

ESTTA Tracking number: **ESTTA700800**

Filing date: **10/07/2015**

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	Augusta National, Inc.
Granted to Date of previous extension	10/07/2015
Address	2604 Washington Road Augusta, GA 30904 UNITED STATES

Attorney information	Richard M. McDermott Alston & Bird LLP 101 South Tryon Street Suite 4000 Charlotte, NC 28280 UNITED STATES rick.mcdermott@alston.com, sam.merritt@alston.com Phone:704-444-1045
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Applicant Information

Application No	86395766	Publication date	06/09/2015
Opposition Filing Date	10/07/2015	Opposition Period Ends	10/07/2015
Applicant	The Dodge City Cooperative Exchange 710 W Trail Dodge City, KS 67801 UNITED STATES		

Goods/Services Affected by Opposition

Class 001. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Fertilizers
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1227634	Application Date	02/18/1982
Registration Date	02/15/1983	Foreign Priority Date	NONE
Word Mark	AUGUSTA NATIONAL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1971/12/00 First Use In Commerce: 1971/12/00 Clothing-Namely, Hats

U.S. Registration No.	1228482	Application Date	02/09/1981
Registration Date	02/22/1983	Foreign Priority Date	NONE

Word Mark AUGUSTA NATIONAL GOLF CLUB

Design Mark	
Description of Mark	NONE

Goods/Services	<p>Class 018. First use: First Use: 1979/05/00 First Use In Commerce: 1979/05/00 [((UNBRELLAS))] AND TRAVELING BAGS</p> <p>Class 021. First use: First Use: 1976/04/00 First Use In Commerce: 1976/04/00 Glass Beverageware</p> <p>Class 024. First use: First Use: 1971/03/00 First Use In Commerce: 1971/03/00 TOWELS-NAMELY, GOLF BAG TOWELS [(AND BEACH TOWELS)]</p> <p>Class 028. First use: First Use: 1970/04/00 First Use In Commerce: 1970/04/00 Sporting Goods-Nameley, Golf Bags, Golf Clubs, and Golf Irons</p>
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U.S. Registration No.	1235721	Application Date	03/08/1982
Registration Date	04/26/1983	Foreign Priority Date	NONE
Word Mark	AUGUSTA NATIONAL GOLF CLUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1941/03/00 First Use In Commerce: 1941/03/00 Books Related to the Game of Golf and to Golf Tournaments</p> <p>Class 034. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 Match Books</p>		

U.S. Registration No.	1283694	Application Date	03/28/1983
Registration Date	06/26/1984	Foreign Priority Date	NONE
Word Mark	AUGUSTA NATIONAL GOLF CLUB		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1941/04/00 First Use In Commerce: 1941/04/00 Conducting Golf Tournaments

U.S. Registration No.	1500859	Application Date	06/12/1987
Registration Date	08/16/1988	Foreign Priority Date	NONE
Word Mark	AUGUSTA NATIONAL GOLF CLUB		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 042. First use: First Use: 1956/12/00 First Use In Commerce: 1964/07/02 RESTAURANT SERVICES

U.S. Registration No.	2462877	Application Date	09/26/1996
Registration Date	06/19/2001	Foreign Priority Date	NONE

