

ESTTA Tracking number: **ESTTA765670**

Filing date: **08/19/2016**

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	08/21/2016
Address	Target Field, 1 Twins Way Minneapolis, MN 55403 UNITED STATES
Attorney information	Mary L. Kevlin/Timothy J. Buckley Cowan, Liebowitz & Latman, P.C. 114 West 47th St. New York, NY 10036 UNITED STATES tjb@cll.com, mlk@cll.com, tay@cll.com, njh@cll.com, trademark@cll.com

Applicant Information

Application No	79167885	Publication date	02/23/2016
Opposition Filing Date	08/19/2016	Opposition Period Ends	08/21/2016
International Registration No.	1173775	International Registration Date	06/21/2013
Applicant	GrandVision Group Holding B.V. Tower G-5 NL-1118 BG SCHIPHOL, NETHERLANDS		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Contact lenses; containers and cases for contact lenses; spectacles; spectacle frames; spectacle glasses; spectacle lenses; spectacle cases; containers for spectacles; spectacle chains; sports glasses; sunglasses

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1535214	Application Date	08/08/1988
Registration Date	04/18/1989	Foreign Priority Date	NONE

Word Mark	TWINS
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 014. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 WATCHES, CLOCKS AND JEWELRY, NAMELY, CLOISONNE PINS</p> <p>Class 016. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 PAPER GOODS AND PRINTED MATTER, NAMELY, BASEBALL CARDS, TRADING CARDS [AND BASEBALL STICKER ALBUMS]</p> <p>Class 025. First use: First Use: 1961/00/00 First Use In Commerce: 1961/00/00 CLOTHING, NAMELY, APRONS, T-SHIRTS, SWEATSHIRTS, CAPS, HATS, SHORTS, JERSEYS, [AND SCARVES]</p> <p>Class 034. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 SMOKER'S ARTICLES, NAMELY, CIGARETTE LIGHTERS</p>

U.S. Registration No.	1549088	Application Date	02/24/1988
Registration Date	07/25/1989	Foreign Priority Date	NONE
Word Mark	MINNESOTA TWINS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1986/10/04 First Use In Commerce: 1986/10/04 DECALS, CALENDARS, POSTERS, BUMPER STICKERS, [BASEBALL MAGAZINES, BASEBALL BROCHURES, BASEBALL PROGRAMS,] TRADING CARDS, AND BALL POINT PENS</p> <p>Class 025. First use: First Use: 1986/10/04 First Use In Commerce: 1986/10/04 T-SHIRTS, SWEAT SHIRTS, PAJAMAS, SOCKS, [PONCHOS,] JACKETS, PANTS, [GARTER BELTS, BELTS FOR CLOTHING,] ROBES, VISORS, CLOTHING CAPS, AND HATS</p>		

U.S. Registration No.	1550094	Application Date	02/24/1988
Registration Date	08/01/1989	Foreign Priority Date	NONE
Word Mark	MINNESOTA TWINS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1986/10/04 First Use In Commerce: 1986/10/04 DECALS, CALENDARS, POSTERS, BUMPER STICKERS, [BASEBALL MAGAZINES, BASEBALL BROCHURES, BASEBALL PROGRAMS,] TRADING CARDS, AND BALLPOINT PENS</p> <p>Class 024. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 CLOTH PENNANTS</p> <p>Class 025. First use: First Use: 1986/10/04 First Use In Commerce: 1986/10/04 T-SHIRTS, SWEATSHIRTS, PAJAMAS, SOCKS, [PONCHOS], JACKETS, PANTS, [GARTER BELTS, BELTS FOR CLOTHING,] ROBES, VISORS, CLOTHING CAPS AND HATS</p> <p>Class 026. First use: First Use: 1987/04/00 First Use In Commerce: 1987/04/00 [ORNAMENTAL NOVELTY PINS NOT MADE OF PRECIOUS METAL,] EMBROIDERED PATCHES FORCLOTHING, AND SELF-ADHESIVE AND THERMOSTICKING DECORATIVE CLOTH PATCHES</p> <p>Class 028. First use: First Use: 1987/03/28 First Use In Commerce: 1987/03/28 CHRISTMAS TREE ORNAMENTS</p>		

