

ESTTA Tracking number: **ESTTA740378**

Filing date: **04/15/2016**

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	Chicago Cubs Baseball Club, LLC
Granted to Date of previous extension	04/17/2016
Address	1060 West Addison Street Chicago, IL 60613 UNITED STATES
Attorney information	Lindsay M. Rodman Cowan, Liebowitz and Latman, P.C. 114 West 47th Street New York, NY 10036 UNITED STATES trademark@cll.com, kam@cll.com, njh@cll.com, szl@cll.com, lmr@cll.com

Applicant Information

Application No	86650949	Publication date	10/20/2015
Opposition Filing Date	04/15/2016	Opposition Period Ends	04/17/2016
Applicant	Big Boy Skateboards, Inc. 709 E Cedar Street Ontario, CA 91761 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: Athletic protective elbow pads for skateboarding; Athletic protective knee pads for skateboarding; Bags for skateboards; In-line roller skates; In-line skates; Longboard skateboards; Protective padding for skateboarding; Roller skates; Roller-skates; Skateboarding gloves; Skateboards; Skating boots with skates attached

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	C SEVEN - Letter to Commissioner.pdf(139160 bytes) C SEVEN NOO.pdf(296041 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	/Lindsay Rodman/
Name	Lindsay M. Rodman
Date	04/15/2016



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April 15, 2016

By Electronic Filing

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

Re: Chicago Cubs Baseball Club, LLC
Notice of Opposition Against
Big Boy Skateboards, Inc.
Application to register C SEVEN and Design
Ref. No. 21307.011

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/650,949 published in the Official Gazette on October 20, 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,

/Lindsay M. Rodman/
Lindsay M. Rodman

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 No. 86/650,949
Filed: June 3, 2015
For Mark: C SEVEN and Design
Published in the Official Gazette: October 20, 2015

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CHICAGO CUBS BASEBALL CLUB, LLC,

Opposer,

v.

BIG BOY SKATEBOARDS, INC.,

Applicant.
-----X

NOTICE OF OPPOSITION
Opposition No.

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

Opposer, Chicago Cubs Baseball Club, LLC (“Opposer”), a limited liability company, with offices at 1060 West Addison Street, Chicago, IL 60613, believes that it will be damaged by



registration of the mark C SEVEN and Design shown here: (“Applicant’s Mark”) for “Athletic protective elbow pads for skateboarding; Athletic protective knee pads for skateboarding; Bags for skateboards; In-line roller skates; In-line skates; Longboard skateboards; Protective padding for skateboarding; Roller skates; Roller-skates; Skateboarding gloves; Skateboards; Skating boots with skates attached” in International Class 28 as shown in

Application Serial No. 86/650,949 (the “Application”), and having been granted extensions of time to oppose up to and including April 17, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned CHICAGO CUBS MAJOR LEAGUE BASEBALL club.

2. Since long prior to June 3, 2015, Applicant’s constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the mark “C,” alone or with other word, letter and/or design elements, including, without limitation, in the following distinctive stylizations with a square-edged stylized C, sometimes with words or designs protruding from the C as shown here:



(collectively, “Opposer’s C Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, toys and sporting goods, including, without limitation, helmets, golf balls, billiard accessories, dart boards and dart board accessories, playground balls, yo-yo’s and board games; bags; apparel; jewelry; paper goods and printed matter; and novelty items.

3. Opposer owns U.S. federal registrations for Opposer's C Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 30, 34, 36 and 41, namely, Registration Nos. 869,838; 1,042,652; 1,183,876; 1,297, 664; 1,536,262; 1,538,033; 1,538,193; 1,612,016; 1,916,572; 2,506,407; 2,667,880; 3,231,135; 3,320,037; 3,320,038; 3,320,039; 3,320,040; 3,326,192; 3,395,907; 3,403,043; 3,403,046; 3,545,454; and 3,854,382. Registration Nos. 869,838; 1,042,652; 1,183,876; 1,297, 664; 1,536,262; 1,538,033; 1,538,193; 1,612,016; 2,506,407; 2,667,880; 3,231,135; 3,320,037; 3,320,038; 3,320,039; 3,320,040; 3,326,192; 3,395,907; 3,403,043; 3,403,046 and 3,545,454 are incontestable. Registration No. 1,916,572 is partially incontestable.

4. Since long prior to June 3, 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 C Marks, including, but not limited to, toys and sporting goods, including, without limitation, helmets, golf balls, billiard accessories, dart boards and dart board accessories, playground balls, yo-yo's and board games; bags; apparel; jewelry; paper goods and printed matter; and novelty items and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales, distribution and promotion of its goods and services bearing or offered in connection with Opposer's C Marks, Opposer has built up highly valuable goodwill in Opposer's C Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On June 3, 2015, Applicant filed the Application, based on an intent to use, to register Applicant's Mark for "Athletic protective elbow pads for skateboarding; Athletic

protective knee pads for skateboarding; Bags for skateboards; In-line roller skates; In-line skates; Longboard skateboards; Protective padding for skateboarding; Roller skates; Roller-skates; Skateboarding gloves; Skateboards; Skating boots with skates attached” in International Class 28.

7. Upon information and belief, Applicant did not use Applicant’s Mark in United States commerce in connection with the goods covered by the Application prior to its constructive first use date of June 3, 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 C Marks.

9. The “C” element in Applicant’s Mark is identical or virtually identical to certain of Opposer’s C Marks, as shown below:

Applicant’s Mark



Some of Opposer’s C Marks



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 15, 2016, I caused a true and complete copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, Aaron Yen, Esq., 353 E. Bonneville Ave., Unit 217, Las Vegas, Nevada 89101-6626.

Dated: New York, New York

April 15, 2016

/Lindsay Rodman/

Lindsay M. Rodman