

ESTTA Tracking number: **ESTTA19114**

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	New England Patriots L.P.		
Entity	Partnership	Citizenship	Delaware
Composed Of:	Limited Partnership: General Partner - Kraft Patriots Inc. (a Delaware corporation)		
Address	One Patriot Place Foxborough, MA 02035 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	78350926	Publication date	11/02/2004
Opposition Filing Date	11/11/2004	Opposition Period Ends	12/02/2004
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	patriot_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. 78/350,926
Published for Opposition in the Official Gazette on November 2, 2004
Mark: PATRIOT NATION
International Class: 25

NEW ENGLAND PATRIOTS L.P. and NFL
PROPERTIES LLC,

Opposers,

-against-

REQUISITE SOLUTIONS
INCORPORATED,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposers New England Patriots L.P. and NFL Properties LLC believe they will be damaged by registration of the mark PATRIOT 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 New England Patriots L.P. (the "New England Patriots" or "Patriots Club"), a Delaware limited partnership with its principal place of business located at One Patriot Place, Foxborough, Massachusetts 02035-1388, owns and operates a professional football team that provides entertainment services to the public in the form of competitive football games. The New England Patriots 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 New England Patriots, 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 several decades and long before January 12, 2004, the filing date of the intent-to-use application herein opposed, Opposers have used the trademarks PATRIOT, PATRIOTS, NEW ENGLAND PATRIOTS and variations thereof (hereinafter, the “PATRIOT Marks”) in connection with their business of organizing, conducting and promoting the New England Patriots football franchise and the NFL.

4. For several decades and long before January 12, 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 PATRIOT 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 PATRIOT Marks.

6. During their long, widespread and continuous use of the PATRIOT 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 PATRIOT 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 PATRIOT Marks in numerous channels of trade.

9. For several decades and long before January 12, 2004, the filing date of the intent-to-use application herein opposed, the print media has used the PATRIOT Marks in connection with the Patriots Club. Such use by the media inures exclusively to the benefit of Opposers.

10. Opposers' widespread use of the PATRIOT 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 Patriots Club have contributed to the powerful consumer association between the PATRIOT Marks and Opposers, and have made these marks famous.

11. The PATRIOT 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 PATRIOT Marks, the Patriots Club owns several federal and state trademark registrations for the PATRIOT Marks.

The Patriots 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>
948,574	PATRIOTS	16	1960
949,536	PATRIOTS	41	1960
995,095	NEW ENGLAND PATRIOTS	41	1971

1,884,852	NEW ENGLAND PATRIOTS	16, 25	1971
2,035,889	PATRIOTS (& Design)	16, 25	1993

All of the above registrations are incontestable, pursuant to 15 U.S.C. §1065.

13. By the application hereby opposed, Applicant seeks to register the mark PATRIOT NATION in International Class 25. The application was filed on the basis of Applicant’s intent to use the mark PATRIOT 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 PATRIOT Marks are in use and for which the Patriots Club owns Registration Nos. 1,884,852 and 2,035,889.

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 Patriots 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>
78/348,462	VIKING NATION	25	LIVE (Published)
78/348,415	CARDINAL NATION	25	LIVE (Published)

78/347,999	COWBOY NATION	25	LIVE (Published)
78/347,385	EAGLE NATION	25	LIVE (Published)
78/347,210	PACKER NATION	25	LIVE (Published)

NFLP, together with the owners of the Minnesota Vikings, the Arizona Cardinals, 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 PATRIOT 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 PATRIOT NATION mark so resembles the PATRIOT 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 PATRIOT Marks.

WHEREFORE, Opposers believe they will be damaged by the registration by Applicant of PATRIOT NATION for the goods identified in Application Serial Number 78/350,926 and respectfully request that the Opposition be sustained and registration of said mark be denied.

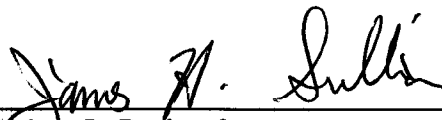
This Notice of Opposition is filed in duplicate as required by 37 C.F.R. §2.104(a). Pursuant to 37 C.F.R. §2.6(a)(17), Opposers respectfully request that the six hundred dollar (\$600.00) statutory filing fee, to cover the statutory fee for filing a notice of opposition by two opposers in one International 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: 
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ATTORNEYS FOR OPPOSERS
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PROPERTIES LLC