

ESTTA Tracking number: **ESTTA19120**

Filing date: **11/11/2004**

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 parties oppose registration of the indicated application.

Opposers Information

Name	B&B Holdings, Inc.		
Entity	Corporation	Citizenship	Arizona
Address	8702 South Hardy Drive Tempe, AZ 85284 UNITED STATES		

Name	NFL PROPERTIES LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	280 Park Avenue New York, NY 10017 UNITED STATES		

Attorney information	James H Sullivan WHITE & CASE LLP 1155 Avenue of the Americas New York, NY 10036 UNITED STATES jsullivan@whitecase.com, jmillones@whitecase.com Phone:212-819-8571		
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Applicant Information

Application No	78348415	Publication	10/12/2004
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		date	
Opposition Filing Date	11/11/2004	Opposition Period Ends	11/11/2004
Applicant	Requisite Solutions Incorporated 2750 N. Wayne, Unit F Chicago, IL 60614 UNITED STATES		

Goods/Services Affected by Opposition

Class 025.

All goods and services in the class are opposed, namely: Footwear; headwear; apparel, namely, T-shirts, shirts, shooting shirts, shorts, sweat pants, sweat shirts, pants, caps, hats, wrist bands, head bands, socks, warm-up suits, jackets, boxer shorts and fleece tops

Attachments	cardinal _nation opposition.pdf (6 pages)
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Signature	/james h sullivan/
Name	James H Sullivan
Date	11/11/2004

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

In the Matter of Application Serial No. 78/348,415
Published for Opposition in the Official Gazette on October 12, 2004
Mark: CARDINAL NATION
International Class: 25

B&B HOLDINGS, INC. and NFL
PROPERTIES LLC,

Opposers,

-against-

REQUISITE SOLUTIONS
INCORPORATED,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposers B&B Holdings, Inc. and NFL Properties LLC believe they will be damaged by registration of the mark CARDINAL NATION as shown in the above-identified application and hereby oppose the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1064(a).

As grounds for the opposition, Opposers allege that:

1. Opposer B&B Holdings, Inc. (the "Arizona Cardinals" or "Cardinals Club"), an Arizona corporation with its principal place of business located at 8702 South Hardy Drive, Tempe, Arizona 85284-2800, owns and operates a professional football team that provides entertainment services to the public in the form of competitive football games. The Arizona Cardinals football franchise is one of the thirty-two member clubs (the "Member Clubs") of the National Football League (the "NFL").

2. Opposer NFL Properties LLC (“NFLP”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 280 Park Avenue, New York, New York 10017. Opposer NFLP has been authorized by the NFL and each of the Member Clubs, including the Arizona Cardinals, to license and otherwise use the individual trademarks of the Member Clubs in connection with apparel, among other things. NFLP also has been authorized to handle all trademark protection activities for the NFL and the Member Clubs.

3. For many years and long before January 6, 2004, the filing date of the intent-to-use application herein opposed, Opposers have used the trademarks CARDINAL, CARDINALS, ARIZONA CARDINALS and variations thereof (hereinafter, the “CARDINAL Marks”) in connection with their business of organizing, conducting and promoting the Arizona Cardinals football franchise and the NFL.

4. For many years and long before January 6, 2004, the filing date of the intent-to-use application herein opposed, Opposers and their authorized business partners, sponsors and/or licensees have used the CARDINAL Marks on or in connection with the sale of a wide variety of goods and services, including apparel.

5. Opposers actively seek to identify and stop perceived infringers of the CARDINAL Marks.

6. During their long, widespread and continuous use of the CARDINAL Marks, Opposers and their authorized business partners, sponsors and licensees have expended considerable time, effort and money in advertising and publicizing the sale of goods and services bearing these marks.

7. Opposers and their licensees and sponsors have sold, and offered for sale, goods and services bearing the CARDINAL Marks in a trading area of broad geographical scope encompassing, inter alia, all of the states and territories of the United States.

8. Opposers and their licensees and sponsors have sold, and offered for sale, goods and services bearing the CARDINAL Marks in numerous channels of trade.

9. For many years and long before January 6, 2004, the filing date of the intent-to-use application herein opposed, the print media has used the CARDINAL Marks in connection with the Cardinals Club. Such use by the media inures exclusively to the benefit of Opposers.

10. Opposers' widespread use of the CARDINAL Marks on a variety of goods and services, Opposers' extensive advertising and publicity of such goods and services and the use by the media of these marks when referring to the Cardinals Club have contributed to the powerful consumer association between the CARDINAL Marks and Opposers, and have made these marks famous.