U.S. Registration No.	1553285	Application Date	07/30/1987
Registration Date	08/22/1989	Foreign Priority Date	NONE
Word Mark	MINNESOTA TWINS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 041. First use: First Use: 1961/00/00 First Use In Commerce: 1961/00/00 ENTERTAINMENT SERVICES IN THE NATURE OF BASEBALL EXHIBITIONS
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U.S. Registration No.	1594846	Application Date	08/08/1988
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Registration Date	05/08/1990	Foreign Priority Date	NONE
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Word Mark	MINNESOTA TWINS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 006. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 NOVELTY ITEMS, NAMELY, MONEY CLIPS AND KEY RINGS</p> <p>Class 009. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [THERMOMETERS]</p> <p>Class 011. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [FLASHLIGHTS]</p> <p>Class 014. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 WATCHES AND CLOCKS</p> <p>Class 018. First use: First Use: 1986/00/00 First Use In Commerce: 1987/00/00 BAGS, namely, [GYM BAGS AND] TOTE BAGS</p> <p>Class 020. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [ORNAMENTAL NOVELTY ITEMS, NAMELY, MUSICAL CELLULOID BUTTONS]</p> <p>Class 021. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 BEVERAGE CONTAINERS, NAMELY, CUPS AND MUGS</p>
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U.S. Registration No.	1609875	Application Date	12/19/1989
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Registration Date	08/14/1990	Foreign Priority Date	NONE
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Word Mark	TWINS
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1961/00/00 First Use In Commerce: 1961/00/00 CLOTHING, NAMELY, SHIRTS

U.S. Registration No.	1730992	Application Date	11/13/1989
Registration Date	11/10/1992	Foreign Priority Date	NONE
Word Mark	TWINS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1961/00/00 First Use In Commerce: 1961/00/00 PAPER GOODS AND PRINTED MATTER; NAMELY, BUMPER STICKERS, [LAMINATED PAPER SIGNS,] DECALS, PAPERWEIGHTS, PENS, PENCILS, NOTE PADS, [LETTER OPENERS, PAPER CLIPS,] POSTERS, NOTE PAPER, BASEBALL TRADING CARDS, CALENDARS, [MARKERS,] ERASERS, [PENCIL SHARPENERS, UNCALIBRATED RULERS, BOOK COVERS, COLORING BOOKS, PLAYING CARDS, STATIONERY FOLDERS, POSTCARDS,] AND PROGRAMS, MAGAZINES, BOOKS, AND BOOKLETS ALL ON THE SUBJECT OF BASEBALL</p> <p>Class 025. First use: First Use: 1961/00/00 First Use In Commerce: 1961/00/00 CLOTHING; NAMELY, SHIRTS, SHORTS, DRESSES, [SKIRTS,] JOGGING SUITS, SOCKS, UNDERWEAR, JACKETS, SWEATERS, VESTS, PANTS, [PONCHOS,] VISORS, [RAINCOATS,] CAPS, [BIBS,] INFANTWEAR, [COATS,] TIES, [MEN'S AND WOMEN'S FORMALWEAR,] PAJAMAS, SWEATSHIRTS, [MITTENS, GLOVES,] KNITTED HEADWEAR, SCARVES, HOSIERY, [WRISTBANDS, HEADBANDS,] ROBES, [APRONS] AND SHOES</p>		

U.S. Registration No.	2597173	Application Date	10/04/2000
Registration Date	07/23/2002	Foreign Priority Date	NONE
Word Mark	MINNESOTA TWINS		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1987/03/01 First Use In Commerce: 1987/03/01 ENTERTAINMENT SERVICES, NAMELY, BASEBALL GAMES, COMPETITIONS AND EXHIBITIONS RENDERED LIVE, THROUGH BROADCAST MEDIA INCLUDING TELEVISION AND RADIO AND VIA A GLOBAL COMPUTER NETWORK OR A COMMERCIAL ON-LINE SERVICE; PROVIDING INFORMATION IN THE FIELD OF SPORTS, ENTERTAINMENT AND RELATED TOPICS AND PROVIDING FOR INFORMATIONAL MESSAGES RELATING THERETO; PROVIDING MULTI-USER INTERACTIVE COMPUTER GAMES, ALL VIA A GLOBAL COMPUTER NETWORK OR ACOMMERCIAL ON-LINE SERVICE; EDUCATION SERVICES IN THE NATURE OF BASEBALL SKILLSINSTRUCTION		

U.S. Registration No.	3936635	Application Date	03/17/2010
Registration Date	03/29/2011	Foreign Priority Date	NONE

Word Mark	TWINS DUGOUT DOG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2010/04/02 First Use In Commerce: 2010/04/02 Hot dogs		

U.S. Registration No.	4127293	Application Date	03/05/2010
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Registration Date	04/17/2012	Foreign Priority Date	NONE
Word Mark	ORIGINAL TWINS DOG		
Design Mark	<p style="text-align: center;">ORIGINAL TWINS DOG</p>		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2010/04/02 First Use In Commerce: 2010/04/02 HOT DOG SANDWICHES		

