

ESTTA Tracking number: **ESTTA88294**

Filing date: **07/03/2006**

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 party opposes registration of the indicated application.

Opposer Information

Name	Major League Baseball Players Association
Granted to Date of previous extension	07/01/2006
Address	12 East 49th Street New York, NY 10017 UNITED STATES
Attorney information	Richard P. Stitt Shughart Thomson Kilroy, P.C. 120 West 12th Street Suite 1800 Kansas City, MO 64105 UNITED STATES officeactions@stklaw.com, rstitt@stklaw.com Phone:816-374-0554

Applicant Information

Application No	78577781	Publication date	05/02/2006
Opposition Filing Date	07/03/2006	Opposition Period Ends	07/01/2006
Applicant	Integrated Group Assets, Inc. 3603 University Park Lane Irving, TX 75062 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and sevicees in the class are opposed, namely: Machines for playing games of chance
Class 016. All goods and sevicees in the class are opposed, namely: Printed lottery tickets
Class 028. All goods and sevicees in the class are opposed, namely: Lottery games, namely, lottery tickets; disposable ticket sets for playing games of chance and betting games
Class 035. All goods and sevicees in the class are opposed, namely: Licensing of lottery games and lottery game content to the lottery industry; licensing of games of chance and betting games and content related to games of chance and betting games to the gaming industry participants; developing corporate promotional campaigns for business and promoting the sale of goods and services of others through distribution of printed materials and promotional contests
Class 041. All goods and sevicees in the class are opposed, namely: Sweepstake services
Class 042.

All goods and services in the class are opposed, namely: Licensing of intellectual property to lottery industry participants

Attachments	Notice Opposition-PLAYERCHOICE.pdf (7 pages)(20836 bytes) Exhibits ABCDEFG of Players Choice Marks.pdf (7 pages)(2209775 bytes)
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Signature	/Richard P. Stitt/
Name	Richard P. Stitt
Date	07/03/2006

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

In re Application Serial No.	78/577,781
For the mark:	PLAYER CHOICE PLAYER VALUE
Published in the Official Gazette:	May 02, , 2006

Major League Baseball Players Association))	
)	
Opposer,)	
)	
vs.)	Opposition No. _____
)	
)	
Integrated Group Assets, Inc.)	
Applicant.)	

NOTICE OF OPPOSITION

The Major League Baseball Players Association ("Opposer") an unincorporated association under the laws of the State of New York located and doing business at 12 East 49th Street, New York, New York, 10017 believes it will be damaged by the registration of the mark shown in Application Serial No. 78/577,781 International Class 028 (e.g., for lottery games) and International Class IC 035 (e.g., for licensing of lottery games and lottery game content) and International Class 009 (e.g., for machines for playing games of chance) and International Class 041 (e.g., for sweepstake services); and International Class 016 (e.g., for printed lottery tickets) and hereby opposes the same.

As grounds for this opposition, it is alleged that:

1. Opposer, Major League Baseball Players Association, is an unincorporated association under the laws of the State of New York located and doing business at 12 East 49th Street, New York, New York, 10017.

2. Upon information and belief, Applicant Integrated Group Assets, Inc., ("Applicant") is a Delaware corporation having a business address of 3603 University Park Lane, Irving, Texas 75062.

3. Applicant seeks to register the mark "Player Choice. Player Value." in the following international classes and for the following recited goods and services:

International Class 028 for lottery games, namely, lottery tickets; disposable ticket sets for playing games of chance and betting games;

International Class IC 035 for licensing of lottery games and lottery game content to the lottery industry; licensing of games of chance and betting games and content related to games of chance and betting games to the gaming industry participants; developing corporate promotional campaigns for business and promoting the sale of goods and services of others through distribution of printed materials and promotional contests;

International Class 042 for licensing of intellectual property to lottery industry participants;

International Class 009 for machines for playing games of chance;

International Class 041 for sweepstake services; and

International Class 016 for printed lottery tickets

as evidenced by the publication of said mark in the *Official Gazette* of May 02, 2006 and

Opposer, believing it will be damaged by such registration, opposes same in each of the above-identified classes of registration and for all the goods and services recited therein.

4. Opposer is the owner of common law trademark rights in the mark PLAYERS CHOICE, with and without design, and has used that mark in connection with goods and

services associated with professional baseball players and professional baseball and goods and services featuring the likenesses of professional baseball players and with sweepstakes games services, including, *inter alia*, the advertising and offering of sweepstakes games to the public.

