

ESTTA Tracking number: **ESTTA715874**

Filing date: **12/21/2015**

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	University of Notre Dame du Lac
Granted to Date of previous extension	12/23/2015
Address	415 Main Building Notre Dame, IN 46556 UNITED STATES

Attorney information	Katrina G. Hull Michael Best & Friedrich LLP 100 East Wisconsin Avenue, Suite 3300 Milwaukee, WI 53202 UNITED STATES mkeipdocket@michaelbest.com, kg Hull@michaelbest.com Phone:(414) 271-6560
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Applicant Information

Application No	86542693	Publication date	08/25/2015
Opposition Filing Date	12/21/2015	Opposition Period Ends	12/23/2015
Applicant	Vrana, John 603 Fellowship Rd. Mount Laurel, NJ 08054 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Polo shirts; Shorts; Sweatpants; Sweat-shirts; T-shirts
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Applicant Information

Application No	86535930	Publication date	09/15/2015
Opposition Filing Date	12/21/2015	Opposition Period Ends	
Applicant	Vrana, John 603 Fellowship Rd Mount Laurel, NJ 08054 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0
--

All goods and services in the class are opposed, namely: Polo shirts; Shorts; Sweatpants; Sweat-shirts; T-shirts

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)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1264894	Application Date	04/16/1981
Registration Date	01/24/1984	Foreign Priority Date	NONE
Word Mark	FIGHTIN' IRISH		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 Jewelry-Namely, Watches and Charms</p> <p>Class 016. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 Paper Goods-Namely, Napkins and Decals</p> <p>Class 021. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 Drinking Glasses and Ceramic Steins</p> <p>Class 024. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 Pennants and Flags Made of Textile Materials</p> <p>Class 025. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 Clothing-Namely, T-Shirts, Sweat Shirts, and Jerseys</p> <p>Class 026. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 [Belt Buckles Not Made of Precious Metals and Hobby Craft Kits Containing Materials for Making Embroidered Goods]</p> <p>Class 034. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 [Non-Electric Cigarette Lighters, Not Made of Precious Metals]</p>		

U.S. Registration No.	3631309	Application Date	11/18/2008
Registration Date	06/02/2009	Foreign Priority Date	NONE
Word Mark	LADY IRISH		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2007/08/17 First Use In Commerce: 2007/08/17 Apparel, namely, sweaters, t-shirts, sweatshirts, sweat pants, vests, jackets, and polo shirts

U.S. Registration No.	2852483	Application Date	04/02/2002
Registration Date	06/15/2004	Foreign Priority Date	NONE

Word Mark	DOMER
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 1967/01/01 First Use In Commerce: 1998/01/01 Clothing, namely, sweatshirts, [sweatpants,] t-shirts,[tank tops, polo shirts, rugby shirts, sport shirts, turtlenecks, jerseys, sweaters, blazers, ties, shorts, jeans, pants, vests, jackets, leather coats, rain coats, rain ponchos, windresistant jackets and pants, warm-up suits, gloves, mittens, ear muffs, hats,] caps, [visors, bandannas, scarves, belts, suspenders, athletic uniforms, athletic sneakers, sandals, socks, hosiery, leotards, aprons, wrist bands, bathing caps, bathing suits, bathing trunks, bathrobes,] infant wear [, cloth baby bibs, creepers, booties, golf shirts, night shirts, sleepwear and boxer shorts sold through on-campus bookstores, authorized retailers and licensing agreements]
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U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
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Word Mark	GO IRISH
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Goods/Services	Clothing
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U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
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Word Mark	IRISH
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Goods/Services	Clothing
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Attachments	77616595#TMSN.png(bytes) 76391175#TMSN.png(bytes) 18308146_Notice_of_Opposition_-_John_Vrana_(12-21-15).PDF(167528 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	/katrinaghull/
Name	Katrina G. Hull
Date	12/21/2015

3. On February 16, 2015, Applicant filed intent-to-use Application No. 86535930 (the “ONCE A DOMER, ALWAYS A DOMER Application”) to register the mark ONCE A DOMER, ALWAYS A DOMER (the “ONCE A DOMER, ALWAYS A DOMER Mark”) for Applicant’s Goods.