Word Mark	AUGUSTA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1994/02/22 First Use In Commerce: 1994/02/22 pre-recorded video tapes, software and computer disks pertaining to the game of golf</p> <p>Class 016. First use: First Use: 1994/02/21 First Use In Commerce: 1994/02/21 books, souvenir programs, and journals [manuals] pertaining to the game of golf and to golf tournaments; golf score cards; pairing sheets, posters, and lithographic prints; calendars, stationery and playing cards; writing instruments used separately and as part of desk sets [and paperweights]</p> <p>Class 018. First use: First Use: 1994/02/16 First Use In Commerce: 1994/02/16 umbrellas; garment bags for travel, and tote bags for travel; leather billfolds, leather money clips and leather key chains; attache cases and brief cases; ladies' handbags and purses</p> <p>Class 020. First use: First Use: 1994/03/30 First Use In Commerce: 1994/03/30 Golf [stools and] chairs</p> <p>Class 021. First use: First Use: 1994/03/10 First Use In Commerce: 1994/03/10 beverage ware, namely, drinking glasses, cups and mugs; plastic cups and mugs; [pewter mugs;] ornamental decorative table accessories namely, bowls with and without lids [dishes, figurines and sculptures, made of glass, crystal and China]</p> <p>Class 024. First use: First Use: 1994/02/14 First Use In Commerce: 1994/02/14 golf towels capable of being attached to golf bags; decorative cloth souvenir banners comprising replica golf pin flags</p> <p>Class 025. First use: First Use: 1994/02/15 First Use In Commerce: 1994/02/15 [Men's and women's golf shoes,] T-shirts, collared shirts, sweaters, jackets, coats, [pants,] shorts, rainsuits, neckties, hats, sun visors, [scarves,] belts and socks</p> <p>Class 028. First use: First Use: 1994/02/15 First Use In Commerce: 1994/02/15 sporting goods used in connection with the game of golf, namely, golf bags, golf bag covers, golf bag identification tags, golf balls, golf clubs, golf club covers, golf gloves, golf flags, golf ballmarkers, divot repair tools</p>
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U.S. Registration	2732357	Application Date	09/26/1996
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No.			
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	AUGUSTA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1994/03/00 First Use In Commerce: 1994/03/00 entertainment services in the nature of organizing and conducting golf tournaments which are televised for the enjoyment of a worldwide audience		

U.S. Registration No.	3652012	Application Date	11/30/2007
Registration Date	07/07/2009	Foreign Priority Date	NONE
Word Mark	AUGUSTA LIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2006/04/01 First Use In Commerce: 2006/04/01 COMPUTER-AIDED ELECTRONIC TRANSMISSION AND ELECTRONIC DELIVERY OF VOICE, DATA, IMAGES, MESSAGES IN THE FIELD OF GOLF TOURNAMENT AND GOLF RELATED SPORTS ENTERTAINMENT, VIA COMPUTER NETWORKS, INTERACTIVE TELEVISION AND THE INTERNET		

U.S. Registration No.	3824437	Application Date	12/08/2009
Registration Date	07/27/2010	Foreign Priority Date	NONE
Word Mark	AUGUSTA NATIONAL GOLF CLUB		

Design Mark			
Description of Mark	The mark consists of the words "AUGUSTANATIONAL GOLF CLUB" overlapping the outline of the United States of America with a flag design.		
Goods/Services	Class 032. First use: First Use: 2008/04/07 First Use In Commerce: 2008/04/07 NATURAL SPRING DRINKING WATER		

U.S. Registration No.	4086458	Application Date	12/09/2010
Registration Date	01/17/2012	Foreign Priority Date	NONE
Word Mark	GREEN JACKET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1949/04/00 First Use In Commerce: 1949/04/00 Entertainment in the nature of providing recognition by the way of awards to demonstrate excellence in the field of golf and a golf tournament championship		

U.S. Registration No.	4243879	Application Date	12/23/2010
Registration Date	11/13/2012	Foreign Priority Date	NONE
Word Mark	GREEN JACKET		

Design Mark	GREEN JACKET
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2012/08/31 First Use In Commerce: 2012/08/31 Jackets

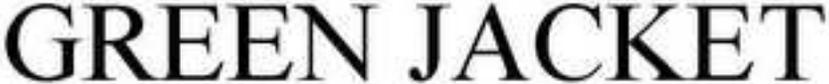
U.S. Registration No.	4405349	Application Date	12/23/2010
Registration Date	09/24/2013	Foreign Priority Date	NONE
Word Mark	AUGUSTA NATIONAL		
Design Mark	AUGUSTA NATIONAL		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1994/02/22 First Use In Commerce: 1994/02/22 Computer programs, and computer software featuring instruction in golf for use in the field of golf and golf tournaments; computer game software for instructional and entertainment purposes pertaining to the game of golf and golf tournaments; video game programs pertaining to the game of golf and golf tournaments; compact discs and prerecorded video tapes pertaining to the game of golf and golf tournaments; interactive game software and interactive video games pertaining to the game of golf and golf tournaments; downloadable electronic games via the Internet pertaining to the game of golf and golf tournaments; sunglasses</p> <p>Class 014. First use: First Use: 2002/04/01 First Use In Commerce: 2002/04/01 Clocks</p> <p>Class 016. First use: First Use: 1941/03/00 First Use In Commerce: 1941/03/00 Books, souvenir programs, journals, and manuals pertaining to sports, sporting events, sports tournaments, and sports entertainment; calendars; golf pairing sheets, namely, score sheets and event programs that list matches with tee times, which nine hole segment of the course, and golf handicaps; golf score cards; posters and prints; stationery; paper placemats; writing instruments; money clips</p> <p>Class 018. First use: First Use: 1979/05/00 First Use In Commerce: 1979/05/00</p>		