5. Opposer is the owner of a family of trademarks containing the PLAYERS and PLAYERS CHOICE formatives (the “PLAYERS CHOICE Marks”), with and without design, and Opposer has used its PLAYERS CHOICE Marks in connection with a variety of goods and services including the following goods and services:

- a. PLAYERS TRUST FOR CHILDREN, U.S. Reg. No. 2,489,636 registered September 11, 2001 for charitable fund-raising services to benefit children in International Class 36 (Exhibit A);
- b. MLB PLAYERS CHOICE (and Design), U.S. Reg. No. 2,553,756 registered March 26, 2002 for trading cards, stickers, posters, decals, postcards, calendars, mounted and unmounted photos, book covers, paper pennants, stationery-type portfolios, magazines in the field of sports and sports trading cards in Class 16 and for T-shirts, sweatshirts, shorts, jerseys, caps, hats and sports shirts in Class 25 and for baseballs, video game cartridges, computer game programs, board games, action figures, dolls, stuffed toys, and hand-held units for playing video games in International Class 28 (Exhibit B);
- c. THE PLAYERS CLUBHOUSE, U.S. Reg. No. 2,978,550 registered July 26, 2005 for retail outlets featuring trading cards, stickers, posters, decals, postcards, calendars, photographs, book covers, pennants, clothing, baseballs, action figures, dolls, stuffed toys, computer game programs, souvenirs items, collectables, metals and coins, in International Class 35 (Exhibit C);

- d. PLAYERS CHOICE, U.S. Reg. No. 2,847,672 registered June 1, 2004 for clothes, namely, T-shirts, sweatshirts, sweatpants, pants, tank tops, shorts, jerseys, warm-up suits, jackets and sports shirts; namely, shoes; and head gear; namely, caps and hats in International Class 25 (Exhibit D);
- e. PLAYERS CHOICE, U.S. Reg. No. 2,537,150 registered February 5, 2002 for trading cards, stickers, posters, decals, postcards, calendars, mounted and unmounted photographs, book covers, paper pennants, stationery-type portfolios, magazines in the field of sports, and sports trading cards in International Class 16 (Exhibit E);
- f. PLAYERS CHOICE, U.S. Reg. No. 2,929,068 registered March 1, 2005 for video game programs related to baseball, computer game programs related to baseball in International Class 9 and for baseballs, handheld units for playing video games related to baseball, handheld units for playing electronic games related to baseball, card games related to baseball, board games related to baseball, action figures, dolls, stuffed toys, jigsaw puzzles in Class 28 (Exhibit F); and
- g. MLB PLAYERS CHOICE (and Design), U.S. Reg. No. 2,573,984 registered May 28, 2002 for jackets, tank tops and wrist bands in International Class 25 (Exhibit G).

6. Due to Opposer's extensive promotion, advertising and sale of goods and services under the marks identified above, Opposer's marks have become well known and are closely and uniquely associated with Opposer and the baseball related goods and services it offers.

7. By virtue of Opposer's efforts and expenditures, and by virtue of the quality of the Opposer's goods, Opposer's PLAYERS CHOICE Marks have valuable reputations and considerable goodwill.

8. Opposer's use of its PLAYERS CHOICE Marks pre-dates Applicant's filing of the "Player Choice Player Value" application Serial No. 78/577,781 or Applicant's use of the "Player Choice Player Value" mark.

9. Opposer believes that use and registration of Applicant's "Player Choice Player Value" mark in the manner suggested would damage Opposer for the following reasons:

- a. Persons would be confused into believing that Applicant's "Player Choice Player Value" mark is used in reference to Opposer's goods and/or services rather than those of Applicant;
- b. Applicant's use and registration of its "Player Choice Player Value" mark in the manner suggested misrepresents the source of the goods;
- c. Granting of the registration to Applicant will cause confusion and mistake, and deceive consumers as to the source or association of the "Player Choice Player Value" mark;
- d. Applicant's use of its "Player Choice Player Value" mark is confusingly similar to Opposer's use of its PLAYERS CHOICE Marks and, in particular, Opposer's use of its PLAYERS CHOICE Marks in connection with sweepstakes services; and
- e. Registration of Applicant's mark will dilute the distinctive quality of Opposer's PLAYERS CHOICE Marks.

10. By reason of the foregoing, Applicant is not entitled to registration under Sections 2 and 13 of the Lanham Act, 15 U.S.C. §§ 1052 and 1063, and Opposer would be damaged by said registration.

