

ESTTA Tracking number: **ESTTA140433**

Filing date: **05/14/2007**

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	Baseball Expos, L.P.
Granted to Date of previous extension	05/13/2007
Address	c/o Office of the Commissioner of Baseba 245 Park Avenue New York, NY 10167 UNITED STATES

Attorney information	Maryann Penney Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES mxx@cjl.com, trademark@cjl.com Phone:212-790-9200
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Applicant Information

Application No	78705240	Publication date	11/14/2006
Opposition Filing Date	05/14/2007	Opposition Period Ends	05/13/2007
Applicant	Sally Lou Fashions Corp. 6th Floor 1400 Broadway New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and sevicees in the class are opposed, namely: apparel, namely dresses
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Grounds for Opposition

Other	See attached pleading.
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Attachments	EXPO - Notice of Opposition.PDF (4 pages)(34120 bytes) EXPO - Letter to Commissioner.PDF (1 page)(94248 bytes)
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Signature	/Maryann Penney/
Name	Maryann Penney
Date	05/14/2007

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

In re Application Serial No. 78/705,240
Filed: September 1, 2005
For Mark: EXPO (stylized)
Published in the Official Gazette: November 14, 2006

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: BASEBALL EXPOS, L.P. :
: : NOTICE OF OPPOSITION
: Opposer, :
: v. : Opposition No.
: :
: SALLY LOU FASHIONS CORP., :
: :
: Applicant. :
-----X

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

Opposer, Baseball Expos, L.P., a Delaware limited partnership with an address c/o Office of the Commissioner of Baseball at 245 Park Avenue, New York, New York 10167 (“Opposer”), believes that it will be damaged by registration of the following stylized EXPO mark:

EXPO

(“Applicant’s Mark”) for “apparel, namely dresses” in International Class 25, as shown in Application Serial No. 78/705,240 (the “Application”) and having been granted extensions of time to oppose up to and including May 13, 2007, hereby opposes same.

As grounds for opposition, it is alleged that:

1. Opposer owned the former MONTREAL EXPOS MAJOR LEAGUE BASEBALL club.

2. Since long prior to September 1, 2005, Applicant's constructive first use date, Opposer, its predecessors and their affiliated and related entities, licensees and/or sponsors, have used the mark EXPOS, either alone or with other word and/or design elements ("Opposer's EXPOS Marks"), in connection with a variety of goods and services, including, but not limited to, apparel, accessories, caps, toys, sporting goods, novelty items and printed matter and continue to use Opposer's EXPOS Marks on said goods.

3. Opposer owns U.S. Federal registrations for Opposer's EXPOS Marks in International Classes 6, 14, 16, 18, 21, 24, 25, 28 and 41; namely, Reg. Nos. 1,725,787, 2,091,518, 1,881,072, 1,042,655, 1,643,939, 1,560,721 and 1,873,010. Reg. Nos. 1,725,787, 1,042,655, 1,643,939 and 1,560,721 are incontestable and Reg. Nos. 1,873,010, 2,091,518 and 1,881,072 are partially incontestable.

4. Since long prior to September 1, 2005, Applicant's constructive first use date, Opposer, its predecessors and their affiliated and related entities, licensees and/or sponsors, have extensively promoted and advertised the sale and distribution of a variety of goods and services bearing or offered in connection with Opposer's EXPOS Marks, including, but not limited to, apparel, accessories, caps, toys, sporting goods, novelty items and printed matter, and have sold or distributed such goods and rendered such services in commerce and continue to use Opposer's EXPOS Marks on said goods.

5. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with Opposer's EXPOS Marks, Opposer has built up highly

valuable goodwill in Opposer's EXPOS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On September 1, 2005, Applicant filed the Application, based on an intent to use, to register the stylized mark EXPO for "apparel, namely dresses" in International Class 25.

7. Upon information and belief, Applicant did not use the EXPO mark prior to its constructive first use date of September 1, 2005.

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

9. Applicant's EXPO mark so resembles Opposer's EXPOS Marks as to be likely, when used in connection with 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 EXPO mark.

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

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's EXPO 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 Maryann Penney (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
May 14, 2007

Respectfully submitted,

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

By: /Maryann Penney /
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May 14, 2007

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Baseball Expos, L.P.
Notice of Opposition Against
Sally Lou Fashions Corp.'s
Application to Register EXPO (stylized)
Attorney Ref. No. 21307.000

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 78/705,240, published in the Official Gazette of November 14, 2006. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Maryann Penney/

Maryann Penney

Enclosures

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



21307/000/789945.1

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