

ESTTA Tracking number: **ESTTA728267**

Filing date: **02/19/2016**

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	Minnesota Twins, LLC
Granted to Date of previous extension	02/21/2016
Address	Target Field, 1 Twins Way Minneapolis, MN 55403 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, szl@cll.com, njh@cll.com, trademark@cll.com Phone:(212) 790-9200
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Applicant Information

Application No	86395227	Publication date	08/25/2015
Opposition Filing Date	02/19/2016	Opposition Period Ends	02/21/2016
Applicant	Dalton Jr, Ronald 5491 Nardo Ct West Bloomfield, MI 48324 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: Coats; Hats; Hooded sweatshirts; Pants; Short-sleeved or long-sleeved t-shirts; Socks; Sweatshirts; T-shirts

Grounds for Opposition

Other	See attached pleading.
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Attachments	Letter to Commissioner re Notice of Opposition - DREAMS COME TRUE APPAREL DCT and Design.pdf(74389 bytes) Notice of Opposition - DREAMS COME TRUE APPAREL DCT and Design.pdf(35026 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	02/19/2016



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February 19, 2016

By Electronic Filing

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

Re: Minnesota Twins, LLC
Notice of Opposition Against
Ronald Dalton Jr
Application to register DREAMS COME TRUE APPAREL DCT
and Design
Ref. No. 21307.032

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/395,227 published in the Official Gazette on August 25, 2015. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Erika S. Krystian/
Erika S. Krystian

Enclosures

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

1. Opposer is the owner of the renowned MINNESOTA TWINS MAJOR LEAGUE BASEBALL club.

2. Since long prior to September 15, 2014, Applicant's constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used marks comprising or containing the interlocking letters T and C, alone or with other word, letter and/or design elements, in distinctive stylizations, including, without limitation, the



following: (collectively, "Opposer's Interlocking TC Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, jackets, hats, caps, visors, headbands, sweatshirts, sweaters, pants, shorts, shirts, T-shirts, tank tops, turtlenecks, pullovers, sweatpants, underwear, sleepwear, and footwear; paper goods and printed matter; toys and sporting goods; and novelty items.

3. Opposer owns United States federal registrations for Opposer's Interlocking TC Marks in International Classes 9, 16, 18, 20, 25 and 28; namely, Registration Nos. 1,210,584; 1,535,265; 3,320,098; 3,353,469; 3,386,340; and 3,399,541, all of which are incontestable.

4. Since long prior to September 15, 2014, 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 Interlocking TC Marks, including, but not limited to, jackets, hats, caps, visors, headbands, sweatshirts, sweaters, pants, shorts, shirts, T-shirts, tank tops, turtlenecks, pullovers, sweatpants, underwear, sleepwear, and footwear; paper goods and printed

matter; toys and sporting goods; 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 Interlocking TC Marks, Opposer has built up highly valuable goodwill in Opposer’s Interlocking TC Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On September 15, 2014, Applicant filed the Application for Applicant’s Mark for for “Coats; Hats; Hooded sweatshirts; Pants; Short-sleeved or long-sleeved t-shirts; Socks; Sweatshirts; T-shirts” in International Class 25, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered in the Application in United States commerce prior to his constructive first use date of September 15, 2014.

8. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer’s Interlocking TC Marks.

9. Applicant’s Mark closely resembles certain of Opposer’s Interlocking TC Marks, including, without limitation, the mark shown below:

Applicant’s Mark	One of Opposer’s Interlocking TC Marks
	

10. Opposer's Interlocking TC Marks feature a larger letter "T" with flared edges vertically intersecting a smaller letter "C" with a pointed left edge.

11. Similarly, Applicant's Mark prominently features a larger letter "T" with flared edges vertically intersecting a smaller letter "C" with a pointed left edge.

12. Applicant's Mark so resembles Opposer's Interlocking TC 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 the granting to Applicant of a certificate of registration for Applicant's Mark.

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

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel, and 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
February 19, 2016

Respectfully submitted,

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 19, 2016, I caused a true and correct copy of the foregoing *Notice of Opposition* to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, Arnold S. Weintraub, Esq., The Weintraub Group, P.L.C., 24901 Northwestern Highway, Suite 311, Southfield, Michigan 48075.

/Erika S. Krystian/
Erika S. Krystian