WHEREFORE, Opposer believes it would be seriously damaged by said registration and respectfully requests that the Trademark Trial and Appeal Board sustain this Notice of

Opposition to Application Serial No. 78/577,781 and deny registration of the mark "Player Choice. Player Value." the following reasons:

- a. Persons would be confused into believing that Applicant's "Player Choice Player Value" mark is used in reference to Opposer's goods and services rather than those of Applicant;
- b. Applicant's use and registration of its "Player Choice Player Value" mark in the manner suggested misrepresents the source of the services;
- c. Granting of the registration to Applicant will cause confusion, mistake and deceive consumers as to the source or association of goods and services offered under Opposer's marks;
- d. Granting of the registration to Applicant will be confusingly similar to Opposer's use of PLAYERS CHOICE in connection with its goods and service offered under Opposer's PLAYERS CHOICE Marks and in particular, Opposer's sweepstakes services; and

e. Granting of the registration to Applicant will result in Applicant taking advantage of the false association with Opposer.

Respectfully submitted,

MAJOR LEAGUE BASEBALL PLAYERS ASSN.
Opposer

By: SHUGHART, THOMSON & KILROY, P.C.

Dated: July 3, 2006

By: /Richard P. Stitt/
Richard P. Stitt
Russell Jones
Jason Parks
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ATTORNEYS FOR OPPOSER

CERTIFICATE OF ESTTA FILING

I hereby certify that a copy of the foregoing paper was filed electronically with the Trademark Trial and Appeal Board via the ESTTA on July 3, 2006.

 /Richard P. Stitt/
Richard P. Stitt

Int. Cl.: 36

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

United States Patent and Trademark Office

Reg. No. 2,489,636

Registered Sep. 11, 2001

**SERVICE MARK
SUPPLEMENTAL REGISTER**

PLAYERS TRUST FOR CHILDREN

MAJOR LEAGUE BASEBALL PLAYERS ASSO-
CIATION (NEW YORK UNINCORPORATED
ASSOCIATION)
12 EAST 49TH STREET
NEW YORK, NY 10017

FOR: CHARITABLE FUND-RAISING SERVICES
TO BENEFIT CHILDREN, IN CLASS 36 (U.S. CLS.
100, 101 AND 102).

FIRST USE 10-15-1996; IN COMMERCE 10-15-1996.

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

SER. NO. 75-919,395, FILED P.R. 2-15-2000; AM. S.R.
2-6-2001.

DOUGLAS LEE, EXAMINING ATTORNEY

Int. Cls.: 16, 25 and 28

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 39 and 50

Reg. No. 2,553,756

United States Patent and Trademark Office

Registered Mar. 26, 2002

Corrected

OG Date Feb. 25, 2003

TRADEMARK
PRINCIPAL REGISTER



MAJOR LEAGUE BASEBALL PLAYERS
ASSOCIATION (NEW YORK UNINC.
ASSOCIATION)
12 EAST 49TH STREET
NEW YORK, NY 10017

NO CLAIM IS MADE TO THE EXCLU-
SIVE RIGHT TO USE "MLB", APART
FROM THE MARK AS SHOWN.

FOR: TRADING CARDS, STICKERS,
POSTERS, DECALS, POST CARDS, CA-
LENDARS, MOUNTED AND UN-
MOUNTED PHOTOS, BOOK COVERS,
PAPER PENNANTS, STATIONERY-TYPE
PORTFOLIOS, MAGAZINES IN THE
FIELD OF SPORTS AND SPORTS TRAD-
ING CARDS, IN CLASS 16 (U.S. CLS. 2, 5,
22, 23, 29, 37, 38 AND 50).

FIRST USE 12-0-1996; IN COMMERCE
12-0-1996.

FOR: T-SHIRTS, SWEATSHIRTS,
SHORTS, JERSEYS, CAPS, HATS AND
SPORT SHIRTS, IN CLASS 25 (U.S. CLS.
22 AND 39).

FIRST USE 2-14-1997; IN COMMERCE
2-14-1997.

FOR: BASEBALLS, VIDEO GAME
CARTRIDGES, COMPUTER GAME PRO-
GRAMS, BOARD GAMES, ACTIONS FIG-
URES, DOLLS, STUFFED TOYS, AND
HAND HELD UNIT FOR PLAYING VI-
DEO GAMES, IN CLASS 28 (U.S. CLS. 22,
23, 38 AND 50).

FIRST USE 9-9-1996; IN COMMERCE
9-9-1996.

