

ESTTA Tracking number: **ESTTA669501**

Filing date: **04/29/2015**

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	NBCUniversal Media, LLC
Granted to Date of previous extension	04/29/2015
Address	100 Universal City Plaza Universal City, CA 91608 UNITED STATES

Attorney information	Tristram R. Fall, III Fox Rothschild LLP PO BOX 5231 Princeton, NJ 08543-5231 UNITED STATES tfall@foxrothschild.com, dmccgregor@foxrothschild.com, ipdock- et@foxrothschild.com Phone:215-299-2016
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Applicant Information

Application No	86411895	Publication date	12/30/2014
Opposition Filing Date	04/29/2015	Opposition Period Ends	04/29/2015
Applicant	Maxima IP Holdings I LLC 463 Seventh Ave New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing, namely, shirts, t-shirts, long-sleeved shirts, under shirts, polo shirts, night shirts, rugby shirts, jerseys, scrubs not for medical purposes, smocks, dress shirts, culottes, stretch pants, overalls, coveralls, denim jeans, jumpers, jump suits, stretch tops, tube tops, crop tops, tankinis, halter tops, hooded sweat shirts, wraps, warm-up suits, jogging suits, track suits, snow suits, parkas, capes, ponchos, cardigans, pants,jean jackets, cargo pants, shorts, boxer shorts, tops, tank tops, sweat shirts,sweat jackets, sweat shorts, sweat pants, blouses, dresses, sweaters, vests, fleece vests, pullovers, jackets, coats, blazers, suits, turtle-necks, reversible jackets, wind-resistant jackets, shell jackets, sports jackets, golf and ski jackets, heavy coats, over coats, top coats,cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, infantwear, swim caps, visors, headbands, ear muffs, neckerchiefs, thermal underwear, long underwear, briefs, bras, panties, thongs, G-strings, singlets, underclothes, night gowns, nighties, lingerie, slippers, sarongs, leg warmers, leggings, tights, leotards, caps, hats, headwear, scarves,bandanas, belts, neckwear, ties, underwear, socks, loungewear, robes, pajamas, sleepwear, hosiery, gloves, rain slickers, boots, galoshes, rainwear, footwear, shoes and sneakers, sandals, flip-flops,and slippers</p>
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PARKS AND RECREATION		
Goods/Services	Television programming, clothing, bedding, air fresheners, toys and games, books, stationery and paper goods, key rings, aprons, containers and drinkware		

Attachments	Notice of Opposition - PARKS AND RECREATION.pdf(587803 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	/-d-/
Name	Deanna M. McGregor
Date	04/29/2015

VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS (“ESTTA”)
DATE OF FILING: April 29, 2015

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

In re: Trademark Application of
Maxima IP Holdings I LLC

Mark: “PARKS AND RECREATION”

Serial No.: 86/411,895

Filed: October 1, 2014

Published in the Official Gazette on
December 30, 2014

NBCUNIVERSAL MEDIA, LLC

Opposer,

v.

MAXIMA IP HOLDINGS I LLC

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposer, NBCUniversal Media, LLC, a Delaware limited liability company having an address of 100 Universal City Plaza, Universal City, California 91608 (“Opposer”), believes that it would be damaged by the registration of the mark shown in Application Serial No. 86/411,895 and hereby opposes the same under Section 13 of the Trademark Act of July 5, 1946, 15 U.S.C. § 1063, as amended.

As grounds for opposition, Opposer alleges that:

1. Maxima IP Holdings I LLC (“Applicant”) seeks to register the mark “PARKS AND RECREATION”, as shown in Application Serial No. 86/411,895, as a trademark for use on goods described as “Clothing, namely, shirts, t-shirts, long-sleeved shirts, under shirts, polo shirts, night shirts, rugby shirts, jerseys, scrubs not for medical purposes, smocks, dress shirts, culottes, stretch pants, overalls, coveralls, denim jeans, jumpers, jump suits, stretch tops, tube tops, crop tops, tankinis, halter tops, hooded sweat shirts, wraps, warm-up suits, jogging suits, track suits, snow suits, parkas, capes, ponchos, cardigans, pants, jean jackets, cargo pants, shorts, boxer shorts, tops, tank tops, sweat shirts, sweat jackets, sweat shorts, sweat pants, blouses, dresses, sweaters, vests, fleece vests, pullovers, jackets, coats, blazers, suits, turtlenecks, reversible jackets, wind-resistant jackets, shell jackets, sports jackets, golf and ski jackets, heavy coats, over coats, top coats, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, infantwear, swim caps, visors, headbands, ear muffs, neckerchiefs, thermal underwear, long underwear, briefs, bras, panties, thongs, G-strings, singlets, underclothes, night gowns, nighties, lingerie, slippers, sarongs, leg warmers, leggings, tights, leotards, caps, hats, headwear, scarves, bandanas, belts, neckwear, ties, underwear, socks, loungewear, robes, pajamas, sleepwear, hosiery, gloves, rain slickers, boots, galoshes, rainwear, footwear, shoes and sneakers, sandals, flip-flops, and slippers”, in International Class 025, as evidenced by publication of the mark in the December 30, 2014 issue of the Official Gazette, at TM 4436 (“Applicant’s Mark”). (See Exhibit A hereto.)

