ESTTA Tracking number: **ESTTA108115**

Filing date: **11/06/2006**

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	The Basketball Club of Seattle, LLC
Granted to Date of previous extension	11/05/2006
Address	351 Elliot Ave. West Seattle, WA 98119 UNITED STATES

Correspondence information	Anil V. George Attorney for Opposer NBA Properties, Inc. Olympic Tower - 645 Fifth Avenue New York, NY 10022 UNITED STATES ipgroup@nba.com Phone:212-407-8330

Applicant Information

Application No	78645922	Publication date	05/09/2006
Opposition Filing Date	11/06/2006	Opposition Period Ends	11/05/2006
Applicant	Sonic Golf LLC 6 Abigail Street Milford, CT 06460 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and sevices in the class are opposed, namely: Computer hardware and software in the field of golf instruction and golf swing analysis, namely computer hardware and software for transmitting, recording, storing, providing audio feedback and video display of information related to a golf swing
Class 025. All goods and sevices in the class are opposed, namely: Clothing for use in connection with golf, namely wind and water resistant jackets, jackets, sweaters, shorts, shirts, sweatshirts, hats and visors
Class 028. All goods and sevices in the class are opposed, namely: Golf club swing aids, namely, electronically instrumented golf clubs in the nature of irons, putters and drivers and sold alone and electronically instrumented golf clubs in the nature of irons, putters and drivers and sold with related software
Class 041. All goods and sevices in the class are opposed, namely: Educational and entertainment services for others, namely, organizing sports events in the field of golf, providing golf instruction, providing golf instruction via schools and clinics

Attachments	Sonic Golf.pdf (3 pages)(93207 bytes)

Signature	/Anil V. George/
Name	Anil V. George
Date	11/06/2006

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

In re Application of Sonic Golf, LLC

Serial No. : 78/645,922

MARK : SONIC GOLF

FILING DATE : June 8, 2005

---------- X

The Basketball Club of Seattle, LLC
Petitioner

v.

Sonic Golf, LLC
Applicant

Opposition No. _____

----------X

NOTICE OF OPPOSITION

Sonic Golf, LLC ("Opposer") believes that it will be damaged by the registration of the proposed mark, SONIC GOLF (the "Mark"), identified in application serial number 78/645,922 and, hereby, opposes registration of the same in Class 9, 25, 28, and 41.

1. Opposer is a Washington Limited Liability Company with its principal office and place of business at 351 Elliot Ave. West, Seattle, WA 98119.

2. Since long prior to June 8, 2005 the filing date of the Intent to Use application filed the Applicant in the above listed application, Opposer has and now is engaged in the business of providing assorted basketball entertainment services through the National Basketball Association (the "NBA").

3. Opposer provides such basketball entertainment services and related, collateral goods, including all forms of clothing, headwear and footwear, games, sporting goods, and basketball services under the SEATTLE SONICS marks (collectively the "Sonics Marks").

4. Opposer has used the Sonics Marks extensively and continuously. In connection thereto, Opposer has engaged in wide ranging promotional efforts and generated substantial sales. As a result, the Sonics Marks have become known to the public and are closely associated with the Seattle Sonics basketball team, the NBA and its goods and services. Thus, the Sonics Marks are identified as a source of origin and have generated substantial goodwill.

5. In addition to being distinctive of the goods and services of the Seattle Sonics, the Opposer's marks are famous. The Sonics Marks are famous, among other reasons, because of their extensive and continuous nationwide use by the Seattle Sonics, the substantial sales volumes for goods and services associated with the Sonics Marks, the wide ranging promotional efforts relating to the Sonics Marks by the Seattle Sonics and the NBA, and extensive media attention concerning the Seattle Sonics, and the goods and services of the NBA and the Seattle Sonics.

6. Opposer has been using the Seattle Sonics name and logo for goods in and/or related to Class 25 prior to Applicant's filing date.

7. Notwithstanding Opposer's rights, Applicant seeks registration of the Mark for Classes 9, 25, 28, and 41 services.

8. The Mark, "SONIC GOLF" contains a similar mark in spelling and phonetic tone in connection with Classes 9, 25, 28 and 41.

9. Applicant's adoption and use of the Mark is without license or permission of Opposer.

10. Use of the Mark likely will cause people to believe that the relevant goods are authorized, endorsed, or sponsored by the Seattle Sonics or the NBA when that is not the case.

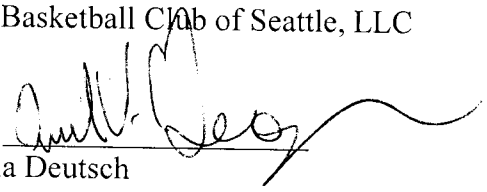
11. Registration of the Mark would be contrary to and violate Trademark Act Sections 2(a), 15 U.S.C. § 1052(a), and 2(d), 15 U.S.C. § 1052(d), and, therefore, violate and diminish the prior and superior rights of Opposer in the Seattle Sonics.

12. Opposer will be damaged if Application Serial No. 78/645,922 is granted registration because Applicant will obtain statutory rights in violation and derogation of the established prior and superior rights of Opposer.

13. WHEREFORE, Opposer prays that its opposition be sustained and that Application Serial No. 78/645,922 be refused and denied registration.

November 6, 2006

The Basketball Club of Seattle, LLC

By: 

NBA PROPERTIES, INC.
Olympic Tower
645 Fifth Avenue
New York, New York 10022
(212) 407-8000

Ayala Deutsch
Anil V. George
Erik J. Levin
Nicole E. Soffin
Attorneys for Opposer