SER. NO. 75-981,305, FILED 7-3-1996.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Feb. 25, 2003.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Exhibit B

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,978,550

Registered July 26, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

THE PLAYERS CLUBHOUSE

MAJOR LEAGUE BASEBALL PLAYERS ASSO-
CIATION (NEW YORK UNINCORPORATED
ASSOCIATION)
12 EAST 49TH STREET
NEW YORK, NY 10017

FOR: RETAIL OUTLETS FEATURING TRADING
CARDS, STICKERS, POSTERS, DECALS, POST
CARDS, CALENDARS, PHOTOGRAPHS, BOOK
COVERS, PENNANTS, CLOTHING, BASEBALLS,
ACTION FIGURES, DOLLS, STUFFED TOYS, COM-
PUTER GAME PROGRAMS, SOUVENIR ITEMS,

COLLECTABLES, MEDALS AND COINS, IN CLASS
35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-19-2005; IN COMMERCE 5-19-2005.

OWNER OF U.S. REG. NOS. 2,501,504, 2,573,984,
AND OTHERS.

SN 78-217,031, FILED 2-20-2003.

ESTHER BELENKER, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,847,672

United States Patent and Trademark Office

Registered June 1, 2004

**TRADEMARK
PRINCIPAL REGISTER**

PLAYERS CHOICE

MAJOR LEAGUE BASEBALL PLAYERS ASSO-
CIATION (NEW YORK UNINC. ASSOCIA-
TION)
12 E. 49TH STREET
NEW YORK, NY 10017

FOR: CLOTHES; NAMELY, T-SHIRTS, SWEAT-
SHIRTS, SWEATPANTS, PANTS, TANK TOPS,
SHORTS, JERSEYS, WARM-UP SUITS, JACKETS,
AND SPORT SHIRTS; NAMELY, SHOES; AND

HEADGEAR; NAMELY CAPS AND HATS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-1-2003; IN COMMERCE 7-1-2003.

SN 75-824,500, FILED 10-18-1999.

HENRY S. ZAK, EXAMINING ATTORNEY

Exhibit D

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,537,150

Registered Feb. 5, 2002

**TRADEMARK
PRINCIPAL REGISTER**

PLAYERS CHOICE

MAJOR LEAGUE BASEBALL PLAYERS ASSO-
CIATION (NEW YORK UNINCORPORATED
ASSOCIATION)
12 E. 49TH STREET
NEW YORK, NY 10017

FOR: TRADING CARDS, STICKERS, POSTERS,
DECALS, POST CARDS, CALENDARS, MOUNTED
AND UNMOUNTED PHOTOGRAPHS, BOOK COV-
ERS, PAPER PENNANTS, STATIONARY TYPE

PORTFOLIOS, MAGAZINES IN THE FIELD OF
SPORTS AND SPORTS TRADING CARDS, IN CLASS
16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-0-1996; IN COMMERCE 12-0-1996.

SN 75-824,489, FILED 10-18-1999.

BRETT TOLPIN, EXAMINING ATTORNEY

Int. Cls.: 9 and 28

Prior U.S. Cls.: 21, 22, 23, 26, 36, 38, and 50

Reg. No. 2,929,068

United States Patent and Trademark Office

Registered Mar. 1, 2005

**TRADEMARK
PRINCIPAL REGISTER**

PLAYERS CHOICE

MAJOR LEAGUE BASEBALL PLAYERS ASSO-
CIATION (NEW YORK UNINC. ASSOCIA-
TION)
12 E. 49TH STREET
NEW YORK, NY 10017

FOR: VIDEO GAME PROGRAMS RELATED TO
BASEBALL, COMPUTER GAME PROGRAMS RE-
LATED TO BASEBALL, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).

FIRST USE 8-1-2004; IN COMMERCE 8-1-2004.

FOR: BASEBALLS, HANDHELD UNITS FOR
PLAYING VIDEO GAMES RELATED TO BASE-

BALL, HANDHELD UNITS FOR PLAYING ELEC-
TRONIC GAMES RELATED TO BASEBALL, CARD
GAMES RELATED TO BASEBALL, BOARD GAMES
RELATED TO BASEBALL, ACTION FIGURES,
DOLLS, STUFFED TOYS, JIGSAW PUZZLES, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

SN 75-825,894, FILED 10-18-1999.

HENRY S. ZAK, EXAMINING ATTORNEY

Exhibit F

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,573,984

United States Patent and Trademark Office

Registered May 28, 2002

**TRADEMARK
PRINCIPAL REGISTER**



MAJOR LEAGUE BASEBALL PLAYERS ASSO-
CIATION (NEW YORK UNINC. ASSOCIA-
TION)
12 EAST 49TH STREET
NEW YORK, NY 10017

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

FOR: JACKETS, TANK TOPS AND WRIST
BANDS, IN CLASS 25 (U.S. CLS. 22 AND 39).

SN 75-130,600, FILED 7-3-1996.

FIRST USE 12-0-1999; IN COMMERCE 12-0-1999.

BRETT TOLPIN, EXAMINING ATTORNEY

Exhibit G