	<p>Attach™ cases and briefcases; garment bags for travel; key chains made of leather or imitations of leather; tote bags; umbrellas and golf umbrellas; wallets and handbags; pouches for holding personal items; luggage</p> <p>Class 021. First use: First Use: 1976/04/00 First Use In Commerce: 1976/04/00 Beverage ware, namely, drinking glasses, cups, and mugs; ornamental decorative accessories, namely, bowls, dishes, figurines, and sculptures, all made of glass, crystal, and china</p> <p>Class 024. First use: First Use: 1971/03/00 First Use In Commerce: 1971/03/00 Towels; place mats not of paper; banners and flags of textile</p> <p>Class 025. First use: First Use: 1971/12/00 First Use In Commerce: 1971/12/00 Footwear, headwear, and clothing, namely, shirts, pants, skirts, shorts, sweaters, vests, jackets, socks, belts, ties, scarves, hats, visors, shoes, dresses, sleepwear, and bathing suits</p> <p>Class 028. First use: First Use: 1970/04/00 First Use In Commerce: 1970/04/00 Christmas tree ornaments; golf training apparatus, namely, devices used to help groove a repetitive putting stroke; golf training apparatus, namely, golf practice platforms; sporting goods used in connection with the game of golf, namely, golf bags, golf bag covers, golf bag identification tags, golf balls, golf clubs, golf club covers, golf gloves, golf flags, golf ball markers, and divot repair tools</p> <p>Class 043. First use: First Use: 1956/12/00 First Use In Commerce: 1956/12/00 Hotel and lodging services; consulting services in the field of hospitality; food preparation services; restaurant and bar services</p>
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U.S. Registration No.	4411255	Application Date	12/23/2010
Registration Date	10/01/2013	Foreign Priority Date	NONE
Word Mark	AUGUSTA NATIONAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 1956/04/10 First Use In Commerce: 1956/04/10 Broadcasting sporting events on television, radio, the Internet, digital communications networks, and cable; computer-aided electronic transmission and electronic delivery of voice, data, images, and messages in the field of sports, sporting events, sports tournaments, and sports entertainment via computer networks, interactive television, and the Internet</p> <p>Class 041. First use: First Use: 1941/04/30 First Use In Commerce: 1941/04/30 Organizing and conducting golf tournaments; entertainment in the nature of golf tournaments; entertainment services, namely, providing temporary use of non-downloadable interactive games, non-downloadable electronic games, non-downloadable computer games, and non-downloadable video games; instruction in the field of golf and other sports; providing news and information about sports and sporting events; providing a web site featuring news and information about</p>		

	sports and sporting events; providing golf courses and other facilities for sports, sporting events, and sports award programs; publishing of non-downloadable electronic online publications; electronic games services provided by means of the Internet
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U.S. Registration No.	4633444	Application Date	12/23/2010
Registration Date	11/04/2014	Foreign Priority Date	NONE
Word Mark	GREEN JACKET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1956/04/01 First Use In Commerce: 1956/04/01 Broadcasting sporting events on television, radio, the internet, digital communications networks, and cable; computer-aided electronic transmission and electronic delivery of voice, data, images, and messages in the field of sports, sporting events, sports tournaments, and sports entertainment via computer networks, interactive television, and the internet		

U.S. Registration No.	4795401	Application Date	12/23/2010
Registration Date	08/18/2015	Foreign Priority Date	NONE
Word Mark	GREEN JACKET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2015/04/09 First Use In Commerce: 2015/04/09 sunglasses Class 025. First use: First Use: 2015/04/09 First Use In Commerce: 2015/04/09 Footwear, headwear, and clothing, namely, shirts, pants, skirts, shorts, sweaters, vests, socks, belts, ties, scarves, hats, visors, shoes, dresses, sleep-		

