

ESTTA Tracking number: **ESTTA168784**

Filing date: **10/15/2007**

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 | Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company |
| Granted to Date of previous extension | 10/14/2007 |
| Address | 7000 Coliseum Way Second Floor Oakland, CA 94621 UNITED STATES |

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| Attorney information | Antonio Borrelli Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES axb@cll.com, trademark@cll.com Phone:(212) 790-9200 |
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Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 78957848 | Publication date | 04/17/2007 |
| Opposition Filing Date | 10/15/2007 | Opposition Period Ends | 10/14/2007 |
| Applicant | Dollamur, LP Suite 500 3100 West End Avenue Nashville, TN 37203 UNITED STATES | | |

Goods/Services Affected by Opposition

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|---|
| Class 035. First Use: 1998/00/00 First Use In Commerce: 1998/00/00 All goods and services in the class are opposed, namely: Online retail store services featuring sports surfaces, namely, sports mats, martial arts mats, wrestling mats, gymnastic cheerleading mats, and gymnastic tumbling mats |
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Grounds for Opposition

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|-------|-------------------------------|
| Other | Please see attached pleading. |
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|-------------|--|
| Attachments | dclet.pdf (2 pages)(86988 bytes) dcnoo.pdf (4 pages)(25766 bytes) |
|-------------|--|

| | |
|-----------|--------------------|
| Signature | /Antonio Borrelli/ |
| Name | Antonio Borrelli |
| Date | 10/15/2007 |

Cowan, Liebowitz & Latman, P.C.

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October 15, 2007

By Electronic Filing

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

Attention: Trademark Trial and Appeal Board

Re: Athletics Investment Group LLC d/b/a The Oakland Athletics
Baseball Company
Notice of Opposition Against
Dollamur, LP's
Application to Register DC ATHLETICS
Attorney Ref. No. 21307.034

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 78/957,848, published in the Official Gazette of April 17, 2007. 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.

Cowan, Liebowitz & Latman, P.C.

Commissioner for Trademarks

October 15, 2007

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

Respectfully submitted,

/Antonio Borrelli/

Antonio Borrelli

Enclosure

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

Ref. No. 21307.034

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

In re Application Serial No. 78/957,848
Filed: August 22, 2006
For Mark: DC ATHLETICS
Published in the Official Gazette: April 17, 2007

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:
ATHLETICS INVESTMENT GROUP LLC:
d/b/a THE OAKLAND ATHLETICS :
BASEBALL COMPANY, :
:
Opposer, :
v. :
:
DOLLAMUR, LP, :
:
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, Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company, a California limited liability company located at 7000 Coliseum Way, Second Floor, Oakland, California 94621 (“Opposer”), believes that it will be damaged by registration of the word mark DC ATHLETICS for “online retail store services featuring sports surfaces, namely, sports mats, martial arts mats, wrestling mats, gymnastic cheerleading mats, and gymnastic tumbling mats” in International Class 35 as shown in Application Serial No. 78/957,848 (the “Application”), and having been granted extensions of time to oppose up to and including October 14, 2007, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned OAKLAND ATHLETICS MAJOR LEAGUE BASEBALL club.
2. Since prior to 1998, Applicant's claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors, have used the marks ATHLETICS and OAKLAND ATHLETICS alone and/or with other word, letter or design elements ("Opposer's ATHLETICS Marks") in connection with baseball game and exhibition services and a wide variety of goods including, without limitation, sporting goods, apparel, paper goods and printed matter, toys and novelties, and services including, but not limited to, online retail store services featuring, without limitation, sporting goods.
3. Opposer owns U.S. Federal applications and registrations for Opposer's ATHLETICS Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 28 and 41; namely, Registration Nos. 1,530,851; 1,530,675; 1,267,687; 1,263,825; 2,759,932; 2,630,348; 2,573,396; and 1,560,962 and Application Serial Nos. 78/832,003, 78/832,013, 78/743,064 and 78/743,065 for said trademarks and service marks. Opposer's Registration Nos. 1,530,851; 1,530,675; 1,267,687; 1,263,825 and 1,560,962 are incontestable.
4. Since prior to 1998, 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 a variety of goods and services bearing Opposer's ATHLETICS Marks in connection with baseball game and exhibition services and a wide variety of goods including, without limitation, sporting goods, apparel, paper goods and printed matter, toys and novelties, and services including, but not limited to, online retail store services featuring, without

limitation, sporting goods, and have sold or distributed such goods or rendered such services in commerce.

5. As a result of the extensive sales and promotion of its goods and services bearing Opposer's ATHLETICS Marks, Opposer has built up highly valuable goodwill in Opposer's ATHLETICS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On August 22, 2006, Applicant filed the Application to register the word mark DC ATHLETICS for "online retail store services featuring sports surfaces, namely, sports mats, martial arts mats, wrestling mats, gymnastic cheerleading mats, and gymnastic tumbling mats" in International Class 35 claiming a first use date of 1998.

7. Upon information and belief, Applicant did not use the mark DC ATHLETICS for the services in the Application prior to its claimed first use date of 1998.

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

9. Applicant's DC ATHLETICS mark, containing the identical term "ATHLETICS" as appears in Opposer's ATHLETICS Marks coupled with the geographic term DC which is a geographic term similar to those appearing in Opposer's ATHLETICS Marks, so resembles Opposer's ATHLETICS 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 DC ATHLETICS mark.

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

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's DC ATHLETICS 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 Antonio Borrelli (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
October 15, 2007

Respectfully submitted,

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

By: /Antonio Borrelli/
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