U.S. Registration No.	4362679	Application Date	03/05/2010
Registration Date	07/09/2013	Foreign Priority Date	NONE
Word Mark	TWINS BIG DOG		
Design Mark	<p style="text-align: center;">TWINS BIG DOG</p>		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2010/04/02 First Use In Commerce: 2010/04/02 HOT DOG SANDWICHES SOLD EXCLUSIVELY AT THE BALLPARK FOR THE MINNESOTA TWINS PROFESSIONAL BASEBALL CLUB		

U.S. Registration No.	1563422	Application Date	08/08/1988
Registration Date	10/31/1989	Foreign Priority Date	NONE
Word Mark	MINNESOTA TWINS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 021. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 BEVERAGE CONTAINERS, NAMELY, CUPS AND MUGS Class 028. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 TOYS AND SPORTING GOODS, NAMELY BASEBALLS

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TWINS		
Goods/Services	sunglasses; eyeglass cords; eyeglass cases; mobile eye clinic services; jewelry; watches and clocks; clothing; paper goods and printed matter; pennants; clothing patches; novelty items; bags; beverage containers; baseball games and exhibitions; computer games and food items		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MINNESOTA TWINS		
Goods/Services	sunglasses; eyeglass cords; eyeglass cases; jewelry; watches and clocks; clothing; paper goods and printed matter; pennants; clothing patches; novelty items; bags; beverage containers; baseball games and exhibitions; computer games and food items		

Attachments	73744964#TMSN.png(bytes) 73713093#TMSN.png(bytes) 73713069#TMSN.png(bytes) 73744966#TMSN.png(bytes) 74012344#TMSN.png(bytes) 76140702#TMSN.png(bytes) 77960837#TMSN.png(bytes) 77951855#TMSN.png(bytes) 77951853#TMSN.png(bytes) 73744973#TMSN.png(bytes) TWIINS Notice of Opposition.pdf(192889 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	08/19/2016

2. Since long prior to March 4, 2015, Applicant's filing date and June 25, 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 TWINS, alone or with other word, letter and/or design elements ("Opposer's TWINS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, sunglasses; eyeglass cords; eyeglass cases; mobile eye clinic services; jewelry; watches and clocks; apparel; paper goods and printed matter; toys and sporting goods; and novelty items.

3. Opposer owns U.S. federal registrations for Opposer's TWINS Marks in International Classes 6, 14, 16, 18, 21, 24, 25, 26, 28, 29, 30, 34, and 41; namely, Registration Nos. 1,535,214, 1,549,088, 1,550,094, 1,553,285, 1,563,422, 1,594,846, 1,609,875, 1,730,992, 2,597,173, 3,936,635, 4,127,293, and 4,362,679. Registration Nos. 1,535,214, 1,549,088, 1,550,094, 1,553,285, 1,563,422, 1,594,846, 1,609,875, 1,730,992 and 2,597,173 are incontestable.

4. Since long prior to March 4, 2015, Applicant's filing date, and June 25, 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 TWINS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, sunglasses; eyeglass cords; eyeglass cases; mobile eye clinic services; jewelry; watches and 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 TWINS Marks, Opposer has built up highly valuable goodwill in Opposer's TWINS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On March 4, 2015, Applicant filed the Application for Applicant's Mark for "Contact lenses; containers and cases for contact lenses; spectacles; spectacle frames; spectacle glasses; spectacle lenses; spectacle cases; containers for spectacles; spectacle chains; sports glasses; sunglasses" in International Class 43 based on a subsequent designation of an extension of an International Registration to the United States pursuant to the Madrid Protocol that was recorded on June 25, 2015.

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 filing date of March 4, 2015 or its constructive first use date of June 25, 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 TWINS Marks.

9. Applicant's Mark is virtually identical to, and is the phonetic equivalent of, Opposer's TWINS Marks.

10. Applicant's Mark so resembles Opposer's TWINS 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 & 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
August 19, 2016

Respectfully submitted,

COWAN, LIEBOWITZ & 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 August 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, Jamie E. Platkin, Esq., Cantor Colburn LLP, 20 Church St., 22nd Floor, Hartford, Connecticut 06103 with a courtesy copy to Thomas J. Mango, Esq., Cantor Colburn LLP, 20 Church St., 22nd Floor, Hartford, Connecticut 06103.

/Timothy J. Buckley/
Timothy J. Buckley