

ESTTA Tracking number: **ESTTA767714**

Filing date: **08/30/2016**

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	Los Angeles Dodgers LLC
Granted to Date of previous extension	08/31/2016
Address	Dodger Stadium 1000 Elysian Park Avenue Los Angeles, CA 90012 UNITED STATES

Attorney information	Robert J. English Cowan, Liebowitz & Latman, P.C. 114 West 47th Street New York, NY 10036-1525 UNITED STATES rje@cll.com, mlk@cll.com, tay@cll.com, njh@cll.com, trademark@cll.com Phone:212-790-9200
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Applicant Information

Application No	86838605	Publication date	05/03/2016
Opposition Filing Date	08/30/2016	Opposition Period Ends	08/31/2016
Applicants	Munoz, Diamond 1418 S.E. 8th Ter. Apt #6 Cape Coral, FL 33990 UNITED STATES Munoz, Eric 1418 S.E. 8th Ter. Apt #6 Cape Coral, FL 33990 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2015/11/13 First Use In Commerce: 2015/11/13 All goods and services in the class are opposed, namely: Hats; Hooded sweatshirts; Jackets; Sweat-pants; T-shirts; Tank tops; V-neck sweaters

Grounds for Opposition

Other	see attached pleading
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Attachments	LA LIBERTY APPAREL - Ltr to Commissioner.pdf(49837 bytes) LA LIBERTY APPAREL - NOO.pdf(31017 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	/Robert J. English/
Name	Robert J. English
Date	08/30/2016



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August 30, 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
Diamon Munoz and Eric Munoz's
Application to register
LA LIBERTY APPAREL and Design
Ref. No. 21307.016

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/838,605, published in the Official Gazette on May 3, 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,

/Robert J. English/
Robert J. English

Enclosures

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

2. Since long prior to November 13, 2015, Applicants' claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used names and marks comprising or containing the letters LA, alone or with other word, letter and/or design elements, including, without limitation, in the following distinctive and

well-known interlocking stylizations:  , (“Opposer’s Interlocking LA Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, apparel, including, without limitation, hats, hooded sweatshirts, jackets, sweatpants, t-shirts, tank tops, v-neck sweaters; jewelry; paper products and printed matter; toys and sporting goods; and novelty items (collectively, “Opposer’s LA Marks”).

3. Opposer owns U.S. federal registrations for Opposer’s LA Marks in International Classes 6, 9, 14, 16, 18, 21, 24, 25, 28, and 41; namely, Registration Nos. 1,226,725, 1,532,657, 1,611,326, 1,858,662, 2,512,741, 3,370,319, 3,370,320, and 4,615,500. Opposer’s Registration Nos. 1,226,725, 1,532,657, 1,611,326, 1,858,662, 2,512,741, 3,370,319, and 3,370,320 are incontestable.

4. Since long prior to November 13, 2015, Applicants' claimed 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 LA Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, apparel, including, without limitation, hats, hooded sweatshirts, jackets, sweatpants, t-shirts, tank

tops, v-neck sweaters; jewelry; paper products 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 LA Marks, Opposer has built up highly valuable goodwill in Opposer's LA Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On December 3, 2015, Applicants filed the Application for Applicants' Mark for "Hats; Hooded sweatshirts; Jackets; Sweatpants; T-shirts; Tank tops; V-neck sweaters" in International Class 25, claiming a first use date of November 13, 2015.

7. Upon information and belief, Applicants did not use Applicants' Mark for the goods covered in the Application in United States commerce prior to their claimed first use date of November 13, 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 LA Marks.

9. Applicants' Mark has as its dominant element the stylized capital letters "LA"

depicted in an interlocking stair-stepped stylization, shown here , that is highly similar to the interlocking stair-stepped stylization featured in Opposer's Interlocking LA Marks, as

shown here:  (i.e., the horizontal base of the letter "L" intersects and forms the horizontal plane of the letter "A," which is depicted on a lower level than the "L.").

10. Applicants' Mark so resembles Opposer's LA Marks, particularly Opposer's Interlocking LA Marks, as to be likely, when used in connection with Applicants' goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicants' 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 Applicants of a certificate of registration for Applicants' Mark.

11. Opposer's Interlocking LA Marks are distinctive and famous and were so prior to November 13, 2015, Applicants' claimed first use date. Registration of Applicants' Mark will also injure Opposer by causing a likelihood of dilution by blurring of the distinctive quality of Opposer's Interlocking LA Marks.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicants' 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 Robert J. English (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 30, 2016

Respectfully submitted,

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

By: /Robert J. English/

Mary L. Kevlin
Richard S. Mandel
Robert J. English

114 West 47th Street
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 30, 2016, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicants' Correspondent and Attorney of Record, Matthew H. Swyers, Esq., The Trademark Company, 344 Maple Ave. W., Pmb 151, Vienna, Virginia 22180.

/Robert J. English/
Robert J. English