

Ref. No. 21307.021

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

In re Application Serial No. 74/614,716
Filed: December 23, 1994
For Mark: STL and Design
Published in the Official Gazette: June 11, 1996

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:
ST. LOUIS CARDINALS, LLC. :
:
Opposer, :
v. :
:
NEGRO LEAGUES BASEBALL :
MUSEUM, INC. :
:
Applicant. :
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NOTICE OF OPPOSITION

Opposition No.

Commissioner of Trademarks
BOX TTAB FEE
2900 Crystal Drive
Arlington, VA 22202



09-28-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

Opposer, St. Louis Cardinals, LLC, ("Opposer"), a Missouri Limited Liability Company, located at 250 Stadium Plaza, St. Louis, Missouri 63102, believes that it will be damaged by registration of the mark STL and Design in International Class 25 for "clothing, namely shirts, jackets, pants, caps, tops, bottoms and shorts" shown in Application Serial No.

10/04/2004 KGIBBONS 00000406 74614716

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202 on

September 28, 2004

Antoinette Jorge

(Date of Deposit)

(Typed or printed name of person mailing paper or fee)

Antoinette Jorge
Signature

74/614,716 (the "Application"), and having been granted extensions of time to oppose up to and including September 28, 2004, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned ST. LOUIS CARDINALS MAJOR LEAGUE BASEBALL club.
2. Since long prior to June 11, 1996, Applicant's constructive first use date, Opposer, its predecessors, affiliates and/or licensees and sponsors have used the mark STL either alone or with other words and/or designs (collectively the "Opposer's STL Marks") in connection with baseball game and exhibition services and a wide variety of goods and services, including, but not limited to, apparel, toys and sporting goods and paper and printed matter.
3. Opposer owns U.S. Federal registrations for Opposer's STL Marks in International Classes 16, 25, 28 and 41, namely, Registration Nos. 2,565,162; 2,619,845; 1,560,783; 1,214,917 and 1,161,375. Opposer's Registration Nos. 1,560,783; 1,214,917 and 1,161,375 are incontestable.
4. Since long prior to June 11, 1996, Applicant's constructive first use date, Opposer, its predecessors, affiliates and/or licensees and sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's STL Marks, including, but not limited to, baseball games and exhibition services, apparel, toys and sporting goods and paper goods and printed matter, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with the Opposer's STL Marks, Opposer has built up highly valuable goodwill in Opposer's STL Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On June 11, 1996, Applicant Negro Leagues Baseball Museum, Inc. filed the Application, based on an intent-to-use, to register the mark STL and Design in connection with "clothing, namely shirts, jackets, pants, caps, tops, bottoms and shorts" in International Class 25.

7. Upon information and belief, Applicant did not use the mark STL and Design for the goods covered in the Application prior to the constructive first-use date of June 11, 1996.

8. The goods covered by the Application are identical and/or closely related to the goods and services offered in connection with Opposer's STL Marks.

9. Applicant's STL and Design mark, containing the identical term "STL" as appears in Opposer's STL Marks and incorporating a baseball-themed design, so resembles Opposer's STL Marks as to be likely, when applied to 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 STL and Design mark.

10. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's STL and Design mark would falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's STL and Design mark and requests that the opposition be sustained and said registration be denied.

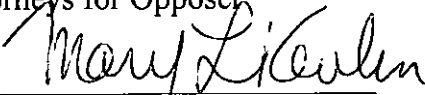
Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin and Richard S. Mandel (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

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

Dated: New York, New York
September 28, 2004

Respectfully submitted,

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

By: 

Mary L. Kevlin
Richard S. Mandel
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

Cowan, Liebowitz & Latman, P.C.

Law Offices

TTAB

1133 Avenue of the Americas • New York, NY 10036-6799

(212) 790-9200 • www.cl.com • Fax (212) 575-0671

Mary L. Kevlin
Direct (212) 790-9216
mlk@cl.com

September 28, 2004

Via Express Mail

Commissioner for Trademarks
BOX TTAB FEE
2900 Crystal Drive
Arlington, VA 22202-3514

Re: Notice of Opposition Against STL and Design
Serial No. 74/614,716
Attorney Ref. No. 21307.021

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 74/614,716, published in the Official Gazette of June 11, 1996. We also enclose a check to cover filing fees.

If the enclosed check is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Kindly confirm receipt of this opposition by returning the attached postcard and address all future correspondence to the undersigned.

Respectfully submitted,



Mary L. Kevlin

