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

In re Application of:

Scott M. Miller

Serial No.: 76/213,715

Mark: MAVITUDE

Filed: February 19, 2001

Published: Official Gazette

September 4, 2001

Page TM 442



06-03-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #75

-----X
:
DALLAS BASKETBALL LIMITED :
:
Petitioner :
:
v. :
:
SCOTT M. MILLER :
:
Applicant :
-----X

Opposition No. _____

NOTICE OF OPPOSITION

Dallas Basketball Limited ("Opposer") believes that it will be damaged by the registration of the proposed mark in application serial number 76/213,715 and, hereby, opposes registration of the same.

1. Opposer is a Texas limited partnership having its principal office and place of business at 777 Sports Street, Dallas, Texas 75207.
2. Since long prior to February 19, 2001, the filing date of the above application, Opposer and its predecessors have been and Opposer now is engaged in the business of providing a wide range of goods and services, including, but not limited to, entertainment services in the nature of rendering live basketball games and basketball exhibitions and the production and distribution of radio and television broadcasts of

basketball games and exhibitions under the trademarks and service marks DALLAS MAVERICKS and DALLAS MAVERICKS and Design ("Mav Marks").

3. Opposer and its predecessors have used the Mav Marks extensively and continuously. In connection thereto, Opposer and its predecessors have engaged in wide ranging promotional efforts and generated substantial sales. As a result, the Mav Marks have become known to the public; are closely associated with Opposer and its goods and services; are identified as Opposer's source of origin; and represent substantial goodwill of Opposer.

4. In addition to being distinctive of Opposer's goods and services, one or more of the Mav Marks are famous. The Mav Marks also were famous at the application filing date of the proposed mark. The Mav Marks are famous, among other reasons, because of Opposer's extensive and continuous nationwide use, substantial sales volumes, promotional efforts, and media attention.

5. Opposer owns several Mav Marks registrations, issued by the United States Patent and Trademark Office ("PTO") in assorted classes, including International Class 25. Copies of these registrations are attached as Exhibit 1. Opposer is the owner of these registrations, which are validly subsisting and uncanceled.

6. Opposer also owns several Mav Marks PTO applications in assorted classes, including International Class 25. Copies of the relevant PTO records are included as Exhibit 2.

7. Notwithstanding Opposer's rights, Applicant, whose business address is identified in the same city and state as that of the Opposer, namely, Dallas, Texas, seeks registration of the proposed mark MAVITUDE for clothing, namely, T-shirts, sweat shirts, pullovers, and hats.

8. Applicant's proposed mark includes the dominant "MAV" wording.

9. Opposer's Mav Marks include the same dominant "MAV" wording.

10. Upon information and belief, Applicant has made no use anywhere or in commerce of its proposed mark in connection with the goods identified in the application. Therefore, Opposer has prior and superior rights based on the earlier use of one or more of its Mav Marks.

11. Applicant's use of the proposed mark is likely to cause people to believe, incorrectly, that it is authorized, endorsed, or sponsored by, and, therefore, connected or associated with Opposer.

12. Applicant's use of the proposed mark dilutes each of Opposer's Mav Marks by blurring their distinctiveness.

13. Applicant's adoption and use of its proposed mark is without license or permission of Opposer.

14. The granting of a registration of Applicant's proposed mark would be contrary to Trademark Act Section 2(a), 15 U.S.C. § 1052(a); Trademark Act Section 43(c), 15 U.S.C. § 1125(c); and would violate or diminish the prior and superior rights of Opposer in the Mav Marks.

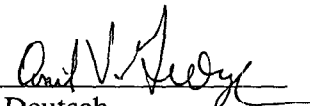
15. Opposer will be damaged if Application Serial No. 76/213,715 is granted registration because Applicant will obtain statutory rights in violation and derogation of the established prior and superior rights of Opposer.

16. WHEREFORE, Opposer prays that its opposition be sustained and that Application Serial No. 76/213,715 be refused and denied registration.

