

ESTTA Tracking number: **ESTTA719312**

Filing date: **01/08/2016**

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	Kansas City Royals Baseball Corporation
Granted to Date of previous extension	01/10/2016
Address	Harry S. Truman Sports Complex 1 Royal Way Kansas City, MO 64129 UNITED STATES

Attorney information	Erika S. Krystian Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES esk@cll.com, mlk@cll.com, tay@cll.com, njh@cll.com, trademark@cll.com Phone:(212) 790-9200
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**Applicant Information**

Application No	86544258	Publication date	07/14/2015
Opposition Filing Date	01/08/2016	Opposition Period Ends	01/10/2016
Applicant	The Cartoon Network, Inc. c/o Turner Broadcasting System, Inc. Atlanta, GA 30303 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Paper party decorations; children's and young adult books, comic books; stationery, writing implements; stickers, posters and calendars
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**Applicant Information**

Application No	86544267	Publication date	07/14/2015
Opposition Filing Date	01/08/2016	Opposition Period Ends	
Applicant	The Cartoon Network, Inc. c/o Turner Broadcasting System, Inc. Atlanta, GA 30303 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 018. First Use: 0 First Use In Commerce: 0
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All goods and services in the class are opposed, namely: Luggage, luggage tags; all-purpose carrying bags; backpacks, fanny packs, handbags; coin cases, wallets; umbrellas

### Applicant Information

Application No	86544273	Publication date	07/14/2015
Opposition Filing Date	01/08/2016	Opposition Period Ends	
Applicant	The Cartoon Network, Inc. c/o Turner Broadcasting System, Inc. Atlanta, GA 30303 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: Clothing, namely, shirts, pants, shorts, hats, footwear and Halloween costumes

### Applicant Information

Application No	86544271	Publication date	07/14/2015
Opposition Filing Date	01/08/2016	Opposition Period Ends	
Applicant	The Cartoon Network, Inc. c/o Turner Broadcasting System, Inc. Atlanta, GA 30303 UNITED STATES		

### Goods/Services Affected by Opposition

Class 028. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Toys, sporting goods, games and playthings, namely, toy figures and accessories therefor, plush toys, board games, jigsaw puzzles, balloons, card games; electronic handheld game units; balls for games; protective pads for athletic use, namely, elbow pads and knee pads; skateboards and flying discs

### Grounds for Opposition

Other	See attached pleading.
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Attachments	Letter to Commissioner re Consolidated Notice of Opposition against LONG LIVE THE ROYALS.pdf(74436 bytes ) Consolidated Notice of Opposition - LONG LIVE THE ROYALS.pdf(151909 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	/Erika S. Krystian/
Name	Erika S. Krystian
Date	01/08/2016





Cowan, Liebowitz & Latman, P.C.  
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New York, NY 10036

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January 8, 2016

**By Electronic Filing**

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

Re: Kansas City Royals Baseball Corporation  
Notice of Opposition Against  
The Cartoon Network, Inc.  
Applications to register LONG LIVE THE ROYALS  
Ref. No. 21307.030

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Numbers 86/544,258; 86/544,267; 86/544,273; and 86/544,271, published in the Official Gazette on July 14, 2015. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$1,200 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,

/Erika S. Krystian/  
Erika S. Krystian

Enclosures

cc: Ms. Diane Kovach (w/encs.)  
Mary L. Kevlin, Esq. (w/encs.)

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

In re Application Serial Nos. 86/544,258; 86/544,267; 86/544,273; and 86/544,271  
Filed: February 24, 2015  
For Mark: LONG LIVE THE ROYALS  
Published in the Official Gazette: July 14, 2015

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KANSAS CITY ROYALS BASEBALL	:	
CORPORATION,	:	Opposition No.
	:	
Opposer,	:	<b><u>CONSOLIDATED NOTICE OF</u></b>
	:	<b><u>OPPOSITION</u></b>
v.	:	
	:	
THE CARTOON NETWORK, INC.,	:	
	:	
Applicant.	:	
	:	
-----X		

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

Opposer Kansas City Royals Baseball Corporation (“Opposer”), a Missouri corporation with offices at 1 Royal Way, Kansas City, Missouri 64129, believes that it will be damaged by registration of the mark LONG LIVE THE ROYALS (“Applicant’s Mark”) by The Cartoon Network, Inc. (“Applicant”) for “Paper party decorations; children's and young adult books, comic books; stationery, writing implements; stickers, posters and calendars” in International Class 16, as shown in Application Serial No. 86/544,258; for “Luggage, luggage tags; all-purpose carrying bags; backpacks, fanny packs, handbags; coin cases, wallets; umbrellas” in International Class 18, as shown in Application Serial No. 86/544,267; for “Clothing, namely, shirts, pants, shorts, hats, footwear and Halloween costumes” in International Class 25, as shown in Application Serial No. 86/544,273; and for “Toys, sporting goods, games and playthings,