	<p>wear, and bathing suits</p> <p>Class 028. First use: First Use: 2015/04/09 First Use In Commerce: 2015/04/09</p> <p>Playing cards; card games; Christmas tree ornaments; golf training apparatus, namely, devices used to help groove a repetitive putting stroke; golf training apparatus, namely, golf practice platforms; sporting goods used in connection with the game of golf, namely, golf bags, golf bag covers, golf bag identification tags, golf balls, golf clubs, golf club covers, golf gloves, golf flags, golf ball markers, and divot repair tools</p>
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Attachments	<p>73350697#TMSN.png(bytes)</p> <p>73296387#TMSN.png(bytes)</p> <p>73353555#TMSN.png(bytes)</p> <p>73419026#TMSN.png(bytes)</p> <p>73666205#TMSN.png(bytes)</p> <p>75979778#TMSN.png(bytes)</p> <p>75172434#TMSN.png(bytes)</p> <p>77341140#TMSN.png(bytes)</p> <p>77888513#TMSN.png(bytes)</p> <p>85193952#TMSN.png(bytes)</p> <p>85977354#TMSN.png(bytes)</p> <p>85204614#TMSN.png(bytes)</p> <p>85978028#TMSN.png(bytes)</p> <p>85982769#TMSN.png(bytes)</p> <p>85204617#TMSN.png(bytes)</p> <p>Notice of Opposition of AUGUSTA GREEN Application.pdf(177065 bytes)</p>
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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	/Richard M. McDermott/
Name	Richard M. McDermott
Date	10/07/2015

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

IN THE MATTER OF U.S. APPLICATION SERIAL NO. 86/395,766

Mark: AUGUSTA GREEN

Filed: September 16, 2014

Published: June 9, 2015

AUGUSTA NATIONAL, INC.

Opposer,

v.

**THE DODGE CITY COOPERATIVE
EXCHANGE**

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Augusta National, Inc. (“Opposer”), a corporation organized and existing under the laws of Georgia having its principal place of business at 2604 Washington Road, Augusta, GA 30904, believes that it will be damaged by the registration of the AUGUSTA GREEN mark that is the subject of Application Serial No. 86/395,766 (the “Application”), filed on September 16, 2014, by The Dodge City Cooperative Exchange (“Applicant”) in International Class 1, and requests that registration to Applicant be refused.

As grounds for its opposition, Opposer, by its attorneys Alston & Bird LLP, alleges as follows:

1. Opposer operates the world-famous Augusta National Golf Club in Augusta, Georgia, the home of the annual Masters Golf Tournament, which is televised throughout the United States and worldwide.

2. Since long prior to September 16, 2014, the filing date of the Application, Opposer has continuously offered a wide variety of goods and services to the public under the AUGUSTA, AUGUSTA NATIONAL, AUGUSTA NATIONAL GOLF CLUB and GREEN JACKET marks, among others, in this country and elsewhere. Most notably, it has been conducting and organizing the famous Masters Golf Tournament held at the Augusta National Golf Club since 1934, awarding the highly coveted trophy of a green jacket to the winner each year. Relatedly, Opposer’s facilities, memorabilia and other merchandise, and its advertising and promotional materials, as seen by the public on television, in the marketplace, and otherwise, feature prominently the color green, such that, in the mind of the public, there is a commercially significant association of the AUGUSTA brand and the color green.

3. By reason of Opposer's adoption and continuous use of the AUGUSTA, AUGUSTA NATIONAL, AUGUSTA NATIONAL GOLF CLUB, and GREEN JACKET marks, alone and in combination with various proprietary designs (collectively, the "AUGUSTA Marks"), the AUGUSTA Marks have developed a distinctive quality and have acquired special and particular significance and very valuable goodwill as identifying Opposer and its goods and services. That distinctiveness is further enhanced when those designations appear on or in combination with the color green. Accordingly, Opposer's AUGUSTA Marks, particularly when used in combination with the color green, have become famous and distinctive through, *inter alia*, Opposer's extensive use, advertising, and promotion of the marks and the color green throughout the United States for a variety of goods and services related to its golf tournament over a significant period of time.