May 31, 2002

DALLAS BASKETBALL LIMITED

NBA PROPERTIES, INC.
Olympic Tower
645 Fifth Avenue
New York, New York 10022
(212) 407-8000

By: 
Ayala Deutsch
Anil V. George
Erik Levin
Attorneys for Opposer

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Trademarks, BOX TTAB, FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on May 31, 2002.

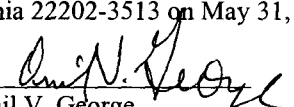

Anil V. George
May 31, 2002

EXHIBIT 1

Int. Cls.: 36 and 41

Prior U.S. Cls.: 100, 101, 102, and 107

United States Patent and Trademark Office

Reg. No. 2,482,624

Registered Aug. 28, 2001

SERVICE MARK
PRINCIPAL REGISTER



DALLAS BASKETBALL LIMITED (TEXAS LIMITED PARTNERSHIP)
1700 LAKESIDE SQUARE
12377 MERIT DRIVE
DALLAS, TX 75251

FOR: FOUNDATION SERVICES, NAMELY, CHARITABLE FUND RAISING, PROVIDING EDUCATIONAL SCHOLARSHIPS AND GRANTS TO INDIVIDUALS AND ORGANIZATIONS, ELEEMOSYNARY SERVICES IN THE FIELD OF MONETARY GRANTS TO INDIVIDUALS AND ORGANIZATIONS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1997; IN COMMERCE 0-0-1997.

FOR: EDUCATIONAL PROGRAMMING, NAMELY, PROVIDING ASSEMBLIES AND CONTESTS TO SCHOOLS AND OTHER COMMUNITY ORGANIZATIONS; PROVIDING EDUCATIONAL AND MOTIVATIONAL SPEAKERS, TUTORS AND

MENTORS TO SCHOOLS AND OTHER COMMUNITY ORGANIZATIONS; AND PROVIDING INSTRUCTIONAL CLINICS ON BASKETBALL TO SCHOOLS AND OTHER COMMUNITY ORGANIZATIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1997; IN COMMERCE 0-0-1997.

OWNER OF U.S. REG. NOS. 1,235,457, 1,235,458, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DALLAS" AND "FOUNDATION", APART FROM THE MARK AS SHOWN.

THE STIPPLING IS FOR SHADING PURPOSES ONLY AND DOES NOT INDICATE COLOR.

SN 75-251,020, FILED 2-28-1997.

RUDY R. SINGLETON, EXAMINING ATTORNEY

Int. Cl.: 25³

Prior U.S. Cls.: 22 and 39

Reg. No. 2,099,719

United States Patent and Trademark Office

Registered Sep. 23, 1997

**TRADEMARK
PRINCIPAL REGISTER**



DALLAS BASKETBALL LIMITED (TEXAS
LIMITED PARTNERSHIP)
777 SPORTS STREET
DALLAS, TX 75207

FOR: CLOTHING, NAMELY, HOSIERY,
FOOTWEAR, T-SHIRTS, SWEAT SHIRTS,
SWEATPANTS, PANTS, TANK TOPS, JERSEYS,
SHORTS, PAJAMAS, SPORT SHIRTS, RUGBY
SHIRTS, SWEATERS, BELTS, TIES, NIGHT-
SHIRTS, HATS, WARM-UP SUITS, JACKETS,
PARKAS, COATS, CLOTH BIBS, HEAD BANDS
AND WRIST BANDS ALL USED IN CONNEC-
TION WITH THE PROMOTION OF THE SPORT

OF BASKETBALL, IN CLASS 25 (U.S. CLS. 22
AND 39).

FIRST USE 5-13-1997; IN COMMERCE
5-13-1997.

OWNER OF U.S. REG. NOS. 1,235,457,
1,235,458, AND 1,537,463.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "HOUSTON", APART FROM
THE MARK AS SHOWN.

SN 74-513,943, FILED 4-18-1994.

