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August 14, 2006

TTAB

By Express Mail

BOX TTAB FEE
Commissioner for Trademarks
P.O Box 1451
Alexandria, VA 22313-1451

Attention: Trademark Trial and Appeal Board

Re: The Baseball Club of Seattle, L.P.
Notice of Opposition Against Sun Ban Fashions'
Application to Register MARINER
Attorney Ref. No. 21307.035

Dear Commissioner:

We enclose an original Notice of Opposition against Application Serial Number 78/633,150, published in the Official Gazette of February 14, 2006. 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.



08-14-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. # 00

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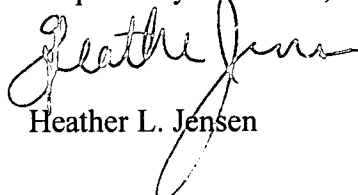
Commissioner for Trademarks

August 14, 2006

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Kindly confirm receipt of this opposition by returning the attached postcard and address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

A handwritten signature in cursive script that reads "Heather L. Jensen". The signature is written in black ink and is positioned above the printed name.

Heather L. Jensen

Enclosures

cc: Ms. Diane Kovach (w/encs. – by fax)
Mary L. Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)

Ref. No. 21307.035

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

In re Application Serial No. 78/633,150
Filed: May 19, 2005
For Mark: MARINER
Published in the Official Gazette: February 14, 2006

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:
THE BASEBALL CLUB OF :
SEATTLE, L.P., :
:
Opposer, :
v. :
:
SUN BAN FASHIONS, :
:
Applicant. :
-----X

NOTICE OF OPPOSITION

Opposition No.

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, The Baseball Club of Seattle, L.P. ("Opposer"), a Washington limited partnership with offices at Safeco Field, 1250 First Avenue South, Seattle, Washington 98134, believes that it will be damaged by registration of the word mark MARINER in International Class 9 for "eyeglasses, sunglasses, magnifying glasses, eyeglass frames, eyeglass lenses, eyewear accessories, namely, eyeglass cases and eyeglass chains" as shown in Application Serial

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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, P.O. Box 1451, Alexandria, Virginia 22313-1451 on

8/14/06 (Date of Deposit) Charles D. H. (Print name)

Charles D. H. (Signature)

08/17/2006 WPHRM1 0000009 78633150
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No. 78/633,150 (the "Application"), and having been granted extensions of time to oppose up to and including August 13, 2006, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned SEATTLE MARINERS MAJOR LEAGUE BASEBALL club.

2. Since long prior to December 6, 2004, Applicant's claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors, have used marks that comprise or contain the word MARINERS, alone or with other word or design elements ("Opposer's MARINERS Marks"), in connection with baseball game and exhibition services and a wide variety of goods and services, including, but not limited to, sunglasses, toys and sporting goods, clothing, and paper and printed matter, and the media, press, and public have used MARINER to refer to and identify players of Opposer's baseball club.

3. Opposer owns U.S. Federal registrations and applications for Opposer's MARINERS Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 28 and 41; namely, Registration Nos. 1,066,949, 1,539,310, 1,618,846, 2,672,380, 1,082,614, 1,118,821, 1,066,950, 1,879,043, 2,109,321, 1,562,225 and 1,163,136 and Application Serial No. 78/724,935 for said trademarks and service marks. Opposer's Registration Nos. 1,066,949, 1,539,310, 1,618,846, 1,082,614, 1,118,821, 1,066,950, 1,879,043, 2,109,321, 1,562,225 and 1,163,136 are incontestable and Registration Nos. 1,879,043 and 2,109,321 are partially incontestable.

4. Since long prior to December 6, 2004, Applicant's claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing Opposer's MARINERS Marks, in connection with baseball game and exhibition services and a wide variety

of goods and services including, but not limited to, sunglasses, toys and sporting goods, clothing, and paper 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 Opposer's MARINERS Marks, Opposer has built up highly valuable goodwill in Opposer's MARINERS Marks, which have become closely and uniquely identified and associated with Opposer.

6. On May 19, 2005, Applicant Sun Ban Fashions filed the Application to register the word mark MARINER for "eyeglasses, sunglasses, magnifying glasses, eyeglass frames, eyeglass lenses, eyewear accessories, namely, eyeglass cases and eyeglass chains" in International Class 9, claiming a first use date of December 6, 2004.

7. Upon information and belief, Applicant did not use the mark MARINER prior to December 6, 2004, Applicant's claimed first use date.

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

9. Applicant's MARINER mark so resembles Opposer's MARINERS 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 MARINER mark.

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

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's MARINER 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, Richard S. Mandel and Heather L. Jensen (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.

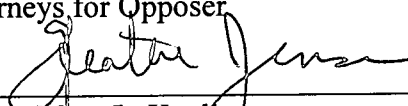
Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
August 14, 2006

Respectfully submitted,

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

By: _____


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