4. Opposer has invested a substantial amount of time, effort and money in advertising and promoting the goods and services offered in connection with its AUGUSTA Marks.

5. Consequently, through such usage and recognition, Opposer has acquired common law rights in and to the AUGUSTA Marks as proprietary trademark and service marks, which rights extend, without limitation, to the exclusive right to use such designations nationwide in conjunction with Opposer's goods and services.

6. Opposer also is the owner of numerous federal registrations for the AUGUSTA Marks. Among Opposer's federally registered marks are the following, which are currently registered on the Principal Register (collectively, the "AUGUSTA Marks Registrations"):

Mark	Reg. No.	Reg. Date	Goods/Services
AUGUSTA NATIONAL 	1,227,634	2/15/1983	25 – Clothing—namely, hats (Int. 25).
AUGUSTA NATIONAL GOLF CLUB 	1,228,482	2/22/1983	18 – Umbrellas and traveling bags (Int. 18) 21 – Glass beverage ware (Int. 21) 24 – Towels—namely, golf bag towels and beach towels (Int. 24) 28 – Sporting goods—namely, golf bags, golf clubs, and golf irons (Int. 28).
AUGUSTA NATIONAL GOLF CLUB 	1,235,721	4/26/1983	16 – Books related to the game of golf and to golf tournaments (Int. 16) 34 – Match books (Int. 34)
AUGUSTA NATIONAL GOLF CLUB 	1,283,694	6/26/1984	41 – conducting golf tournaments (Int. 41)
AUGUSTA NATIONAL GOLF CLUB 	1,500,859	8/16/1988	42 – Restaurant services (Int. 42)
AUGUSTA <i>AUGUSTA</i>	2,462,877	6/19/2001	09 – Pre-recorded video tapes, software and computer disks pertaining to the game of golf (Int. 09) 16 – Books, souvenir programs, and journals (manuals) pertaining to the game of golf and to golf tournaments; golf score cards; pairing sheets, posters, and lithographic prints; calendars, stationery and playing cards; writing instruments used separately and as part of desk sets (and paperweights) (Int. 16) 18 – umbrellas; garment bags for travel, and tote bags for travel; leather billfolds, leather money clips and leather key chains; attache cases and brief cases; ladies' handbags and purses (Int. 18) 20 – Golf (stools and) chairs (Int. 20) 21 – Beverage ware, namely, drinking glasses, cups and mugs; plastic cups and mugs; (pewter mugs;) ornamental decorative table accessories namely, bowls with and without lids (dishes, figurines and sculptures, made of glass, crystal and China) (Int. 21) 24 – Golf towels capable of being attached to golf bags; decorative cloth souvenir banners comprising replica golf pin