JEFFREY LOOK, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,537,463

Registered May 2, 1989

**TRADEMARK
PRINCIPAL REGISTER**



DALLAS BASKETBALL LIMITED (TEXAS
LIMITED PARTNERSHIP)
REUNION ARENA
7777 SPORTS STREET
DALLAS, TX 75207

FOR: CLOTHING SOLD IN CONNECTION
WITH THE PROMOTION OF A PROFESSION-
AL BASKETBALL TEAM, NAMELY HOSIERY,
FOOTWEAR, T-SHIRTS, SWEAT SHIRTS,
SWEATPANTS, TANK TOPS, JERSEYS,
SHORTS, PAJAMAS, SPORT SHIRTS, SWEAT-
ERS, BELTS, NIGHTSHIRTS, HATS, WARM-UP

SUITS, JACKETS, BIBS, HEAD BANDS AND
WRIST BANDS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 11-0-1980; IN COMMERCE
11-0-1980.

OWNER OF U.S. REG. NOS. 1,235,457 AND
1,235,458.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "DALLAS", APART FROM
THE MARK AS SHOWN.

SER. NO. 734,464, FILED 6-15-1988.

ANNE L. CORNELIUS, EXAMINING ATTOR-
NEY

REGISTERED FOR A TERM OF 20 YEARS FROM May 2, 1989



Attest

FEB 7 1991
J. M. Cleathorn
Attesting Officer

Certified to be a true copy of the registration
Issued by the United States Patent & Trademark
Office, which registration is in full force
and effect. Record title is in Registrant

Harry F. Manbeck, Jr.
COMMISSIONER OF PATENTS

Int. Cl.: 41

Prior U.S. Cl.: 107

United States Patent and Trademark Office

61
Reg. No. 1,235,457

Registered Apr. 19, 1983

SERVICE MARK

Principal Register

DALLAS MAVERICKS ✓

Dallas Basketball Ltd. (partnership)
Reunion Arena
777 Sport St.
Dallas, Tex. 75207

For: ENTERTAINMENT SERVICES IN THE
NATURE OF PROFESSIONAL BASKETBALL
EXHIBITIONS, in CLASS 41 (U.S. Cl. 107).

First use Apr. 29, 1980; in commerce Apr. 29,
1980.

No claim is made to the exclusive right to use the
word "Dallas", apart from the mark as shown.

Ser. No. 290,073, filed Dec. 17, 1980.

KIMBERLY KREHELY, Examining Attorney

Int. Cl.: 41

Prior U.S. Cl.: 107

United States Patent and Trademark Office

Reg. No. 1,235,458

Registered Apr. 19, 1983

SERVICE MARK
Principal Register



Dallas Basketball Ltd. (partnership)
Reunion Arena
777 Sport St.
Dallas, Tex. 75207

For: ENTERTAINMENT SERVICES IN THE
NATURE OF PROFESSIONAL BASKETBALL
EXHIBITIONS, in CLASS 41 (U.S. Cl. 107).

First use Apr. 29, 1980; in commerce Apr. 29,
1980.

No claim is made to the exclusive right to use the
word "Dallas", apart from the mark as shown.

Ser. No. 290,074, filed Dec. 17, 1980.

KIMBERLY KREHELY, Examining Attorney

Int. Cl.: 41

Prior U.S. Cl.: 107

United States Patent and Trademark Office

Amended

Reg. No. 1,235,458

Registered Apr. 19, 1983

OG Date Mar. 2, 1993

**SERVICE MARK
PRINCIPAL REGISTER**



DALLAS BASKETBALL LIMITED
(TEXAS LIMITED PARTNERSHIP)
REUNION ARENA
777 SPORTS STREET
DALLAS, TX 75207

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE WORD "DALLAS", APART FROM THE MARK AS SHOWN.

FOR: ENTERTAINMENT SERVICES
IN THE NATURE OF PROFESSIONAL
BASKETBALL EXHIBITIONS, IN CLASS
41 (U.S. CL. 107).

FIRST USE 4-29-1980; IN COMMERCE
4-29-1980.

