

ESTTA Tracking number: **ESTTA738860**

Filing date: **04/08/2016**

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	Angels Baseball LP
Granted to Date of previous extension	04/10/2016
Address	2000 Gene Autry Way Anaheim, CA 92806 UNITED STATES
Attorney information	Timothy J. Buckley/Mary L. Kevlin Cowan, Liebowitz & Latman, P.C. 114 West 47th St. New York, NY 10036 UNITED STATES tjb@cll.com, mlk@cll.com, szl@cll.com, njh@cll.com, trademark@cll.com

### Applicant Information

Application No	86618375	Publication date	10/13/2015
Opposition Filing Date	04/08/2016	Opposition Period Ends	04/10/2016
Applicant	Carriere, James A 7 cottage street Port Chester, NY 10573 UNITED STATES		

### Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Beer, ale, lager, stout, porter, shandy

### Grounds for Opposition

Other	Please see attached pleading.
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Attachments	NOO Cover Letter - ANGELS ALE.pdf(124162 bytes ) NOO - ANGELS ALE.pdf(110098 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	/Timothy J. Buckley/
Name	Timothy J. Buckley
Date	04/08/2016



Cowan, Liebowitz & Latman, P.C.  
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New York, NY 10036  
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(212) 575-0671 Fax  
www.cll.com

April 8, 2016

**By Electronic Filing**

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

Re: Angels Baseball LP  
Notice of Opposition Against  
James A. Carriere  
Application to register ANGELS ALE  
Ref. No. 21307-024

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/618,375 published in the Official Gazette on October 13, 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,

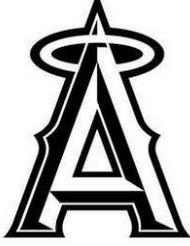
/Timothy J. Buckley/  
Timothy J. Buckley

Enclosures

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



2. Since long prior to May 4, 2015, Applicant's constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark ANGELS or ANGEL, alone or with other word, letter and/or design elements ("Opposer's ANGELS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, beer; beer glasses and other beverage ware; food and beverage concessions; clothing; jewelry; paper goods and printed matter; and toys and sporting goods. Additionally, since prior to May 4, 2015, Opposer and its

sponsors have used and promoted Opposer's stylized A mark shown here  in connection with beer.

3. Opposer owns U.S. federal registrations for Opposer's ANGELS Marks in International Classes 9, 14, 16, 18, 25, 28 and 41, namely, Registrations Nos. 1,485,613, 1,646,800, 1,881,515, 2,482,497, 2,581,357, 2,594,105, 2,597,466, 2,606,782, 2,611,737, 2,667,909, 2,668,048, 2,879,939, 3,211,693, 3,326,194, 3,326,197, 3,353,457, 3,403,355, 3,406,606, 3,410,418, 3,474,157, 3,486,603, 3,506,593, 3,659,451, 3,659,452, 3,659,453, 3,659,454 and 3,662,058. Registration Nos. 1,485,613, 1,646,800, 1,881,515, 2,606,782, 2,667,909, 2,668,048, 2,879,939, 3,211,693, 3,326,194, 3,326,197, 3,353,457, 3,403,355, 3,406,606, 3,410,418, 3,474,157, 3,486,603, 3,506,593, 3,659,451, 3,659,452, 3,659,453, 3,659,454 and 3,662,058 are incontestable.

4. Since long prior to May 4, 2015, Applicant's constructive first use date, Opposer, 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 ANGELS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, beer; beer glasses and other beverage ware; food and beverage concessions; clothing; jewelry; paper goods and printed matter; and toys and sporting goods, 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 ANGELS Marks, Opposer has built up highly valuable goodwill in Opposer's ANGELS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On May 4, 2015, Applicant filed the Application for Applicant's Mark for "Beer, ale, lager, stout, porter, shandy" in International Class 32, 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 May 4, 2015.

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 ANGELS Marks.

9. Applicant's Mark consists of the word "ANGELS" and the disclaimed word "ALE." The ANGELS portion of Applicant's Mark is identical to Opposer's ANGELS Marks, and the term "ALE" is descriptive of Applicant's intended products and of goods in connection with which Opposer's marks are used.

10. Applicant's Mark so resembles Opposer's ANGELS 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 a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by the 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 Timothy J. Buckley (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47<sup>th</sup> Street, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York  
April 8, 2016

Respectfully submitted,

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

By: /Timothy J. Buckley /

Mary L. Kevlin  
Richard S. Mandel  
Timothy J. Buckley  
147 West 47<sup>th</sup> Street  
New York, New York 10036  
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 8, 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 and Correspondent of Record James A. Carriere, 7 Cottage St., Port Chester, New York 10573-5104 with a courtesy copy by email to Debra Franco at [debra.lofranco@icloud.com](mailto:debra.lofranco@icloud.com).

/Timothy J. Buckley /  
Timothy J. Buckley