2. Opposer is the owner of rights in a television sitcom called “*Parks and Recreation*”, which was broadcast in the United States on the NBC television network from April 9, 2009 through February 24, 2015, for a total of 125 episodes over seven seasons (“*Parks*”).

and Recreation”). Opposer and its affiliates continue to market the sitcom and various merchandise related to it.

3. In addition to its rights in television programming, Opposer (or its affiliates) has engaged in an active merchandising program for *Parks and Recreation*, including for clothing, bedding, air fresheners, toys and games, books, stationery and paper goods, key rings, aprons, containers and drinkware. These efforts began in 2009 (when the program first aired) and continue through today.

4. As a result of the exclusive and continuous use of the mark “PARKS AND RECREATION” in interstate commerce on and in connection with television programming and relating merchandise, including clothing, Opposer is the exclusive owner of common law rights in the mark “PARKS AND RECREATION” for use on and in connection with such goods and services. As a result of such exclusive and continuous use of the mark “PARKS AND RECREATION” in interstate commerce on and in connection with such goods and services, the mark “PARKS AND RECREATION” has come to be recognized in the trade and in the minds of the relevant consuming public as identifying Opposer as the producer and source of origin of goods and services sold and provided under and bearing the mark “PARKS AND RECREATION”.

5. Opposer duly adopted its mark “PARKS AND RECREATION” for use on and in connection with the aforementioned goods and services. Opposer first used its mark “PARKS AND RECREATION” in intrastate and interstate commerce at least as early as 2009. Opposer continues to offer various goods in interstate commerce under this mark and has continuously used its mark “PARKS AND RECREATION” in this manner since at least as early as 2009.

6. Applicant filed Application Serial No. 86/411,895 on October 1, 2014, under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), and therefore has alleged no date of first use of this mark in commerce. Accordingly, Applicant's October 1, 2014 filing date is its priority date. Applicant's October 1, 2014 filing date is considerably later than the date of Opposer's first use of Opposer's "PARKS AND RECREATION" mark ("Opposer's Mark") in interstate commerce, which was at least as early as 2009.

7. Opposer has made a substantial investment in promoting its goods and services as described above in connection with Opposer's Mark, and has developed substantial goodwill which is symbolized by this mark. Opposer has extensively used, promoted and offered its goods and services under Opposer's Mark to the public through various channels of trade in interstate commerce, with the result that its customers, and the public in general, have come to know and recognize Opposer's Mark, and to identify, associate and/or equate this mark with Opposer and/or the goods and services offered, marketed and/or provided by Opposer.

8. By virtue of its substantial investment in promoting its goods and services under Opposer's Mark, and by virtue of the excellence of its goods and services, Opposer has gained a valuable reputation for Opposer's "PARKS AND RECREATION" mark.

9. Opposer's Mark and Applicant's Mark are identical, each consisting solely of the same three-word phrase – "PARKS AND RECREATION".

10. Applicant's Mark so resembles Opposer's Mark as to be likely, when applied to Applicant's and Opposer's respective goods and services, to cause confusion or mistake and/or to deceive purchasers, resulting in damage to Opposer and its reputation.

11. Upon information and belief, the various types of clothing on which Applicant intends to use Applicant's Mark, as set forth above, and the goods and services on and

in connection with which Opposer's Mark is and continues to be used, as described above, are related and/or identical and are likely to be offered and/or targeted to the same class or classes of customers.

12. Because Applicant's Mark and Opposer's Mark are identical, and because the parties' goods and services are related and/or identical and are likely to be encountered by the same classes of customers, Opposer's customers and the general public are likely to be confused, mistaken and/or deceived as to the origin and sponsorship of Applicant's goods and misled into believing that Applicant's goods offered under Applicant's Mark are provided by, or are in some other way directly or indirectly associated or affiliated with, Opposer, resulting in damage to Opposer and its reputation.

13. Opposer has no control over the nature or quality of the goods on which Applicant use Applicant's Mark. In the event of false association with Opposer, any defects, objections or faults found with any goods offered under Applicant's Mark could inflict serious injury upon Opposer and its reputation.