SER. NO. 73-290,074. FILED 12-17-1980.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Mar. 2, 1993.*

COMMISSIONER OF PATENTS AND TRADEMARKS

EXHIBIT 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

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Word Mark

DALLAS MAVERICKS

Goods and Services

IC 009. US 021 023 026 036 038. G & S: VIDEO RECORDINGS, VIDEO STREAM RECORDINGS, AUDIO RECORDINGS IN THE FIELD OF BASKETBALL, GAME SOFTWARE, VIDEO GAME PROGRAMS, INTERACTIVE VIDEO GAMES, TRIVIA GAME SOFTWARE; COMPUTER SCREENSAVER SOFTWARE, COMPUTER WALLPAPER SOFTWARE, DOWNLOADABLE COMPUTER CURSOR SOFTWARE, DOWNLOADABLE COMPUTER SOFTWARE IN THE NATURE OF BROWSER SKINS FOR CHANGING BROWSER GRAPHIC INTERFACES, ELECTRONIC DATABASE IN THE NATURE OF INFORMATION, STATISTICS, TRIVIA AND POLLING INFORMATION IN THE FIELD OF BASKETBALL RECORDED ON COMPUTER MEDIA

IC 042. US 100 101. G & S: COMPUTER SERVICES, NAMELY, PROVIDING ON-LINE MAGAZINES, NEWSLETTERS, AND COLORING BOOKS IN THE NATURE OF DRAWINGS AND PICTURES IN THE FIELD OF BASKETBALL, PROVIDING ON-LINE CATALOGS FEATURING BASKETBALL-THEMED PRODUCTS; NAMELY, AUDIO RECORDINGS, VIDEO RECORDINGS, COMPUTER ACCESSORIES, COMPUTER GAMES, COMPUTER SOFTWARE, COMPUTER DATABASES, VIDEO GAMES, TELEPHONES, BINOCULARS, EYEWEAR, MAGNETS, COLLECTIBLE AND NOVELTY ITEMS, COLLECTIBLE COINS, MEDALLIONS, ALBUMS, SCRAPBOOKS, PHOTO FRAMES, SPORTS MEMORABILIA, TIMEPIECES, JEWELRY, JEWELRY BOXES, CREDIT CARDS, CALLING CARDS, PUBLICATIONS, CALENDARS, CATALOGS, ORGANIZERS, DIRECTORIES, STATIONERY, SCHOOL SUPPLIES, GIFTWARE, GIFT SETS, PORTFOLIOS, POSTERS, PHOTOS, TRADING CARDS, BOOKS, CARD HOLDERS, PAMPHLETS, PENNANTS, FLAGS, BANNERS, SOUVENIRS, BANK CHECKS, BAGS, TRAVEL BAGS, TRAVEL CASES, SPORTS BAGS, LUNCH BOXES, WALLETS, UMBRELLAS, CLOTHING, TOYS, GAMES, SPORTING GOODS, CHRISTMAS ORNAMENTS, DECORATIONS, HOUSEWARES, LAMPS, LIGHTING FIXTURES, BEVERAGE WARE, KITCHENWARE, HOUSEHOLD SUPPLIES, CONTAINERS, BOXES, BED, BATH AND TABLE LINENS, FURNITURE, OFFICE FURNITURE AND ACCESSORIES, LOCKERS AND FOOTLOCKERS; CONDUCTING INTERACTIVE PUBLIC OPINION POLL SURVEYS IN THE FIELD OF BASKETBALL OVER THE INTERNET FOR NON-BUSINESS PURPOSES; COMPUTER SERVICES, NAMELY, PROVIDING DATABASES FEATURING GENERAL AND LOCAL NEWS AND INFORMATION OF INTEREST TO SPECIFIC GEOGRAPHIC AREAS; PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE SOFTWARE TO GAIN ACCESS TO AND FOR VIEWING TELEVISION HIGHLIGHTS, INTERACTIVE TELEVISION HIGHLIGHTS, VIDEO RECORDINGS, VIDEO STREAM RECORDINGS, INTERACTIVE VIDEO HIGHLIGHT SELECTIONS, RADIO PROGRAMS, RADIO HIGHLIGHTS, AND AUDIO RECORDINGS IN THE FIELD OF BASKETBALL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 010103 030501 030516 240102 260102 260109 260121 261302 261308 261321
Serial Number 78022091
Filing Date August 21, 2000
Filed ITU FILED AS ITU
Published for Opposition May 28, 2002
Owner (APPLICANT) Dallas Basketball Limited Radical Mavericks Management, LLC, a Texas limited liability company PARTNERSHIP TEXAS 777 Sports Street Dallas TEXAS 75207
Attorney of Record Ayala Deutsch
Prior Registrations 1235457;1235458;1537463;2001223;AND OTHERS
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL-2(F)-IN PART
Live/Dead Indicator LIVE
Distinctiveness Limitation Statement as to "Dallas"

