

ESTTA Tracking number: **ESTTA108621**

Filing date: **11/08/2006**

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	Monster Cable Products, Inc.
Granted to Date of previous extension	11/08/2006
Address	455 Valley Drive Brisbane, CA 94005 UNITED STATES

Correspondence information	Matthew A. Powelson LaRiviere, Grubman & Payne LLP 19 Upper Ragsdale Drive, Suite 200 Monterey, CA 93940 UNITED STATES uspto@lgpatlaw.com
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Applicant Information

Application No	78619649	Publication date	07/11/2006
Opposition Filing Date	11/08/2006	Opposition Period Ends	11/08/2006
Applicant	Boston Red Sox Baseball Club Limited Partnership Fenway Park, 4 Yawkey Way Boston, MA 02215 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 016. All goods and services in the class are opposed, namely: Paper goods and printed matter, namely, trading cards, posters, stickers, decals, temporary tattoos, bumper stickers, score books, scorecards, printed baseball game programs, magazines and books featuring baseball, newsletters, brochures and pamphlets all featuring baseball, writing pads, note paper, notebooks, binders, stationery-type portfolios, stationery folders, stationery sets, namely, writing paper, cards, and envelopes; paper activity sets, namely, booklets containing children's games and activities, coloring pages, stories and craft ideas; flip books, preprinted agenda organizers for stationery use, memo boards, scrapbooks, autograph books, baseball card albums, book covers, bookmarks, bookends, calendars, greeting cards, postcards, printed bank checkbooks, checkbook covers, credit cards without magnetic coding, collectible stamps, rubber stamps, ink stamps, commemorative stamp sheets, paper pennants, gift wrapping paper, paper gift and party bags, paper party goods in the nature of paper party decorations, paper coasters, paper flags, paper napkins, facial tissue, paper tablecloths, mounted and unmounted photographs, framed photographs, photograph albums, lithographs, printed paper signs, printed paper door signs, metal bulletin boards, paperweights, letter openers, pens, pencils, decorative pencil top ornaments, crayons, markers, desk stands, holder for pens, pencils and ink, non-electric erasers, pencil sharpeners, pencil cases, ungraduated rulers, art pictures, art prints, paper ticket holders and non-metal lanyards for paper ticket holders sold as a unit, and plastic</p>
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baseball card holders and collectors cases
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Attachments	NoticeofOpp-Class16.pdf (11 pages)(88434 bytes)
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Signature	/Matthew A. Powelson/
Name	Matthew A. Powelson
Date	11/08/2006

Date of Filing: November 8, 2007

I hereby certify that this paper or fee is being electronically filed with the United States Patent and Trademark Office on the date indicated above.

Typed or Printed Name of Person Electronically Filing Paper or Fee: RICKI ALEXANDER

Signature: Ricki Alexander

TRADEMARK: MONSTER SEATS

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

In the matter of Trademark Registration Application Serial No. 78/619,649 published in the Official Gazette (Trademarks) on July 11, 2006:

MONSTER CABLE PRODUCTS, INC.)	
)	
Opposer,)	
v.)	Opposition No.: _____
)	
BOSTON RED SOX BASEBALL CLUB LIMITED PARTNERSHIP,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

MONSTER CABLE PRODUCTS, INC., a California corporation ("Opposer"), whose address is 455 Valley Drive, Brisbane, CA 94005-1209 (referred to herein as "Opposer") believes that they will be damaged by the registration of the mark "MONSTER SEATS" in International Class 16 (Paper goods and printed matter, namely, trading cards, posters, stickers, decals, temporary tattoos, bumper stickers, score books, scorecards, printed baseball game programs, magazines and books featuring baseball, newsletters, brochures and pamphlets all featuring