Mark	Reg. No.	Reg. Date	Goods/Services
			<p>flags (Int. 24)</p> <p>25 – (Men’s and women’s golf shoes,) T-shirts, collared shirts, sweaters, jackets, coats, (pants,) shorts, rainsuits, neckties, hats, sun visors, (scarves,) belts and socks (Int. 25)</p> <p>28 – Sporting goods used in connection with the game of golf, namely, golf bags, golf bag covers, golf bag identification tags, golf balls, golf clubs, golf club covers, golf gloves, golf flags, golf ball markers, divot repair tools (Int. 28)</p>
<p>AUGUSTA</p> <p><i>AUGUSTA</i></p>	2,732,357	7/1/2003	41 – Entertainment services in the nature of organizing and conducting golf tournaments which are televised for the enjoyment of a worldwide audience (Int. 41)
AUGUSTA LIVE	3,652,012	7/7/2009	38 – Computer-aided electronic transmission and electronic delivery of voice, data, images, messages in the field of golf tournament and golf related sports entertainment, via computer networks, interactive television and the internet (Int. 38)
AUGUSTA NATIONAL GOLF SHOP	3,652,013	7/7/2009	25 – Men’s and ladies’ apparel and accessories directed to the field of golf, namely, hats, caps, visors, belts, ties, shoes, socks, pants, shorts, shirts, T-shirts, polo shirts, sweatshirts, windshirts, pullovers, sweaters, vests, jackets and rainsuits (Int. 25)
<p>AUGUSTA NATIONAL GOLF CLUB</p> 	3,824,437	7/27/2010	32 – Natural spring drinking water (Int. 32)
GREEN JACKET	4,086,458	1/17/2012	41 – Entertainment in the nature of providing recognition by the way of awards to demonstrate excellence in the field of golf and a golf tournament championship (Int. 41)
GREEN JACKET	4,243,879	11/13/2012	25 – Jackets (Int. 25)
AUGUSTA NATIONAL	4,405,349	9/24/2013	<p>09 – Computer programs, and computer software featuring instruction in golf for use in the field of golf and golf tournaments; computer game software for instructional and entertainment purposes pertaining to the game of golf and golf tournaments; video game programs pertaining to the game of golf and golf tournaments; compact discs and prerecorded video tapes pertaining to the game of golf and golf tournaments; interactive game software and interactive video games pertaining to the game of golf and golf tournaments; downloadable electronic games via the Internet pertaining to the game of golf and golf tournaments; sunglasses (Int. 09)</p> <p>14 – Clocks (Int. 14)</p> <p>16 – Books, souvenir programs, journals, and manuals pertaining to sports, sporting events, sports tournaments, and sports entertainment; calendars; golf pairing sheets, namely, score sheets and event programs that list matches with tee</p>

Mark	Reg. No.	Reg. Date	Goods/Services
			<p>times, which nine hole segment of the course, and golf handicaps; golf score cards; posters and prints; stationery; paper place mats; writing instruments; money clips (Int. 16)</p> <p>18 – Attache cases and briefcases; garment bags for travel; key chains made of leather or imitations of leather, tote bags; umbrellas and golf umbrellas; wallets and handbags; pouches for holding personal items; luggage (Int. 18)</p> <p>21 – Beverage ware, namely, drinking glasses, cups, and mugs; ornamental decorative accessories, namely, bowls, dishes, figurines, and sculptures, all made of glass, crystal, and china (Int. 21)</p> <p>24 – Towels; place mats not of paper, banners and flags of textile (Int. 24)</p> <p>25 – Footwear, headwear, and clothing, namely, shirts, pants, skirts, shorts, sweaters, vests, jackets, socks, belts, ties, scarves, hats, visors, shoes, dresses, sleepwear, and bathing suits (Int. 25)</p> <p>28 – Christmas tree ornaments; golf training apparatus, namely, devices used to help groove a repetitive putting stroke; golf training apparatus, namely, golf practice platforms; sporting goods used in connection with the game of golf, namely, golf bags, golf bag covers, golf bag identification tags, golf balls, golf clubs, golf club covers, golf gloves, golf flags, golf ball markers, and divot repair tools (Int. 28)</p> <p>43 – Hotel and lodging services; consulting services in the field of hospitality; food preparation services; restaurant and bar services (Int. 43)</p>
AUGUSTA NATIONAL	4,411,255	10/1/2013	<p>38 – Broadcasting sporting events on television, radio, the Internet, digital communications networks, and cable; computer-aided electronic transmission and electronic delivery of voice, data, images, and messages in the field of sports, sporting events, sports tournaments, and sports entertainment via computer networks, interactive television, and the Internet (Int. 38)</p> <p>41 – Organizing and conducting golf tournaments; entertainment in the nature of golf tournaments; entertainment services, namely, providing temporary use of non-downloadable interactive games, non-downloadable electronic games, non-downloadable computer games, and non-downloadable video games; instruction in the field of golf and other sports; providing news and information about sports and sporting events; providing a web site featuring news and information about sports and sporting events; providing golf courses and other facilities for sports, sporting events, and sports award programs; publishing of non-downloadable electronic online publications; electronic games services provided by means of the Internet (Int. 41)</p>
GREEN JACKET	4,633,444	11/4/2014	<p>38 – Broadcasting sporting events on television, radio, the internet, digital communications networks, and cable; computer-aided electronic transmission and electronic delivery of voice, data, images, and messages in the field of sports, sporting events, sports tournaments, and sports entertainment via computer networks, interactive television, and the internet (Int. 38)</p>