Opposer and Opposer’s Trademarks

4. Founded in 1842, Opposer Notre Dame is an independent, national Catholic research university located adjacent to the city of South Bend, Indiana.

5. Notre Dame is one of America’s leading teaching institutions. It is regularly rated among the nation’s top 25 institutions of higher learning in surveys conducted by *U.S. News and World Report*, *Princeton Review*, *Time*, *Kiplinger’s*, *Kaplan/Newsweek*, and others.

6. Students that attend Notre Dame are known as “Domers” in reference to the gold-colored top of the school’s administration building. Opposer uses “The Daily Domer” as the name of a website that collects local and national news stories about Notre Dame. Students make on-campus purchases using “Domer Dollars,” which are electric funds remotely programed into the campus ID cards.

7. The term “Domer” has been used since at least as early as 1967 to refer to a Notre Dame students, and Notre Dame has sold apparel items, including t-shirts, under the DOMER trademark since at least as early as 1998 (hereafter the “DOMER Mark”).

8. Notre Dame is also home to one of the most-storied college football programs in the nation with a history of success that includes 11 consensus national championships over six decades, one of the highest winning percentages in college football and seven Heisman trophy winners—more than any other college football program in the country.

9. Notre Dame’s athletic teams, including its football teams, are known as the “Fightin’ Irish” or the “Irish.” For example, the 2015 Shamrock Series jerseys featured “Irish” prominently on the front.



10. For 25 years, NBC Sports has broadcast Notre Dame football games. The historic partnership between Notre Dame and NBC has resulted in widespread television exposure for Irish football for a quarter of a century. For example, football games televised on the NBC Sports Network reach 95 million homes.

11. Notre Dame also sells a wide variety of merchandise under the FIGHTIN’ IRISH and IRISH marks (hereafter the “IRISH Marks”), and has used IRISH Marks on such merchandise, including clothing, since at least as early as 1950.

12. Opposer owns the following U.S. registrations and a state of Indiana registration for its IRISH and DOMER marks (collectively, “Opposer’s Registrations”) and uses its IRISH and DOMER marks for the goods identified in the registrations (“Opposer’s Goods”):

Mark & Reg. No	Goods	Registered	First Use
FIGHTIN' IRISH U.S. Reg. No. 1264894	(Int'l Class: 14) jewelry-namely, watches and charms (Int'l Class: 16) paper goods-namely, napkins and decals (Int'l Class: 21) drinking glasses and ceramic steins (Int'l Class: 24) pennants and flags made of textile materials (Int'l Class: 25) clothing-namely, t-shirts, sweat shirts, and jerseys	1984	1950
LADY IRISH U.S. Reg. No. 3631309	(Int'l Class 25) Apparel, namely, sweaters, t-shirts, sweat pants vests, jackets and polo shirts.	2009	2007
GO IRISH Indiana Reg. No. 5010-1604	Clothing	1992	1991
DOMER 2852483	(Int'l Class: 25) clothing, namely, sweatshirts, t-shirts, caps, infant wear	2004	1998

Printouts of the current status and title of Opposer's Registrations from the USPTO's Trademark Status & Document Retrieval (TSDR) database and a trademark certificate from the India Secretary of State are attached as Exhibit A.

13. Opposer's Registrations have not been cancelled, are valid, and are in full force and effect.

14. Opposer's Registrations are incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065, and are conclusive evidence of the validity of the registered marks, the registrations, Opposer's ownership of the marks, and Opposer's exclusive right to use the registered marks in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115.