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST
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Word Mark
Goods and Services

DALLAS MAVERICKS

IC 016. US 002 005 022 023 029 037 038 050. G & S: PUBLICATIONS AND PRINTED MATTER, NAMELY BASKETBALL TRADING CARDS, DANCE TEAM TRADING CARDS, MASCOT TRADING CARDS, ENTERTAINMENT TRADING CARDS, STICKERS, DECALS, COMMEMORATIVE BASKETBALL STAMPS, COLLECTIBLE CARDBOARD TRADING DISCS, MEMO BOARDS, CLIPBOARDS, PAPER COASTERS, POST CARDS, PLACE MATS OF PAPER AND PLASTIC, NOTE CARDS, MEMO PADS, BALL POINT PENS, PENCILS, PEN AND PAPER HOLDERS, STANDING BOARDS, SCRAP BOOKS, RUBBER STAMPS, PAPER BANNERS AND FLAGS, BOOKMARKS, 3-RING BINDERS, STATIONERY FOLDERS, WIRE BOUND NOTEBOOKS, PORTFOLIO NOTEBOOKS, UNMOUNTED AND MOUNTED PHOTOGRAPHS, POSTERS, CALENDARS, BUMPER STICKERS, BOOK COVERS, WRAPPING PAPER, CHILDREN'S ACTIVITY BOOKS, STATISTICAL BOOKS, GUIDE BOOKS AND REFERENCE BOOKS FOR BASKETBALL, MAGAZINES IN THE FIELD OF BASKETBALL, COMMEMORATIVE GAME PROGRAMS, PAPER PENNANTS, STATIONERY, STATIONERY-TYPE PORTFOLIOS, AND STATISTICAL SHEETS FOR BASKETBALL TOPICS, NEWSLETTERS AND PAMPHLETS IN THE FIELD OF BASKETBALL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

010103 240102 260102 260109 260121 261302 261308 261321

Serial Number

78022054

Filing Date

August 21, 2000

Filed ITU

FILED AS ITU

Owner

(APPLICANT) Dallas Basketball Limited Radical Mavericks Management, LLC, a Texas limited liability company PARTNERSHIP TEXAS 777 Sports Street Dallas TEXAS 75207

Attorney of Record

Ayala Deutsch

Prior Registrations

1235457;1235458;1537463;2001223;AND OTHERS

Type of Mark Register

TRADEMARK
PRINCIPAL-2(F)-IN PART

Live/Dead

LIVE

Indicator

Distinctiveness

Limitation

Statement

As to dallas

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Word Mark

DALLAS MAVERICKS

Goods and Services

IC 038. US 100 101 104. G & S: Cybercasting services in the nature of providing on-line chat rooms and on-line interactive chat rooms with guests for transmission of messages among computer users concerning the field of basketball; Broadcasting programs via a global computer network; Providing on-line electronic bulletin boards for transmission of messages among computer users concerning the field of basketball;

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

010103 030501 030516 240102 240103 260117 260121 260502 260513 260521 261102 261113 261121

