and services rendered in connection with Opposer's GIANTS Marks.

9. Applicant's Mark contains the word GIANT coupled with the descriptive term "SPORTZ," which is a misspelling of "SPORTS."

10. "Sports" are a key aspect of Opposer's entertainment services, namely, the sport of baseball, and the GIANTS sports club that Opposer's goods and services promote, and to which they relate.

11. Applicant's Mark so resembles Opposer's GIANTS Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin

with Opposer and/or that such 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 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  
May 30, 2014

Respectfully submitted,

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

By: Anna Jakobsson/

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 30, 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's Attorney and Correspondent of Record, Raj Abhyanker, Esq., Raj Abhyanker, P.C., 1580 W El Camino Real, Ste 8, Mountain View, California 94040-2462.

/Anna Jakobsson/

Anna Jakobsson



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May 30, 2014

**By Electronic Filing**

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

Re: San Francisco Baseball Associates LLC  
Notice of Opposition Against  
D&G Sports Ventures LLC  
Application to register GIANT SPORTZ  
Ref. No. 21307.023.

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Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/967,180 published in the Official Gazette on December 3, 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.)