Mark	Reg. No.	Reg. Date	Goods/Services
GREEN JACKET	4,795,401	8/18/2015	09 – Sunglasses (Int. 09) 25 – Footwear, headwear, and clothing, namely, shirts, pants, skirts, shorts, sweaters, vests, socks, belts, ties, scarves, hats, visors, shoes, dresses, sleepwear, and bathing suits (Int. 25) 28 – Playing cards; card games; Christmas tree ornaments; golf training apparatus, namely, devices used to help groove a repetitive putting stroke; golf training apparatus, namely, golf practice platforms; sporting goods used in connection with the game of golf, namely, golf bags, golf bag covers, golf bag identification tags, golf balls, golf clubs, golf club covers, golf gloves, golf flags, golf ball markers, and divot repair tools (Int. 28)

7. The registrations set forth in Paragraph 6 are valid and subsisting in law, were duly and legally issued, are *prima facie* evidence of the validity of the marks registered and constitute constructive notice of ownership of these marks by Opposer in accordance with Sections 7(b) and 22 of the Trademark Act of 1946, 15 U.S.C. §§ 1057(b) and 1072. Furthermore, Registration Nos. 1,227,634, 1,228,482, 1,235,721, 1,283,694, 1,500,859 2,462,877, 2,732,357, and 3,652,013 have become incontestable pursuant to Section 15 of the Trademark Act of 1946, 15 U.S.C. §§ 1065, and, pursuant to Section 33(b) of the Act, 15 U.S.C. § 1115(b), are therefore conclusive evidence of Opposer’s exclusive right to use the AUGUSTA Marks.

8. Notwithstanding Opposer’s prior rights in and to the AUGUSTA Marks, particularly as used in combination with the color green, on or about September 16, 2014, Applicant filed the Application seeking registration of the designation AUGUSTA GREEN as a trademark for “fertilizers.” The Application was assigned serial number 86/395,766.

9. The Application was filed long after Opposer’s acquisition of rights in the AUGUSTA Marks and long after Opposer registered many of its AUGUSTA Marks.

10. The Application was published for opposition on June 9, 2015. Opposer sought and received a thirty-day extension of time and an additional sixty-day extension of time with

good cause to oppose the subject registration. Therefore, this Notice of Opposition is being timely filed.

11. Applicant's AUGUSTA GREEN designation is comprised solely of Opposer's famous AUGUSTA Mark and the particular color with which Opposer and its brand is so commonly associated by the general public in this country. As such, the AUGUSTA GREEN designation, when used on or in connection with the listed goods, namely, "fertilizers," is likely to cause confusion or to cause mistake, or to deceive as to whether there is a commercial affiliation between such goods and Opposer or its goods and services.

12. Thus, the Application should be refused on the basis that it consists of or comprises, according to 15 U.S.C. § 1052(d):

A mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion or to cause mistake, or to deceive.

13. Still further, Opposer's AUGUSTA marks are not only distinctive marks, but also famous marks, and the AUGUSTA marks acquired their status as famous marks prior to either the first use in commerce of the designation AUGUSTA GREEN as a trademark for fertilizers (if any such wage has been made) or the filing date of the opposed Application.

14. Hence, the Application should be refused on the basis that the subject thereof consists of or comprises, under the federal Trademark Dilution Revision Act of 2006, a mark that is likely to cause dilution of Opposer's famous and distinctive AUGUSTA marks by impairing the distinctiveness of those marks.

15. Accordingly, Opposer asserts, pursuant to 15 U.S.C. § 1063, that it will be damaged by the issuance of a registration for the AUGUSTA GREEN mark to Applicant as sought in Trademark Application Serial No. 86/395,766.

WHEREFORE, Opposer, Augusta National, Inc., prays that the application for registration of Applicant's mark be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted, this 7th day of October, 2015.

/s/ Richard M. McDermott

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CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that this correspondence is being submitted to the Trademark Trial and Appeal Board via electronic means by filing with the Electronic Systems for Trademark Trial and Appeals on October 7, 2015. A true and correct copy was also mailed to Applicant's counsel at the following address via U.S. Mail:

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