baseball, writing pads, note paper, notebooks, binders, stationery-type portfolios, stationery folders, stationery sets, namely, writing paper, cards, and envelopes; paper activity sets, namely, booklets containing children's games and activities, coloring pages, stories and craft ideas; flip books, preprinted agenda organizers for stationery use, memo boards, scrapbooks, autograph books, baseball card albums, book covers, bookmarks, bookends, calendars, greeting cards, postcards, printed bank checkbooks, checkbook covers, credit cards without magnetic coding, collectible stamps, rubber stamps, ink stamps, commemorative stamp sheets, paper pennants, gift wrapping paper, paper gift and party bags, paper party goods in the nature of paper party decorations, paper coasters, paper flags, paper napkins, facial tissue, paper tablecloths, mounted and unmounted photographs, framed photographs, photograph albums, lithographs, printed paper signs, printed paper door signs, metal bulletin boards, paperweights, letter openers, pens, pencils, decorative pencil top ornaments, crayons, markers, desk stands, holder for pens, pencils and ink, non-electric erasers, pencil sharpeners, pencil cases, ungraduated rulers, art pictures, art prints, paper ticket holders and non-metal lanyards for paper ticket holders sold as a unit, and plastic baseball card holders and collectors cases) on the Principal Register, as shown in the above-referenced application made by BOSTON RED SOX BASEBALL CLUB LIMITED PARTNERSHIP, LLC ("Applicant"), and hereby opposes same.

As grounds of opposition, it is alleged that:

1. Opposer has prior rights to the trademark MONSTER, as it first used said mark at least as early as May 18, 1978, and cause said mark to be placed in commerce at least as early as August 18, 1978 in connection with other goods, such as electrical and musical items.

2. Since long prior to April 29, 2005, the filing date of the subject ITU application, or the actual date of first use of the MONSTER SEATS mark by Applicant, Opposer has used continuously the MONSTER mark and an extensive "MONSTER" family of marks using the "Monster" stem word (hereinafter "MONSTER Family of Marks"), on or in connection with various goods and services in the United States. Among those goods and services sold and provided for by Opposer in the United States under the MONSTER Family of Marks are a variety of goods and services, including but not limited to, electrical, audio, video, clothing, musical items and thereafter on related items, including products and services in connection with computers, the Internet and electronic commerce, professional sports events, community events, and related goods.

3. By reason of the adoption and continuous use of the MONSTER Family of Marks, these marks have a distinctive quality and have acquired special and particular significance and very valuable goodwill as identifying Opposer and its goods and services. Opposer's MONSTER Family of Marks has become famous and distinctive through, *inter alia*, Opposer's extensive use, advertising and promotion of that mark through the United States for a variety of goods and services over a substantial period of time.

4. Consequently, through such usage and recognition, Opposer has acquired common-law rights in the MONSTER Family of Marks as proprietary trademarks, which

rights extend without limitation, to the exclusive right to use such designation nationwide in conjunction with Opposer's goods and services.

5. Moreover, since prior to either the filing date of the subject application or the actual date of first use of the MONSTER SEATS mark by Applicant, Opposer has used the designation MONSTER, either along or in connection with other terms, as a trademark on in conjunction with a variety of goods and services and, as such, has acquired nation wide common-law rights in the MONSTER designation as a proprietary trademark for its goods and services.

6. Opposer is also the licensor of additional marks employing the term "Monster".

7. Opposer is also the owner of many U.S. registrations for its MONSTER Family of Marks, including, without limitation, the following registrations:

a. Federal Trademark Registration No. 2,184,002, for the mark MONSTER in Class 9 for namely electrical and musical signal transmitting cable and connectors;

b. Federal Trademark Registration No. 1,342,164, for the mark MONSTER CABLE in Class 9, for electrical signal transmitting cable and connectors;

c. Federal Trademark Registration No. 1,340,229, for the mark MONSTER CABLE in Class 9, for musical and voice signal transmitting cable and connectors;

d. Federal Trademark Registration No. 1,384,076, for the mark MONSTER CABLE (STYLIZED) in Class 9, for computer cables;

