

ESTTA Tracking number: **ESTTA157807**

Filing date: **08/20/2007**

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	Angels Baseball LP
Granted to Date of previous extension	08/19/2007
Address	2000 Gene Autry Way Anaheim, CA 92806 UNITED STATES

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

Application No	78576803	Publication date	02/20/2007
Opposition Filing Date	08/20/2007	Opposition Period Ends	08/19/2007
International Registration No.	NONE	International Registration Date	NONE
Applicant	WISE MANAGMENT SERVICES, LTD 150 GRANTHAM STREET HAMILTON, NEW ZEALAND		

Goods/Services Affected by Opposition

<p>Class 035. All goods and services in the class are opposed, namely: RETAIL STORES, WHOLESALE STORES, ON-LINE TRADING SERVICES AND ON-LINE AUCTION SERVICES ALL FEATURING FURNITURE, FURNISHINGS, APPLIANCES, HOUSEHOLD ITEMS, CLOTHING, FOOTWEAR, HEADGEAR, FOODSTUFFS, BEVERAGES, PRINTED MATTER, BOOKS, CARDS, CALENDARS, GAMES AND PLAYTHINGS TO PROMOTE AND RAISE FUNDS FOR CHARITABLE AND HUMANITARIAN PURPOSES; DISSEMINATION OF ADVERTISING MATTER FOR OTHERS; UPDATING OF ADVERTISING MATTER FOR OTHERS; RENTAL OF ADVERTISING SPACE FOR OTHERS; PREPARATION OF PUBLICITY TEXTS FOR OTHERS; PUBLICITY AND PUBLIC RELATION SERVICES FOR OTHERS; ORGANIZING AND CONDUCTING CONFERENCES, COLLOQUIA, CONGRESSES, EXHIBITIONS, SEMINARS, AND SYMPOSIA ALL BEING FOR COMMERCIAL OR ADVERTISING PURPOSES; BUSINESS ADMINISTRATION SERVICES FOR THE PROCESSING OF SALES MADE BY OTHERS ON THE INTERNET; ADVERTISING AND PROMOTION SERVICES FOR OTHERS; PROVIDING INFORMATION RELATING TO THE PROVISION OF SPACE ON WEB-SITES FOR ADVERTISING GOODS AND SERVICES OF OTHERS; ORGANIZING CHARITABLE APPEALS AND PUBLIC AWARENESS CAMPAIGNS FOR</p>
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OTHERS TO RAISE MONEY FOR CHARITABLE AND HUMANITARIAN PURPOSES

Class 036.

All goods and services in the class are opposed, namely: COLLECTING, PROCESSING AND DISTRIBUTION OF FUNDS RAISED BY WAY OF AN ON-LINE TRADING AND AUCTION SITE SET UP FOR CHARITABLE OR HUMANITARIAN PURPOSES; FINANCIAL SERVICES, NAMELY COLLECTING, PROCESSING AND DISTRIBUTION OF FUNDS FROM CHARITABLE CONTRIBUTIONS; FINANCIAL SERVICES, NAMELY FUNDS INVESTMENT, BANKING AND MONEY TRANSFERS; APPRAISAL OF GOODS FOR SALE

Class 041.

All goods and services in the class are opposed, namely: ORGANIZING, ARRANGING AND CONDUCTING CLASSES, COMPETITIONS, SEMINARS, WORKSHOPS, SYMPOSIUMS, CONFERENCES, EXHIBITIONS, CHARITY AUCTIONS, ENTERTAINMENT EVENTS, DINNERS, SPORTING FUNCTIONS, SOCIAL FUNCTIONS, CONCERTS, FUND-RAISING EVENTS, SHOWS, BALLS AND PARTIES, ALL THE FOREGOING IN RELATION TO CHARITABLE OR HUMANITARIAN CAUSES; PRODUCTION AND PROVISION OF ENTERTAINMENT AND NEWS REGARDING CHARITABLE EVENTS AND HUMANITARIAN CAUSES, INCLUDING THAT PROVIDED VIA ON-LINE COMPUTER NETWORKS; PUBLICATION OF BOOKS, ON-LINE JOURNALS AND TEXTS

Grounds for Opposition

Other	see attached correspondence
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Attachments	socialangelsCL.PDF (2 pages)(99167 bytes) socialangelsNOO.PDF (5 pages)(28882 bytes)
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Signature	/Roberto Ledesma/
Name	Roberto Ledesma
Date	08/20/2007

Cowan, Liebowitz & Latman, P.C.

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August 20, 2007

By Electronic Filing

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

Attention: Trademark Trial and Appeal Board

Re: Angels Baseball LP
Notice of Opposition Against
Wise Management Services, Ltd.'s
Application to Register SOCIAL ANGELS
Attorney Ref. No. 21307.024

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 78/576,803, published in the Official Gazette of February 20, 2007. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$900 to cover the filing fee.

