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09-30-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #26

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



In re Application No. 75/665,334 for the mark BEVERLY HILLS GOLF CLUB filed March 22, 1999 and published August 6, 2002.

_____	)
KNIGHT CORPORATION,	)
	)
Opposer,	)
	)
v.	)
	)
DAVID H. MEHL,	)
	)
Applicant.	)
_____	)

Opp. No. \_\_\_\_\_

TRADEMARK TRIAL AND  
APPEAL BOARD  
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**NOTICE OF OPPOSITION**

Opposer believes that it will be damaged by the registration of the mark shown in Application Serial No. 75/665,334, hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. §1063.

As grounds for opposition, Opposer alleges that:

1. Opposer is the owner of numerous marks for BEVERLY HILLS COUNTRY CLUB, including Registration No. 1,752,203 for all-purpose sports bags, umbrellas, and leather luggage tags; metal keychains; paperweights, penholders, plastic coasters, mugs, crystal glassware and beverage ware, and plastic water bottles; towels; clothing; namely, shirts, pants, skirts, shorts, sweaters, jackets, hats, leotards, unitards, tights, track suits, sweatshirts, dresses, robes, and socks; stuffed toy animals and flying discs, and Registration No. 1,617,683 for articles of clothing, namely t-shirts and sweatshirts, and scarves (hereinafter "BEVERLY HILLS Marks" or "Marks").

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2. Opposer's BEVERLY HILLS Marks have been used in interstate commerce for many years and long prior to the filing date of Applicant's Application Serial No. 75/665,334 for the mark BEVERLY HILLS GOLF CLUB.

3. As a result of many years of substantial use and advertising, Opposer's Marks have become distinctive and well-known to the public. The BEVERLY HILLS Marks have a high degree of recognition among such consumers.

4. By virtue of such use, Opposer has established valuable goodwill in its Marks, and the public has come to associate the BEVERLY HILLS Marks with Opposer, its related companies or its licensees, and to know the BEVERLY HILLS Marks as an indication of high-quality products and services.

5. Notwithstanding Opposer's prior established rights in its BEVERLY HILLS Marks, on March 22, 1999, Applicant filed Application Serial No. 75/665,334, which is the subject of this opposition, to register the mark BEVERLY HILLS GOLF CLUB for use in connection with jewelry; luggage, namely, suitcases, garment bags for travel, shoe bags for travel, and umbrellas; clothing, namely, shirts, jackets, sweaters, sweatshirts, trousers, shorts, socks, scarves, hats, visors and shoes; and golfing articles, namely, golf clubs, hand pulled golf carts, golf bags, golf bag travel covers, golf balls, golf club covers and tees.

6. The goods identified in Application Serial No. 75/665,334 are identical or substantially similar to Opposer's goods sold under its BEVERLY HILLS Marks, and upon information and belief would be advertised, sold or promoted in the same or similar channel of trade and directed to the same or similar purchasers.

7. On information and belief, Applicant made no use of BEVERLY HILLS GOLF CLUB prior to the dates Opposer's BEVERLY HILLS Marks were registered with the United States Patent and Trademark Office.

8. The mark Applicant seeks to register so closely resembles Opposer's BEVERLY HILLS Marks that it is likely to cause confusion, and lead consumers to assume erroneously that Applicant's services are those of Opposer or that Applicant is in some way endorsed by, sponsored by, connected with or affiliated with Opposer, all in violation of Section 2(d) of the Trademark Act.

9. Specifically, purchasers, prospective purchasers, and other consumers of Opposer's goods and services are likely to be confused, mistaken, or deceived in to the belief that Applicant's goods emanate from and/or are in some way related to Opposer's goods and services which bear the Opposer's BEVERLY HILLS Mark, thereby damaging Opposer.

10. Applicant is not affiliated or connected with or endorsed or sponsored by Opposer, nor has Opposer approved any of the goods offered under Applicant's alleged mark, nor has Opposer granted Applicant permission to use the BEVERLY HILLS GOLF CLUB Mark in connection with any goods.

11. By reason of all of the foregoing, Opposer and the goodwill and reputation symbolized by Opposer's BEVERLY HILLS Marks will be damaged by the registration of Applicant's mark BEVERLY HILLS GOLF CLUB.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's mark be denied.

The requisite fee is submitted herewith. If additional fees are required, please charge the same to Account No. 01-2300, Order No. 102195-00004

Dated: September 27, 2002

By:  \_\_\_\_\_

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