Serial Number

78022105

Filing Date

August 21, 2000

Filed ITU

FILED AS ITU

Published for Opposition

May 1, 2001

Owner

(APPLICANT) Dallas Basketball Limited Radical Mavericks Management, LLC, a Texas limited liability company PARTNERSHIP TEXAS 2909 Taylor Street Dallas TEXAS 75226

Attorney of Record

Ayala Deutsch

Prior Registrations

1235457;1235458;1537463;2001223;AND OTHERS

Type of Mark Register

SERVICE MARK
PRINCIPAL-2(F)-IN PART

Live/Dead Indicator

LIVE

Distinctiveness Limitation Statement

as to "DALLAS"

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Word Mark

DALLAS MAVERICKS

Goods and Services

IC 041. US 100 101 107. G & S: Entertainment and educational services in the nature of ongoing television and radio programs in the field of basketball and rendering live basketball games and basketball exhibitions; the production and distribution of radio and television broadcasts of basketball games, basketball events and programs in the field of basketball; conducting and arranging basketball clinics and coaches clinics and basketball events; entertainment services, namely providing a website featuring television highlights, interactive television highlights, video recordings, video stream recordings, interactive video highlight selections, radio programs, radio highlights, and audio recordings in the field of basketball; entertainment and educational services, namely providing a website featuring information about basketball in the nature of basketball news, basketball statistics, and public opinion about basketball; entertainment services, namely providing a website featuring on-line computer games, video games, interactive video games, action skill games, arcade games, adults' and children's party games, board games, trivia games, trivia games, and coloring books

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

010103 030501 030516 260102 260109 260121 261302 261308 261321

Serial Number

78022083

Filing Date

August 21, 2000

Filed ITU

FILED AS ITU

Published for Opposition

January 29, 2002

Owner

(APPLICANT) Dallas Basketball Limited Radical Mavericks Management, LLC, a Texas limited liability company PARTNERSHIP TEXAS 777 Sports Street Dallas TEXAS 75207

Attorney of Record

Ayala Deutsch

Prior Registrations

1235457;1235458;1537463;2001223;AND OTHERS

Type of Mark

SERVICE MARK

Register

PRINCIPAL-2(F)-IN PART

Live/Dead
Indicator

LIVE

Distinctiveness
Limitation
Statement

as to "DALLAS"

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST
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Word Mark

DALLAS MAVERICKS

Goods and Services

IC 035. US 100 101 102. G & S: Computerized on-line retail, ordering and catalog services, retail mail order catalog services, and retail sporting goods store services, all of the foregoing featuring audio recordings, video recordings, computer accessories, computer games, computer software, computer databases, video games, telephones, binoculars, eyewear, magnets, collectible and novelty items, collectible coins, medallions, albums, scrapbooks, photo frames, sports memorabilia, timepieces, jewelry, jewelry boxes, credit cards, calling calls, publications, calendars, catalogs, organizers, directories, stationery, school supplies, giftware, gift sets, portfolios, posters, photos, trading cards, books, card holders, pamphlets, pennants, flags, banners, souvenirs, bank checks, bags, travel bags, travel cases, sports bags, lunch boxes, wallets, umbrellas, clothing, toys, games, sporting goods, Christmas ornaments, decorations, housewares, lamps, lighting fixtures, beverage ware, kitchen ware, household supplies, containers, boxes, bed, bath and table linens, furniture, office furniture and accessories, lockers and footlockers"

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

010103 030501 030516 240102 240103 260118 260502 260513 260521 261102 261113 261121 261725

Serial Number

78022116

Filing Date

August 21, 2000

Filed ITU

FILED AS ITU

Published for Opposition

January 1, 2002

Owner

(APPLICANT) Dallas Basketball Limited Radical Mavericks Management, LLC, a Texas limited liability company PARTNERSHIP TEXAS 777 Sports Street Dallas TEXAS 75207

