

ESTTA Tracking number: **ESTTA739080**

Filing date: **04/11/2016**

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	New York Yankees Partnership
Granted to Date of previous extension	04/10/2016
Address	Executive Offices, Yankee Stadium One East 161st Street Bronx, NY 10451 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
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Applicant Information

Application No	86639098	Publication date	10/13/2015
Opposition Filing Date	04/11/2016	Opposition Period Ends	04/10/2016
Applicant	Magnum America Group LLC 45 W 36th Street 4th Floor New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Watches not relating to sports or a sports team, league, mascot or stadium

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	NOO Cover Letter - YANKEE STREET.pdf(124258 bytes) YANKEE STREET (Magnum America Group LLC) - NOO.pdf(98173 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	04/11/2016



Cowan, Liebowitz & Latman, P.C.
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April 11, 2016

By Electronic Filing

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

Re: New York Yankees Partnership
Notice of Opposition Against
Magnum America Group LLC
Application to register YANKEE STREET
Ref. No. 21307-033

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/639,098 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.)

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

In re Application Serial No. 86/639,098
Filed: May 22, 2015
For Mark: YANKEE STREET
Published in the Official Gazette: October 13, 2015

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NEW YORK YANKEES PARTNERSHIP,	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
MAGNUM AMERICA GROUP LLC,	:	<u>NOTICE OF OPPOSITION</u>
Applicant.	:	
	:	
-----X	:	

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

Opposer, New York Yankees Partnership (“Opposer”), an Ohio limited partnership, with offices at Executive Offices, Yankee Stadium, One East 161st Street, Bronx, New York 10451, believes that it will be damaged by registration of the standard character word mark YANKEE STREET (“Applicant's Mark”) in International Class 14 for “Watches not relating to sports or a sports team, league, mascot or stadium” as shown in Application Serial No. 86/639,098 (the “Application”), and having been granted extensions of time to oppose up to and including April 10, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned NEW YORK YANKEES MAJOR LEAGUE BASEBALL club.

2. Since long prior to May 22, 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 YANKEE and/or YANKEES, alone or with other word, letter and/or design elements (collectively, "Opposer's YANKEES Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, jewelry, namely, watches, bracelets, charms, earrings, rings, belly rings, necklaces, pendants, costume jewelry, rubber or silicone bracelets and/or wristbands, medallions, ornamental metal pins, lapel pins, cuff links, metal belt buckles of precious metal, money clips of precious metal, key chains and key rings of precious metal; clocks; wall clocks; alarm clocks; apparel; paper goods and printed matter; toys and sporting goods; and novelty items.

3. Opposer owns U.S. federal registrations and applications for Opposer's YANKEES Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 26, 28, 30, 34, 36 and 41; namely, Registration Nos. 1,032,767, 1,073,346, 1,161,865, 1,542,501, 1,550,798, 1,671,731, 2,575,644, 2,843,353, 2,858,237, 2,866,959, 2,867,047, 2,867,048, 2,886,760, 2,889,384, 2,940,306, 2,970,918, 2,994,114, 3,022,847, 3,022,848, 3,191,653, 3,320,068, 3,320,069, 3,320,070, 3,326,223, 3,326,224, 3,326,225, 3,331,059, 3,345,306, 3,718,515, 4,102,184, 4,189,215 and 4,210,824 for said trademarks and service marks. Registration Nos. 1,032,767, 1,073,346, 1,161,865, 1,542,501, 1,550,798, 1,671,731, 2,575,644, 2,843,353, 2,858,237, 2,867,047, 2,867,048, 2,886,760, 2,940,306, 2,970,918, 2,994,114, 3,022,847, 3,022,848, 3,191,653, 3,320,068, 3,320,069, 3,320,070, 3,326,223, 3,326,224, 3,326,225, 3,331,059 and 3,345,306 are incontestable.

4. Since long prior to May 22, 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 YANKEES Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, jewelry, namely, watches, bracelets, charms, earrings, rings, belly rings, necklaces, pendants, costume jewelry, rubber or silicone bracelets and/or wristbands, medallions, ornamental metal pins, lapel pins, cuff links, metal belt buckles of precious metal, money clips of precious metal, key chains and key rings of precious metal; clocks; wall clocks; alarm clocks; apparel; 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 YANKEES Marks, Opposer has built up highly valuable goodwill in Opposer's YANKEES Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On May 22, 2015, Applicant filed the Application for Applicant's Mark for "Watches not relating to sports or a sports team, league, mascot or stadium" in International Class 14, 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 its constructive first use date of May 22, 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 YANKEES Marks.

9. The YANKEE portion of Applicant's Mark is identical to Opposer's YANKEES Marks.

10. Applicant's Mark so resembles Opposer's YANKEES 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 Timothy J. Buckley (members of the bar of the State of New York) and the firm Cowan, Liebowitz and Latman, P.C., 114 West 47th 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 11, 2016

Respectfully submitted,

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

By: /Timothy J. Buckley/
Mary L. Kevlin
Richard S. Mandel
Timothy J. Buckley
114 West 47th Street
New York, New York 10036
(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 11, 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, Perla M. Kuhn, Esq., Fox Rothschild LLP, 997 Lenox Dr., Bldg. 3, Lawrence Township, New Jersey 08648-2317.

/Timothy J. Buckley/

Timothy J. Buckley