- e. Federal Trademark Registration No. 1,336,372, for the mark
MONSTER CABLE SPECIAL in Class 9, for audio cable;
- f. Federal Trademark Registration No. 2,998,513, for the mark
"MONSTER" in Class 28 for bowling balls;
- g. Federal Trademark Registration No. 3,103,291, for the mark
"MONSTER GARAGE" in Class 9 for motion picture films; pre-recorded video disks and
audio-visual recordings; pre-recorded videotapes; pre-recorded compact disc; DVDs and
CD-ROMs; all of the above goods featuring subject matter related to the television series of
the same name that features the reconstruction of automobiles into unique motor vehicle
devices;
- h. Federal Trademark Registration No. 3,103,290, for the mark
"MONSTER GARAGE" in Class 41 for entertainment services in the nature of a television
series regarding the reconstruction of automobiles into unique motor vehicle devices;
- i. Federal Trademark Registration No. 3,097,551, for the mark
"MONSTER GARAGE" in Class 41 for entertainment services in the nature of a television
series regarding the reconstruction of automobiles into unique motor vehicle devices; provision
of information related to television program of the same name via the internet;
- j. Federal Trademark Registration No. 3,055,801, for the mark
"MONSTER GEAR" in Class 18 for luggage;
- k. Federal Trademark Registration No. 2,972,563, for the mark
"MONSTER MINTS" in Class 30 for mint candy;

1. Federal Trademark Registration No. 3,057,145, for the mark "MONSTER UNIVERSITY" in Class 41 for educational and training services, namely, conducting online training with respect to electronic products, key word and key phrase information relating to electronic products, and hookup information relating to electronic products.
 - m. Federal Trademark Registration No. 1,844,244, for the trademark MONSTER HOME THEATRE for Class 9, for audio cables.
 - n. Federal Trademark Registration No. 1,738,114, for the trademark MONSTER DESIGN for Class 9, for cable connectors for use with audio equipment.
 - o. Federal Trademark Registration No. 1,537,306, for the trademark MONSTER MUSIC for Class 9, for compact discs.
 - p. Federal Trademark Registration No. 2,809,051, for the trademark MONSTER MOBILE for Class 9, namely electrical equipment for recharging batteries.
 - q. Federal Trademark Registration No. 1,759,527, for the trademark MONSTER SOUND for Class 9, for audio equipment, namely electrical cables and connectors and parts thereof.
 - r. Federal Trademark Registration No. 1,428,215, for the trademark MONSTER VIDEO for Class 9, for video cables.
 - s. Federal Trademark Registration No. 1,351,414, for the trademark MONSTER TIPS for Class 9, for electrical audio connectors for connecting of home stereo and video components.

- t. Federal Trademark Registration No. 1,812,892, for the trademark MONSTER CONNECTION for Class 16, for newsletters about consumer electronics.
- u. Federal Trademark Registration No. 1,414,284, for the trademark I AM A MONSTER for Class 25, namely t-shirts and jackets.
- v. Federal Trademark Registration No. 2,220,851, for the trademark MONSTER CENTRAL for Class 9, namely electrical signals and distribution panels.
- w. Federal Trademark Registration No. 2,185,607, for the trademark MONSTER COMPUTER for Class 9, namely computer cables.
- x. Federal Trademark Registration No. 2,211,670, for the trademark MONSTER MOUNTS for Class 9, namely loudspeaker mounting units.
- y. Federal Trademark Registration No. 2,153,562, for the trademark MONSTER MULTIMEDIA for Class 9, for Audio and video products, namely, cable switch boxes, and junction boxes.
- z. Federal Trademark Registration No. 2,227,322, for the trademark MONSTER NETWORKING for Class 9, namely, connectors and cables for the transmission of data signals.
- aa. Federal Trademark Registration No. 2,330,194, for the trademark MONSTER LOCK for Class 9, namely electrical connectors.
- bb. Federal Trademark Registration No. 2,728,729, for the trademark MONSTER POWER for Class 9, electrical power control products, namely batteries, power strip type electrical outlets, power line conditioners and electrical power extension cords.

cc. Federal Trademark Registration No. 2,639,223, for the trademark MONSTER USB for Class 9, namely USB cables and connector devices for computers and components.

dd. Federal Trademark Registration No. 2,213,346, for the trademark MONSTER POWER for Class 9, namely batteries, power strips, power line conditioners, and electrical power extension cords.

ee. Federal Trademark Registration No. 2,083,506, for the trademark MONSTER SATELLITE for Class 9, namely satellite disk-to-receiver interconnect, electrical cables, electrical connectors and amplifiers, satellite receiver connection kit comprised of electrical cables and electrical connectors, amplifier, and satellite finder.