namely, toy figures and accessories therefor, plush toys, board games, jigsaw puzzles, balloons, card games; electronic handheld game units; balls for games; protective pads for athletic use, namely, elbow pads and knee pads; skateboards and flying discs” in International Class 28, as shown in Application Serial No. 86/544,271 (collectively, the “Applications”), and having been granted extensions of time to oppose the Applications up to and including January 10, 2016, Opposer hereby opposes the Applications.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned KANSAS CITY ROYALS MAJOR LEAGUE BASEBALL club.
2. Since long prior to February 24, 2015, Applicant’s constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names or marks ROYAL or ROYALS and/or various crown designs, alone or with other word, letter and/or design elements, including, without limitation, in the following distinctive



baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, paper goods and printed matter, including, without limitation, stickers, bumper stickers, paper weights, pens, pencils, pads, letter openers, note paper, calendars, trading cards, playing cards, postcards, posters, and decals; luggage, luggage tags, bags, backpacks, handbags, and

wallets; apparel, including, without limitation, shirts, pants, hats, footwear, shorts, jackets, jerseys, and sweatshirts; sporting goods and toys, including, without limitation, toy figures, dolls and doll accessories, stuffed toys, plush toys, board games, card games, baseballs, golf balls, billiard balls, costume masks, Christmas tree ornaments; jewelry; and novelty items.

3. Opposer owns United States Federal registrations for Opposer's ROYALS Marks in International Classes 6, 14, 16, 20, 21, 24, 25, 26, 28, 30, 34 and 41 and U.S. Class 200, namely, Registration Nos. 940,214; 1,034,779; 1,505,238; 1,522,388; 1,522,533; 1,538,005; 1,552,486; 1,607,457; 1,774,283; 2,623,374; 3,363,256 and 3,370,316 and Application Serial Nos. 86/603,968 and 86/603,974.

4. Since long prior to February 24, 2015, Applicant's constructive first use date, Opposer and 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 ROYALS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, paper goods and printed matter, including, without limitation, stickers, bumper stickers, paper weights, pens, pencils, pads, letter openers, note paper, calendars, trading cards, playing cards, postcards, posters, and decals; luggage, luggage tags, bags, backpacks, handbags, and wallets; apparel, including, without limitation, shirts, pants, hats, footwear, shorts, jackets, jerseys, and sweatshirts; sporting goods and toys, including, without limitation, toy figures, dolls and doll accessories, stuffed toys, plush toys, board games, card games, baseballs, golf balls, billiard balls, costume masks, Christmas tree ornaments; jewelry; 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 ROYALS Marks, Opposer has built up highly valuable goodwill in Opposer's ROYALS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On February 24, 2015, Applicant filed the Applications to register Applicant's Mark for "Paper party decorations; children's and young adult books, comic books; stationery, writing implements; stickers, posters and calendars" in International Class 16, for "Luggage, luggage tags; all-purpose carrying bags; backpacks, fanny packs, handbags; coin cases, wallets; umbrellas" in International Class 18, for "Clothing, namely, shirts, pants, shorts, hats, footwear and Halloween costumes" in International Class 25, and for "Toys, sporting goods, games and playthings, namely, toy figures and accessories therefor, plush toys, board games, jigsaw puzzles, balloons, card games; electronic handheld game units; balls for games; protective pads for athletic use, namely, elbow pads and knee pads; skateboards and flying discs" in International Class 28, all based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark in commerce for the goods covered by the Applications prior to February 24, 2015, Applicant's constructive first use date.

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

9. The word ROYALS in Applicant's Mark is identical to certain of Opposer's ROYALS Marks.

10. Opposer is well known simply as "THE ROYALS."

11. The words THE ROYALS in Applicant's Mark are identical to the name of THE ROYALS club.

12. The mark LONG LIVE THE ROYALS could be perceived as a rallying phrase for Opposer's baseball club.

13. Certain of Opposer's ROYALS Marks contain a crown design as shown below:



14. Certain of Opposer's ROYALS Marks appear in a script stylization as shown below:



15. Upon information and belief, Applicant is using Applicant's Mark in a script stylization and with a crown design as shown below:



16. As Applicant has filed for Applicant's Mark as a standard character mark, registration of such mark effectively could give Applicant rights to use Applicant's Mark in any stylization, including the stylizations of Opposer's ROYALS Marks, including, without

limitation, Opposer's distinctive script stylization shown here:  , which have been duly registered and/or have priority of use over Applicant's Mark, or in stylizations confusingly similar thereto.

17. Applicant's Mark, which contains the identical term THE ROYALS and which, as a standard character mark could encompass any stylization, including the stylizations of Opposer's ROYALS Marks or stylizations confusingly similar thereto, so resembles Opposer's ROYALS Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by allowing the registration of Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the consolidated opposition be sustained and said registrations be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Erika S. Krystian (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  
January 8, 2016

Respectfully submitted,

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

By: /Erika S. Krystian/

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 8, 2016, I caused a true and correct copy of the foregoing Consolidated Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, Jeanene L. Jobst, Esq., Trademark Group Of Tbs Inc Legal Dept, c/o Turner Broadcasting System, Inc., 1 Cnn Ctr NW, Atlanta, GA 30303-2762.

/Erika S. Krystian/  
Erika S. Krystian