15. Opposer has used, advertised, and promoted its DOMER Mark and IRISH Marks extensively. As a result of this use and promotion, Opposer's DOMER Mark and IRISH Marks are recognized by the general consuming public of the United States as a designation of source of Opposer's Goods and have developed and represent valuable goodwill inuring to the benefit of Opposer.

16. Opposer used and registered its DOMER Mark and IRISH Marks long before the filing dates of the ONCE A DOMER, ALWAYS A DOMER and IRISH FOOTBALL applications.

17. Upon information and belief, Applicant knew that Opposer owned and used the DOMER Mark and IRISH Marks before he filed his applications.

Claim I: Likelihood of Confusion

18. Paragraphs 1-17 are incorporated as if fully set forth herein.

19. The IRISH FOOTBALL Mark is confusingly similar to Opposer's IRISH Marks in appearance, sound, and commercial impression.

20. The ONCE A DOMER, ALWAYS A DOMER Mark is confusingly similar to Opposer's DOMER Mark in appearance, sound, and commercial impression.

21. Applicant's Goods are identical and closely related to Opposer's Goods.

22. Upon information and belief, Applicant's Goods and Opposer's Goods will be marketed and sold to the same consumers or class of consumers.

23. Based on the similarities in the parties' marks and goods, consumers are likely to believe that Applicant's Goods originate from or are otherwise associated with Opposer.

24. Registration of the IRISH FOOTBALL Mark and the ONCE A DOMER, ALWAYS A DOMER Mark for Applicant's Goods will result in a likelihood of confusion and damage to Opposer under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

Claim II: Dilution

25. Paragraphs 1-24 are incorporated as if fully set forth herein.

26. Opposer's FIGHTIN' IRISH mark is distinctive.

27. Opposer's FIGHTIN' IRISH mark is famous under Section 43(c)(2)(A) of the Lanham Act, 15 U.S.C. § 1125(c)(2)(A).

28. Opposer's FIGHTIN' IRISH mark has been famous since long prior to the filing date of the IRISH FOOTBALL Application.

29. An association between Applicant and Opposer arises from the similarity between the parties' marks that impairs the distinctiveness of Opposer's famous FIGHTIN' IRISH mark.

30. An association between Applicant and Opposer arises from the similarity between the parties' marks that harms the reputation of Opposer's famous FIGHTIN' IRISH mark.

31. Applicant's use and registration of the IRISH FOOTBALL Mark will cause dilution of Opposer's FIGHTIN' IRISH mark by blurring under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

Claim III: False Association

32. Paragraphs 1-31 are incorporated as if fully set forth herein.

33. The IRISH FOOTBALL Mark is a close approximation of Opposer's IRISH Marks.

34. The ONCE A DOMER, ALWAYS A DOMER Mark is a close approximation of Opposer's DOMER Mark.

35. Applicant's IRISH FOOTBALL and ONCE A DOMER, ALWAYS A DOMER marks point uniquely and unmistakably to Opposer's institution.

36. Opposer's institution is not connected with Applicant or Applicant's Goods.

37. The fame and reputation of Opposer's institution is such that, when the IRISH FOOTBALL and ONCE A DOMER, ALWAYS A DOMER marks are used for Applicant's Goods, a connection to Opposer will be presumed.

38. The IRISH FOOTBALL and ONCE A DOMER, ALWAYS A DOMER marks falsely suggest a connection to Opposer under Section 2(a) of the Lanham Act, 15 U.S.C. §1052(a).

WHEREFORE, Opposer requests that this opposition be sustained and the registration sought by Applicant be refused.

Respectfully submitted,

UNIVERSITY OF NOTRE DAME DU LAC

By its Attorneys,

Date: December 21, 2015

/Katrina G. Hull/

Katrina G. Hull
MICHAEL BEST & FRIEDRICH LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202
Phone: 414.271.6560
Fax: 414.277.0656

CERTIFICATE OF SERVICE AND MAILING

I hereby certify that a true and correct copy of the foregoing Notice of Opposition is being served upon Applicant at the correspondence address of record by first class mail:

Matthew H. Swyers
The Trademark Company
344 Maple Ave W PMB 151
Vienna, VA 22180-5612

and that a copy of the same was electronically filed with the Trademark Trial and Appeal Board via ESTTA on the same date.