ff. Federal Trademark Registration No. 2,381,247, for the trademark MONSTER DIGITAL for Class 9, namely electrical signal transmitting cable and connectors.

gg. Federal Trademark Registration No. 2,381,246, for the trademark MONSTER STANDARD for Class 9, namely electrical signal transmitting cable and connectors.

hh. Federal Trademark Registration No. 2,724,015, for the trademark MONSTER (and design) for Class 9, namely electrical cables, connectors and control devices for use with audio and video components.

ii. Federal Trademark Registration No. 2,617,706, for the trademark IMONSTER for Class 35, namely promoting the goods and services of others by providing hypertext links to web sites of others.

jj. Federal Trademark Registration No. 2,627,042, for the trademark MONSTER for Class 25, clothing, namely sweatshirts, T-shirts, pants, jackets, and caps.

kk. Federal Trademark Registration No. 2,774,858, for the trademark MONSTER for Class 9, namely electrical and optical cables, wires and connectors for use with audio and video components.

ll. Federal Trademark Registration No. 2,623,566, for the trademark MONSTER BUCKS for Class 35, marketing and product promotion services for others; namely by distribution of product reward coupons to sales representatives for redemption and/or redistribution to clients.

8. Opposer's Federal Trademark Registrations related to its MONSTER Family of Marks are valid, subsisting, and in full force and effect.

9. On April 29, 2005, Applicant filed the ITU application at issue to register in Class 16 the mark MONSTER SEATS ("Applicant's Mark") for use with paper goods and printed matter, namely, trading cards, posters, stickers, decals, temporary tattoos, bumper stickers, score books, scorecards, printed baseball game programs, magazines and books featuring baseball, newsletters, brochures and pamphlets all featuring baseball, writing pads, note paper, notebooks, binders, stationery-type portfolios, stationery folders, stationery sets, namely, writing paper, cards, and envelopes; paper activity sets, namely, booklets containing children's games and activities, coloring pages, stories and craft ideas; flip books, preprinted agenda organizers for stationery use, memo boards, scrapbooks, autograph books, baseball card albums, book covers, bookmarks, bookends, calendars, greeting cards, postcards, printed

bank checkbooks, checkbook covers, credit cards without magnetic coding, collectible stamps, rubber stamps, ink stamps, commemorative stamp sheets, paper pennants, gift wrapping paper, paper gift and party bags, paper party goods in the nature of paper party decorations, paper coasters, paper flags, paper napkins, facial tissue, paper tablecloths, mounted and unmounted photographs, framed photographs, photograph albums, lithographs, printed paper signs, printed paper door signs, metal bulletin boards, paperweights, letter openers, pens, pencils, decorative pencil top ornaments, crayons, markers, desk stands, holder for pens, pencils and ink, non-electric erasers, pencil sharpeners, pencil cases, ungraduated rulers, art pictures, art prints, paper ticket holders and non-metal lanyards for paper ticket holders sold as a unit, and plastic baseball card holders and collectors cases.

10. The intended trademark MONSTER SEATS is confusingly similar to Opposer's above-stated individual trademarks and the MONSTER family of marks, and registration of Applicant's proposed mark and continued use by Applicant on its goods is likely to cause confusion, deception, and mistake. Applicant's use of said intended trademark interferes with Opposer's use of its above-stated trademarks and family of marks, and use or registration of its mark by Applicant will seriously damage Opposer. Furthermore, Opposer's MONSTER and family of MONSTER marks are famous and became famous before Applicant's date of application for Application Serial No.78/619,649, and Applicant's use is likely to dilute the distinctive quality of Opposer's famous MONSTER and family of MONSTER marks.

A filing fee is enclosed herewith. If any additional fees is required, please contact the undersigned.

WHEREFORE, Opposer MONSTER CABLE PRODUCTS, INC. prays that Application Serial No. 78/619,649 be rejected, and that the registration of the mark therein shown for the goods therein specified be refused and denied.

Respectfully submitted,

LARIVIERE, GRUBMAN & PAYNE, LLP

Dated: November 8, 2006


By _____

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