

ESTTA Tracking number: **ESTTA757747**

Filing date: **07/12/2016**

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	Office of the Commissioner of Baseball
Granted to Date of previous extension	07/13/2016
Address	245 Park Avenue New York, NY 10167 UNITED STATES
Attorney information	Krystil McDowall Cowan, Liebowitz & Latman, P.C. 114 West 47th Street New York, NY 10036 UNITED STATES kam@cjl.com, mlk@cjl.com, szl@cjl.com, trademark@cjl.com

Applicant Information

Application No	86657033	Publication date	03/15/2016
Opposition Filing Date	07/12/2016	Opposition Period Ends	07/13/2016
Applicant	Pro Prospect Winter Leagues LLC 407 Scottsdale Rd. Pleasant Hill, CA 94523 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2015/05/26 First Use In Commerce: 2015/05/27 All goods and services in the class are opposed, namely: Organization of baseball games; Entertainment services in the nature of baseball leagues

Grounds for Opposition

Other	See attached pleading
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Attachments	Letter to Commissioner - ARIZONA WINTER LEAGUE NOO.pdf(91693 bytes) Notice of Opposition - ARIZONA WINTER LEAGUE.pdf(117867 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	/Krystil McDowall/
Name	Krystil McDowall
Date	07/12/2016



Cowan, Liebowitz & Latman, P.C.
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Krystil McDowall
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July 12, 2016

By Electronic Filing

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

Re: Major League Baseball Properties, Inc.
Notice of Opposition Against
Pro Prospect Winter Leagues LLC
Application to register
ARIZONA WINTER LEAGUE & Design
Ref. No. 21307.000

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/657,033, published in the Official Gazette on March 15, 2016. 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,

/Krystil McDowall/
Krystil McDowall

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. 86/657,033

Filed: June 9, 2015

For Mark: ARIZONA WINTER LEAGUE and Design

Published in the Official Gazette: March 15, 2016

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OFFICE OF THE COMMISSIONER OF	:	
BASEBALL,	:	Opposition No.
	:	
Opposer,	:	
	:	
v.	:	<u>NOTICE OF OPPOSITION</u>
	:	
PRO PROSPECT WINTER LEAGUES LLC,	:	
	:	
Applicant.	:	
-----X		

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

Opposer, Office of the Commissioner of Baseball (“Opposer”), a New York
unincorporated association with offices at 245 Park Avenue, New York, New York 10167,
believes that it will be damaged by registration of the mark ARIZONA WINTER LEAGUE and



Design shown here

(“Applicant’s Mark”) by Pro Prospect

Winter Leagues LLC (“Applicant”) for “Organization of baseball games; Entertainment
services in the nature of baseball leagues” in International Class 41, Application Serial

No. 86/657,033 (the “Application”), and having been granted extensions of time to oppose the Application up to and including July 13, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Since long prior to May 26, 2015, Applicant’s claimed first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors, have used various marks that comprise or contain the terms ARIZONA FALL LEAGUE, alone or with other word, letter and/or design elements (collectively, “Opposer’s ARIZONA FALL LEAGUE Marks”) on or in connection with organizing and presenting baseball games and exhibition services, baseball league services, and a variety of goods, including, but not limited to, apparel and paper goods and printed matter.

2. Opposer owns United States incontestable federal registrations for Opposer’s ARIZONA FALL LEAGUE Marks in International Classes 16 and 41, namely Registration Nos. 1,834,210 and 1,858,917.

3. Since long prior to May 26, 2015, Applicant’s constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors, have extensively promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer’s ARIZONA FALL LEAGUE Marks, including, but not limited to, organizing and presenting baseball games and exhibition services, baseball league services, and a variety of goods, including, but not limited to, apparel and paper goods and printed matter, and have sold or distributed such goods and rendered such services in commerce.

4. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with Opposer’s ARIZONA FALL LEAGUE Marks, Opposer has built

up highly valuable goodwill in Opposer's ARIZONA FALL LEAGUE Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

5. On June 9, 2015, Applicant filed the Application to register Applicant's Mark for "Organization of baseball games; Entertainment services in the nature of baseball leagues" in International Class 41, claiming a first use date of May 26, 2015.

6. Upon information and belief, Applicant did not use Applicant's Mark in commerce in connection with the services covered by the Application prior to May 26, 2015, Applicant's claimed first use date.

7. The services covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's ARIZONA FALL LEAGUE Marks.

8. The terms ARIZONA WINTER LEAGUE in Applicant's Mark are confusingly similar to Opposer's ARIZONA FALL LEAGUE Marks, as both marks consist of the identical words "ARIZONA" and "LEAGUE" with the name of a season in the middle.

9. Applicant's Mark, so resembles Opposer's ARIZONA FALL LEAGUE Marks as to be likely when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer.

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 Mandel and Krystil McDowall (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036-1525.

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

Dated: New York, New York
July 12, 2016

Respectfully submitted,

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

By: /Krystil McDowall /
Mary L. Kevlin
Richard Mandel
Krystil McDowall
114 West 47th Street
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(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 12, 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 Pro Prospect Winter Leagues LLC, 407 Scottsdale Rd. Pleasant Hill, California 94523-5112,

Attn: Stephen Bedford.

Dated: New York, New York
July 12, 2016

/Krystil McDowall /
Krystil McDowall