Date: December 21, 2015

/Katrina G. Hull/
Katrina G. Hull

Exhibit A

Generated on:

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Mark: DOMER

DOMER

US Serial Number: 76391175

Application Filing Date:

Apr. 02, 2002

US Registration Number: 2852483

Registration Date:

Jun. 15, 2004

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Jan. 30, 2014

Publication Date: Mar. 23, 2004

Mark Information

Mark Literal Elements:

DOMER

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For:

Clothing, namely, sweatshirts, [sweatpants,] t-shirts,[tank tops, polo shirts, rugby shirts, sport shirts, turtlenecks, jerseys, sweaters, blazers, ties, shorts, jeans, pants, vests, jackets, leather coats, rain coats, rain ponchos, wind resistant jackets and pants, warm-up suits, gloves, mittens, ear muffs, hats,] caps, [visors, bandannas, scarves, belts, suspenders, athletic uniforms, athletic sneakers, sandals, socks, hosiery, leotards, aprons, wrist bands, bathing caps, bathing suits, bathing trunks, bathrobes,] infant wear [, cloth baby bibs, creepers, booties, golf shirts, night shirts, sleepwear and boxer shorts sold through on-campus bookstores, authorized retailers and licensing agreements]

International Class(es): 025 - Primary Class

U.S Class(es):

022, 039

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jan. 01, 1967

Use in Commerce:

Jan. 01, 1998

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name:

University of Notre Dame du Lac

Owner Address:

Office of the General Counsel
203 Main Building
Notre Dame, INDIANA UNITED STATES 46556

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

INDIANA

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

**Correspondent
Name/Address:**

University of Notre Dame du Lac
203 Main Building
Office of the General Counsel
NOTRE DAME, INDIANA UNITED STATES 46556

Phone: (574) 631-6411

Fax:

(574) 631-7303

Correspondent e-mail: sharpe.12@nd.edu

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 30, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 30, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76874
Jan. 30, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76874
Jan. 13, 2014	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	76874
Jan. 30, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Jan. 13, 2014	TEAS SECTION 8 & 9 RECEIVED	
Jan. 13, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 03, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Feb. 03, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Jan. 27, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jun. 16, 2004	EXPARTE APPEAL TERMINATED	391175
Jun. 15, 2004	REGISTERED-PRINCIPAL REGISTER	
Mar. 23, 2004	PUBLISHED FOR OPPOSITION	
Mar. 03, 2004	NOTICE OF PUBLICATION	
Dec. 23, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 10, 2003	EXAMINERS AMENDMENT MAILED	
Nov. 04, 2003	JURISDICTION RESTORED TO EXAMINING ATTORNEY	
Nov. 04, 2003	EX PARTE APPEAL-INSTITUTED	391175
Oct. 29, 2003	EXPARTE APPEAL RECEIVED AT TTAB	
Oct. 29, 2003	CASE FILE IN TICRS	
Oct. 21, 2003	EMAIL RECEIVED	
Apr. 16, 2003	FINAL REFUSAL MAILED	
Feb. 18, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 16, 2002	NON-FINAL ACTION MAILED	

Maintenance Filings or Post Registration Information

Affidavit of Continued

Use:

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

Jun. 15, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Jan. 30, 2014

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Exparte Appeal

Proceeding Number: [76391175](#)

Filing Date:

Oct 20, 2003

Status: Terminated

Status Date:

Nov 04, 2003

Interlocutory Attorney:

Plaintiff(s)

Name:

University of Notre Dame du Lac

Correspondent Address:

CAROL C. KAESEBIER
UNIVERSITY OF NOTRE DAME DU LAC
OFFICE OF THE GENERAL COUNSEL 203 MAIN BUILDING
NOTRE DAME IN UNITED STATES , 46556

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOMER	Renewed	76391175	2852483

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Oct 20, 2003	
2	REMANDED TO EXAMINER	Nov 04, 2003	
3	PENDING, INSTITUTED	Nov 04, 2003	
4	TERMINATED	Jun 16, 2004	

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Mark: LADY IRISH

Lady Irish

US Serial Number: 77616595

Application Filing Date:

Nov. 18, 2008

US Registration Number: 3631309

Registration Date:

Jun. 02, 2009

Register:

Principal

Mark Type:

Trademark

Status:

A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date:

Jul. 28, 2014

Publication Date: Mar. 17, 2009

Mark Information

Mark Literal Elements:

LADY IRISH

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

Disclaimer:

"LADY"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Apparel, namely, sweaters, t-shirts, sweatshirts, sweat pants, vests, jackets, and polo shirts

International Class(es): 025 - Primary Class

U.S Class(es):

022, 039

Class Status:

ACTIVE

Basis:

1(a)

First Use: Aug. 17, 2007

Use in Commerce:

Aug. 17, 2007

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name:

University of Notre Dame du Lac

Owner Address:

203 Main Building
Notre Dame, INDIANA 46556
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

INDIANA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Deborah J. Gabaree

**Attorney Primary Email
Address:** csharpe1@nd.edu

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

Deborah J. Gabaree
UNIVERSITY OF NOTRE DAME DU LAC
203 MAIN BUILDING
Notre Dame, INDIANA 46556
UNITED STATES

Phone: 574-631-6411

Fax:

574-631-8233

Correspondent e-mail: csharpe1@nd.edu

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 28, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 28, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Jul. 28, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jul. 11, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jun. 02, 2009	REGISTERED-PRINCIPAL REGISTER	
Mar. 17, 2009	PUBLISHED FOR OPPOSITION	
Feb. 25, 2009	NOTICE OF PUBLICATION	
Feb. 10, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Feb. 10, 2009	ASSIGNED TO LIE	70997
Jan. 30, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 29, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 29, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 29, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 28, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 28, 2008	NON-FINAL ACTION E-MAILED	6325
Dec. 28, 2008	NON-FINAL ACTION WRITTEN	81097
Dec. 28, 2008	ASSIGNED TO EXAMINER	81097
Nov. 21, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

Affidavit of

Incontestability:

Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: TMEG LAW OFFICE 102

Date in Location:

Jul. 28, 2014

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91187917](#)

Filing Date:

Dec 08, 2008

Status: Terminated

Status Date:

Aug 13, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name:

Super Bakery, Incorporated

Correspondent Address:

DAVID G. OBERDICK
MEYERr, UNKOVIC & SCOTT
535 SMITHFIELD STREET, SUITE 1300
PITTSBURGH PA , 15222
UNITED STATES

Correspondent e-mail:

dgo@muslaw.com , tma@muslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRISHADE	Registered	77382991	3951175

Plaintiff(s)

Name:

University of Notre Dame du Lac

Correspondent Address:

ALICIA GRAHN JONES
KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET, SUITE 2800
ATLANTA GA , 30309
UNITED STATES

Correspondent e-mail:

tmadmin@kilpatrickstockton.com , aljones@kilpatrickstockton.com , lkemp@kilpatrickstockton.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FIGHTIN' IRISH	Renewed	73306157	1264894
LADY IRISH	Section 8 and 15 - Accepted and Acknowledged	77616595	3631309

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 08, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2008	Jan 17, 2009
3	PENDING, INSTITUTED	Dec 08, 2008	
4	ANSWER	Jan 21, 2009	
5	P'S MOTION FOR SUMMARY JUDGMENT	Oct 13, 2009	
6	P'S MOTION FOR SUMMARY JUDGMENT(PART 2 OF 2)	Oct 13, 2009	
7	P'S MOTION FOR SUMMARY JUDGMENT	Oct 13, 2009	