11. The CARDINAL Marks have a high degree of distinctiveness due to the duration and extent of Opposers' use, advertising and publicity of these marks.

12. In addition to Opposers' common law rights in the CARDINAL Marks, the Cardinals Club owns several federal and state trademark registrations for the CARDINAL Marks. The Cardinals Club is the owner of, inter alia, the following federal registrations:

<u>Reg. No.</u>	<u>Mark/Design</u>	<u>International Class(es)</u>	<u>First Use</u>
2,125,896	ARIZONA CARDINALS	16, 25, 28, 41	1994
1,209,145	CARDINALS	41	1960

The above registrations are incontestable, pursuant to 15 U.S.C. §1065.

13. By the application hereby opposed, Applicant seeks to register the mark **CARDINAL NATION** in International Class 25. The application was filed on the basis of Applicant's intent to use the mark **CARDINAL NATION** on "[f]ootwear; headwear; apparel, namely, T-shirts, shirts, shooting shirts, shorts, sweat pants, sweat shirts, pants, caps, hats, wrist bands, head bands, socks, warm-up suits, jackets, boxer shorts and fleece tops" in International Class 25.

14. The goods for which Applicant seeks registration are similar to the goods in connection with which the **CARDINAL** Marks are in use and for which the Cardinals Club owns Registration No. 2,125,896.

15. Upon information and belief, Applicant intends to sell its unauthorized and unlicensed goods to fans of professional football and the NFL, including fans of the Cardinals Club.

16. Upon information and belief, Applicant further intends to trade upon the goodwill of other Member Clubs in a similar manner, using the term "NATION" adjacent to other Member Club trademarks. Aside from the application opposed herein, Applicant also seeks registrations for the following marks that intentionally trade upon the goodwill of five other Member Clubs:

<u>Serial. No.</u>	<u>Proposed Mark</u>	<u>International Class</u>	<u>Status</u>
78/350,926	PATRIOT NATION	25	LIVE (Published)
78/348,462	VIKING NATION	25	LIVE (Published)
78/347,999	COWBOY NATION	25	LIVE (Published)
78/347,385	EAGLE NATION	25	LIVE (Published)

NFLP, together with the owners of the New England Patriots, the Minnesota Vikings, the Dallas Cowboys, the Philadelphia Eagles and the Green Bay Packers, have filed Notices of Opposition against the above-referenced applications today.

17. Opposers will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposers.

18. Registration should be refused pursuant to Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), on the grounds that Applicant's use of the proposed mark CARDINAL NATION will falsely suggest a connection between Applicant and Opposers, to the damage of Opposers.

19. Registration should be refused pursuant to Sections 2(d) and 32(1) of the Lanham Act, 15 U.S.C. §§ 1052(d) and 1114(1), on the grounds that Applicant's proposed CARDINAL NATION mark so resembles the CARDINAL Marks used consistently by Opposers in the United States, as to be likely, when used on or in connection with the goods identified in the Application, to cause confusion, or to cause mistake, or to deceive, with consequent injury to Opposers and to the public.

20. Registration should be refused pursuant to Sections 2(f) and 43(c) of the Lanham Act, 15 U.S.C. §§ 1052(f) and 1125(c), on the grounds that Opposers will be damaged by the registration sought by Applicant because the registration will dilute the distinctive and famous quality of the CARDINAL Marks.

WHEREFORE, Opposers believe they will be damaged by the registration by Applicant of CARDINAL NATION for the goods identified in Application Serial Number 78/348,415 and respectfully request that the Opposition be sustained and registration of said mark be denied.


This Notice of Opposition is filed in duplicate as required by 37 C.F.R. §2.104(a). Pursuant to 37 C.F.R. §2.6(a)(17), Opposers respectfully request that the six hundred dollar (\$600.00) statutory filing fee, to cover the statutory fee for filing a notice of opposition by two opposers in one International Class, and any additional amount be charged to Deposit Account No. 23-1705.

All communication should be addressed to Opposers' counsel, White & Case LLP, at the below stated address.

Dated: New York, New York
November 11, 2004

Respectfully submitted,

WHITE & CASE LLP

By: 
Robert L. Raskopf
Jennifer J. Millones
James H. Sullivan
1155 Avenue of the Americas
New York, New York 10036

ATTORNEYS FOR OPPOSERS
B&B HOLDINGS, INC. AND NFL
PROPERTIES LLC