14. If the mark "PARKS AND RECREATION" is registered pursuant to Application Serial No. 86/411,895, Applicant will acquire the *prima facie* exclusive right to use the mark "PARKS AND RECREATION" on and in connection with goods set forth in such application throughout the United States. This will damage Opposer in that there will be a likelihood of confusion, and probably actual confusion, among consumers and in the trade as to the true source of origin of the goods sold by Applicant under Applicant's Mark. Such confusion will inevitably damage Opposer and result in irreparable harm to Opposer.

15. In addition, Opposer's Mark is a famous mark pursuant to Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c). Opposer's Mark has been famous from a time prior to the

filing date of the application for Applicant's Mark and from a time prior to Applicant's priority date.

16. Applicant's Mark is likely to cause dilution by blurring the distinctive quality of Opposer's Mark.

17. Pursuant to Trademark Rule 2.102, Opposer obtained an extension of time for filing a Notice of Opposition against Application Serial No. 86/411,895, until and including April 29, 2015. (See Exhibit B hereto.)

18. In sum, the registration of Applicant's Mark by Applicant will seriously damage Opposer and its reputation.

WHEREFORE, Opposer prays that Application Serial No. 86/411,895 be refused registration, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

NBCUNIVERSAL MEDIA, LLC

By: 
Tristram R. Fall, III, Esquire
Melissa J. Dolin, Esquire
Fox Rothschild LLP
P.O. Box 5231
Princeton, NJ 08543-5231
(215) 299-2016
Counsel for Opposer

Dated: April 29, 2015

EXHIBIT A

REASON FOR PUBLICATION

Published for Opposition

Mark Literal(s) PARKS AND RECREATION

PARKS AND RECREATION

CASE IDENTIFIERS

Serial Number 86411895 **Application Filing Date** Oct. 01, 2014 **Register** Principal **Mark Type** Trademark
Publication Date Dec. 30, 2014

MARK INFORMATION

Standard Character Claim Yes. The mark consists of standard characters without claim to any particular font style, size, or color. **Mark Drawing Type** 4 - STANDARD CHARACTER MARK

GOODS AND SERVICES INFORMATION

For Clothing, namely, shirts, t-shirts, long-sleeved shirts, under shirts, polo shirts, night shirts, rugby shirts, jerseys, scrubs not for medical purposes, smocks, dress shirts, culottes, stretch pants, overalls, coveralls, denim jeans, jumpers, jump suits, stretch tops, tube tops, crop tops, tankinis, halter tops, hooded sweat shirts, wraps, warm-up suits, jogging suits, track suits, snow suits, parkas, capes, ponchos, cardigans, pants, jean jackets, cargo pants, shorts, boxer shorts, tops, tank tops, sweat shirts, sweat jackets, sweat shorts, sweat pants, blouses, dresses, sweaters, vests, fleece vests, pullovers, jackets, coats, blazers, suits, turtlenecks, reversible jackets, wind-resistant jackets, shell jackets, sports jackets, golf and ski jackets, heavy coats, over coats, top coats, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, infantwear, swim caps, visors, headbands, ear muffs, neckerchiefs, thermal underwear, long underwear, briefs, bras, panties, thongs, G-strings, singlets, underclothes, night gowns, nighties, lingerie, slippers, sarongs, leg warmers, leggings, tights, leotards, caps, hats, headwear, scarves, bandanas, belts, neckwear, ties, underwear, socks, loungewear, robes, pajamas, sleepwear, hosiery, gloves, rain slickers, boots, galoshes, rainwear, footwear, shoes and sneakers, sandals, flip-flops, and slippers**International Classes** 25 - Primary Classes **US Classes** 22, 39 **International Class Title** Clothing

BASIS INFORMATION

Currently ITU Yes

OWNER INFORMATION

Owner Name Maxima IP Holdings I LLC **Address** Maxima IP Holdings I LLC 463 Seventh Ave New York NEW YORK 10018 **Legal Entity** LIMITED LIABILITY COMPANY **State or Country Where Organized** NEW YORK

EXAMINING ATTORNEY

Examining Attorney KUNG, KAELE ELIZABETH

EXHIBIT B

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Monique Cheng Joe
NBCUniversal Media, LLC
100 Universal City PlazaLRW 6
Universal City, CA 91608

Mailed: January 14, 2015

Serial No.: 86411895
ESTTA TRACKING NO: ESTTA649918

The request to extend time to oppose is granted until
4/29/2015 on behalf of potential opposer **NBCUniversal
Media, LLC**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

**VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS (“ESTTA”)
DATE OF FILING: April 29, 2015**

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being electronically filed with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office by means of the Electronic System for Trademark Trials and Appeals (“ESTTA”) on this 29th day of April, 2015.

/-d-/
Deanna M. McGregor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this paper was deposited with the United States Postal Service, first class postage prepaid, on the date indicated below, in an envelope addressed to:

Thomas McNiff, Esquire
9 Underhill Avenue
Locust Valley, NY 11560-1813

Dated: April 29, 2015

/-d-/
Deanna M. McGregor