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



21307/026/801845.1

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Cowan, Liebowitz & Latman, P.C.

August 20, 2007

Page 2

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

Respectfully submitted,

/Roberto Ledesma/

Roberto Ledesma

Enclosures

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

1. Opposer is the owner of the renowned LOS ANGELES ANGELS OF ANAHEIM Major League Baseball club, formerly known as the ANAHEIM ANGELS, CALIFORNIA ANGELS and LA ANGELS.

2. Since long prior to February 28, 2005, Applicant's constructive first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors have used marks comprising or containing the term ANGELS or ANGEL, either alone or with other words, letters and/or designs ("Opposer's ANGELS Marks") in connection with baseball game and exhibition services and a wide variety of goods and services, including, but not limited to charitable services, financial services, online sales and auctioning of goods, retail sales of goods, educational services, toys and games, clothing, paper goods and printed matter and novelties.

3. Opposer owns U.S. Federal applications and registrations for Opposer's ANGELS Marks in International Classes 9, 14, 16, 18, 25, 28 and 41, namely, Application Serial Nos. 78/863,257, 78/863,251, 78/863,253, 78/863,254, 78/863,255, 78/863,256, 78/831,759, 78/831,965, 78/843,326, 78/843,327, 78/540,237, 78/633,875, 78/633,877, 78/633,883 and 78/634,126 and Registration Nos. 3,211,693, 2,879,939, 2,594,105, 2,581,357, 2,597,466, 2,606,783, 2,594,106, 2,667,909, 2,638,556, 2,603,792, 1,646,800, 2,668,048, 2,606,782, 2,482,497, 2,611,737, 1,485,613, and 1,881,515. Registration Nos. 1,646,800, 1,485,613 and 1,881,515 are incontestable.

4. Since long prior to February 28, 2005, Applicant's constructive first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and/or distribution of a wide variety of goods and services, bearing or offered in connection with Opposer's ANGELS Marks, including,

without limitation, in connection with baseball game and exhibition services, including but not limited to charitable services, financial services, online sales and auctioning of goods, retail sales of goods, educational services, toys and games, clothing, paper goods and printed matter, and novelties, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales, distribution, and promotion of its goods and services bearing or offered in connection with Opposer's ANGELS Marks, Opposer has built up highly valuable goodwill in Opposer's ANGELS Marks, which have become closely and uniquely identified and associated with Opposer.

6. On February 28, 2005, Applicant filed the Application to register the word mark SOCIAL ANGELS for "retail stores, wholesale stores, on-line trading services and on-line auction services all featuring furniture, furnishings, appliances, household items, clothing, footwear, headgear, foodstuffs, beverages, printed matter, books, cards, calendars, games and playthings to promote and raise funds for charitable and humanitarian purposes; dissemination of advertising matter for others; updating of advertising matter for others; rental of advertising space for others; preparation of publicity texts for others; publicity and public relation services for others; organizing and conducting conferences, colloquia, congresses, exhibitions, seminars, and symposia all being for commercial or advertising purposes; business administration services for the processing of sales made by others on the internet; advertising and promotion services for others; providing information relating to the provision of space on web-sites for advertising goods and services of others; organizing charitable appeals and public awareness campaigns for others to raise money for charitable and humanitarian purposes" in International Class 35, for "collecting, processing and

distribution of funds raised by way of an on-line trading and auction site set up for charitable or humanitarian purposes; financial services, namely collecting, processing and distribution of funds from charitable contributions; financial services, namely funds investment, banking and money transfers; appraisal of goods for sale” in International Class 36 and for “organizing, arranging and conducting classes, competitions, seminars, workshops, symposiums, conferences, exhibitions, charity auctions, entertainment events, dinners, sporting functions, social functions, concerts, fund-raising events, shows, balls and parties, all the foregoing in relation to charitable or humanitarian causes; production and provision of entertainment and news regarding charitable events and humanitarian causes, including that provided via on-line computer networks; publication of books, on-line journals and texts” in International Class 41, based on a New Zealand registration.

7. Upon information and belief, Applicant did not use the mark SOCIAL ANGELS in the United States prior to its constructive first use date of February 28, 2005.

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

9. Applicant’s SOCIAL ANGELS mark so resembles Opposer's ANGELS Marks as to be likely, when applied to Applicant’s services to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant’s services have their origin with Opposer and/or that such services 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 SOCIAL ANGELS mark.

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

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's SOCIAL ANGELS 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 Mandel (members of the bar of the State of New York), Roberto Ledesma (member of the bar of the State of Florida 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 20, 2007

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

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