8	EXHIBIT G TO DECLARATION OF LAUREN SULLINS RALLS	Oct 13, 2009
9	DELETE ENTRY	Oct 22, 2009
10	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Oct 22, 2009
11	STIPULATION FOR AN EXTENSION OF TIME	Nov 11, 2009
12	D'S OPPOSITION/RESPONSE TO MOTION	Nov 18, 2009
13	DECL OF PRITCHARD IN SUPPORT OF D'S OPPOSITION TO SJ	Nov 18, 2009
14	Other Motions/Papers	Dec 08, 2009
15	P'S REPLY IN SUPPORT OF MOTION	Dec 08, 2009
16	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 14, 2009
17	SUSPENDED	Dec 15, 2009
18	CHANGE OF CORRESPONDENCE ADDRESS	Feb 01, 2010
19	RESPONSE DUE APRIL 2, 2010	Mar 29, 2010
20	SUSPENDED	Apr 09, 2010
21	Confidential P's Summary Judgment	Apr 16, 2010
22	P'S MOTION FOR SUMMARY JUDGMENT	Apr 16, 2010
23	D'S OPP/RESP TO SUMMARY JUDGMENT	Apr 30, 2010
24	P'S REPLY IN SUPPORT OF MOTION	May 18, 2010
25	P'S REPLY, FILED UNDER SEAL	May 18, 2010
26	PAPER RECEIVED AT TTAB	Jun 09, 2010
27	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Jun 14, 2010
28	WITHDRAWAL OF OPPOSITION	Jul 27, 2010
29	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010
30	TERMINATED	Aug 13, 2010

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Mark: FIGHTIN' IRISH

US Serial Number: 73306157

Application Filing Date:

Apr. 16, 1981

US Registration Number: 1264894

Registration Date:

Jan. 24, 1984

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Dec. 16, 2013

Publication Date: Nov. 01, 1983

Mark Information

Mark Literal Elements:

FIGHTIN' IRISH

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer:

No claim is made to the exclusive right to use the word "Irish", apart from the mark as shown.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Jewelry-Namely, Watches and Charms

International Class(es): 014 - Primary Class

U.S Class(es):

027, 028

Class Status:

ACTIVE

Basis:

1(a)

First Use: 1950

Use in Commerce:

1950

For:

Paper Goods-Namely, Napkins and Decals

International Class(es): 016 - Primary Class

U.S Class(es):

037, 038

Class Status:

ACTIVE

Basis:

1(a)

First Use: 1950

Use in Commerce:

1950

For:

Drinking Glasses and Ceramic Steins

International Class(es): 021 - Primary Class

U.S Class(es):

002, 030, 033

Class Status:

ACTIVE

Basis:

1(a)

First Use: 1950

Use in Commerce:

1950

For:

Pennants and Flags Made of Textile Materials

International Class(es): 024 - Primary Class

U.S Class(es):

042, 050

Class Status:

ACTIVE

Basis:

1(a)

First Use: 1950

Use in Commerce:

1950

For:

Clothing-Namely, T-Shirts, Sweat Shirts, and Jerseys

International Class(es): 025 - Primary Class

U.S Class(es):

039

Class Status:

ACTIVE

Basis:

1(a)

First Use: 1950

Use in Commerce:

1950

For:

[Belt Buckles Not Made of Precious Metals and Hobby Craft Kits Containing Materials for Making Embroidered Goods]

International Class(es): 026 - Primary Class

U.S Class(es):

037, 039, 040, 042, 050

Class Status:

SECTION 8 - CANCELLED

Basis:

1(a)

First Use: 1972

Use in Commerce:

1972

For:

[Non-Electric Cigarette Lighters, Not Made of Precious Metals]

International Class(es): 034 - Primary Class

U.S Class(es):

002, 008, 009, 017

Class Status:

SECTION 8 - CANCELLED

Basis:

1(a)

First Use: 1950**Use in Commerce:**

1950

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information**Owner Name:**

University of Notre Dame du Lac; The

Owner Address:OFFICE OF GENERAL COUNSEL 203 MAIN BUILD ING
Notre Dame, INDIANA 46556
UNITED STATES**Legal Entity Type:** CORPORATION**State or Country Where
Organized:**

INDIANA

Attorney/Correspondence Information**Attorney of Record****Attorney Name:** Deborah Gabaree**Attorney Primary Email
Address:** sharpe.12@nd.edu**Attorney Email
Authorized:**

Yes

Correspondent**Correspondent
Name/Address:**Deborah Gabaree
UNIVERSITY OF NOTRE DAME DU LAC; THE
OFFICE OF THE GENERAL COUNSEL
203 MAIN BLDG
NOTRE DAME, INDIANA 46556
UNITED STATES**Phone:** 574-631-6411**Fax:**

574-631-7303

Correspondent e-mail: sharpe.12@nd.edu**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Dec. 16, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 16, 2013	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68335
Dec. 16, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Dec. 09, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	68335
Dec. 16, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Dec. 09, 2013	TEAS SECTION 8 & 9 RECEIVED	
May 09, 2008	CASE FILE IN TICRS	
Apr. 18, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 18, 2006	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	
Apr. 18, 2006	REGISTERED - PARTIAL SEC. 8 (10-YR) ACCEPTED	67657
Apr. 18, 2006	ASSIGNED TO PARALEGAL	67657

Jan. 16, 2004 REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED
 Apr. 18, 2005 REINSTATED
 Oct. 30, 2004 CANCELLED SEC. 8 (10-YR)/EXPIRED SECTION 9
 Jan. 16, 2004 TEAS SECTION 8 & 9 RECEIVED
 Jul. 18, 1989 REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.
 Mar. 20, 1989 REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED
 Nov. 01, 1983 PUBLISHED FOR OPPOSITION
 Dec. 14, 1982 PUBLISHED FOR OPPOSITION
 Jan. 24, 1984 REGISTERED-PRINCIPAL REGISTER
 Nov. 01, 1983 PUBLISHED FOR OPPOSITION
 Nov. 01, 1983 PUBLISHED FOR OPPOSITION
 Sep. 20, 1983 NOTICE OF PUBLICATION
 Sep. 19, 1983 NOTICE OF PUBLICATION
 Sep. 16, 1983 NOTICE OF PUBLICATION
 Sep. 15, 1983 NOTICE OF PUBLICATION
 Aug. 11, 1983 ASSIGNED TO EXAMINER
 Aug. 11, 1983 APPROVED FOR PUB - PRINCIPAL REGISTER
 Aug. 11, 1983 ASSIGNED TO EXAMINER
 Aug. 11, 1983 ASSIGNED TO EXAMINER
 Nov. 02, 1982 NOTICE OF PUBLICATION
 Oct. 15, 1982 ALLOWANCE/COUNT WITHDRAWN
 Jan. 04, 1982 NON-FINAL ACTION MAILED
 Nov. 25, 1981 ASSIGNED TO EXAMINER

Maintenance Filings or Post Registration Information

Affidavit of Continued Use:

Section 8 - Accepted

Affidavit of Incontestability:

Section 15 - Accepted

Renewal Date:

Jan. 24, 2014

Change in Registration:

Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Dec. 16, 2013

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91187917](#)

Filing Date:

Dec 08, 2008

Status: Terminated

Status Date:

Aug 13, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name:

Super Bakery, Incorporated

Correspondent Address:

DAVID G. OBERDICK

MEYERr, UNKOVIC & SCOTT
 535 SMITHFIELD STREET, SUITE 1300
 PITTSBURGH PA , 15222
 UNITED STATES

Correspondent e-mail:

dgo@muslaw.com , tma@muslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRISHADE	Registered	77382991	3951175

Plaintiff(s)

Name:

University of Notre Dame du Lac

Correspondent Address:

ALICIA GRAHN JONES
 KILPATRICK STOCKTON LLP
 1100 PEACHTREE STREET, SUITE 2800
 ATLANTA GA , 30309
 UNITED STATES

Correspondent e-mail:

tmadmin@kilpatrickstockton.com , ajones@kilpatrickstockton.com , lkemp@kilpatrickstockton.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FIGHTIN' IRISH	Renewed	73306157	1264894
LADY IRISH	Section 8 and 15 - Accepted and Acknowledged	77616595	3631309

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 08, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2008	Jan 17, 2009
3	PENDING, INSTITUTED	Dec 08, 2008	
4	ANSWER	Jan 21, 2009	
5	P'S MOTION FOR SUMMARY JUDGMENT	Oct 13, 2009	
6	P'S MOTION FOR SUMMARY JUDGMENT(PART 2 OF 2)	Oct 13, 2009	
7	P'S MOTION FOR SUMMARY JUDGMENT	Oct 13, 2009	
8	EXHIBIT G TO DECLARATION OF LAUREN SULLINS RALLS	Oct 13, 2009	
9	DELETE ENTRY	Oct 22, 2009	
10	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Oct 22, 2009	
11	STIPULATION FOR AN EXTENSION OF TIME	Nov 11, 2009	
12	D'S OPPOSITION/RESPONSE TO MOTION	Nov 18, 2009	
13	DECL OF PRITCHARD IN SUPPORT OF D'S OPPOSITION TO SJ	Nov 18, 2009	
14	Other Motions/Papers	Dec 08, 2009	
15	P'S REPLY IN SUPPORT OF MOTION	Dec 08, 2009	
16	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 14, 2009	
17	SUSPENDED	Dec 15, 2009	
18	CHANGE OF CORRESPONDENCE ADDRESS	Feb 01, 2010	
19	RESPONSE DUE APRIL 2, 2010	Mar 29, 2010	
20	SUSPENDED	Apr 09, 2010	
21	Confidential P's Summary Judgment	Apr 16, 2010	
22	P'S MOTION FOR SUMMARY JUDGMENT	Apr 16, 2010	
23	D'S OPP/RESP TO SUMMARY JUDGMENT	Apr 30, 2010	
24	P'S REPLY IN SUPPORT OF MOTION	May 18, 2010	
25	P'S REPLY, FILED UNDER SEAL	May 18, 2010	
26	PAPER RECEIVED AT TTAB	Jun 09, 2010	
27	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Jun 14, 2010	
28	WITHDRAWAL OF OPPOSITION	Jul 27, 2010	
29	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010	
30	TERMINATED	Aug 13, 2010	

State of Indiana
Office of the Secretary of State
CERTIFICATE OF TRADEMARK REGISTRATION

I, Connie Lawson, Secretary of State of Indiana, hereby certify that in accordance with the application filed in this office on behalf of the following:

UNIVERSITY OF NOTRE DAME, DU LAC Corporation
UNIVERSITY OF NOTRE DAME
NOTRE DAME, IN 46556

The TRADEMARK described below has been duly registered in this office pursuant to Indiana Code 24-2-1-1 et seq.

GO IRISH

This mark is used in connection with the following: **CLOTHING**

DISCLAIMER:

Class of Merchandise: **39**

Date of Registration: **11/12/1992**

Date of first use in the United States: **12/31/1991**

FILE No.: **5010-1604**

Date of Expiration: **11/09/2017**

Date of first use in Indiana: **12/31/1991**



In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, on December 21, 2015

Connie Lawson

Connie Lawson Secretary of State