Attorney of Record

Ayala Deutsch

Prior Registrations

1235457;1235458;1537463;2001223;AND OTHERS

Type of Mark

SERVICE MARK

Register

PRINCIPAL-2(F)-IN PART

**Live/Dead
Indicator**

LIVE

Distinctiveness

Limitation

As to "Dallas"

Statement

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST
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Word Mark

DALLAS MAVERICKS

Goods and Services

IC 025. US 022 039. G & S: Clothing, namely, hosiery, footwear, T-shirts, sweatshirts, sweatpants, pants, tank tops, jerseys, shorts, pajamas, sport shirts, rugby shirts, sweaters, belts, ties, nightshirts, hats, warm-up suits, jackets, parkas, coats, cloth bibs, head bands, wrist bands, aprons, boxer shorts, slacks, caps, ear muffs, gloves, mittens, woven and knits shirts

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

010103 030501 030516 260102 260109 260121 261302 261308 261321

Serial Number

78022073

Filing Date

August 21, 2000

Filed ITU

FILED AS ITU

Published for Opposition

January 1, 2002

Owner

(APPLICANT) Dallas Basketball Limited Radical Mavericks Management, LLC, a Texas limited liability company PARTNERSHIP TEXAS 777 Sports Street Dallas TEXAS 75207

Attorney of Record Ayala Deutsch

Prior Registrations 1235457;1235458;1537463;2001223;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)-IN PART

Live/Dead Indicator LIVE

Distinctiveness Limitation Statement as to "DALLAS"

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Word Mark

DALLAS MAVERICKS

Goods and Services

IC 018. US 001 002 003 022 041. G & S: Athletic bags, shoe bags for travel, overnight bags, umbrellas, backpacks, baby backpacks, duffel bags, tote bags, luggage, luggage tags, patio umbrellas, valises, attache cases, billfolds, wallets, briefcases, canes, business card cases, book bags, all purpose sports bags, golf umbrellas, dog tags, gym bags, purses, coin purses, fanny packs, waist packs, cosmetic cases sold empty, garment bags for travel, handbags, key cases, knapsacks, suitcases, toiletry cases sold empty, trunks for traveling and rucksacks

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

010103 030501 240102 260102 260109 260121 261302 261308 261321

Serial Number

78022070

Filing Date

August 21, 2000

Filed ITU

FILED AS ITU

Published for Opposition

September 4, 2001

Owner

(APPLICANT) Dallas Basketball Limited Radical Mavericks Management, LLC, a Texas limited liability company PARTNERSHIP TEXAS 777 Sports Street Dallas TEXAS 75207

Attorney of Record

Ayala Deutsch

Prior Registrations

1235457;1235458;1537463;2001223;AND OTHERS

Type of Mark

TRADEMARK

Register

PRINCIPAL-2(F)-IN PART

Live/Dead Indicator

LIVE

Distinctiveness Limitation Statement

Applicant claims distinctiveness under Section 2(f) in part as to the word "DALLAS" based on U.S. Registration No. 2230195.

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NBA Properties, Inc.

TTAB



Anil V. George, Esq.
Direct Line: (212) 407-8330
Direct Fax: (212) 223-5159

06-03-2002

U.S. Patent & TMOtc/TM Mail RoptDt. #75

May 31, 2002

Assistant Commissioner For Trademarks
BOX TTAB, FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: Dallas Basketball Limited v. Scott M. Miller
Opposition to Application Serial No. 76/213715
For the Mark MAVITUDE

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APPEAL BOARD
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Dear Sir:

On the behalf of Petitioner, Dallas Basketball Limited, enclosed is a Notice of Opposition in duplicate with respect to the above-referenced trademark application.

Please debit the fee of \$300.00 for the filing of the Notice of Opposition, and any additional required fees, from Deposit Account No. 14-0623. In addition, please stamp the enclosed return postcard to confirm your safe receipt of this document

Respectfully submitted,

Anil V. George

Anil V. George
Associate Counsel

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Assistant Commissioner for Trademarks, BOX TTAB FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on May 31, 2002.

Dated: May 31, 2002

Frances Policastro
Frances Policastro

GP