

ESTTA Tracking number: **ESTTA187459**

Filing date: **01/18/2008**

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	01/20/2008
Address	2000 Gene Autry Way Anaheim, CA 92806 UNITED STATES

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	78954511	Publication date	07/24/2007
Opposition Filing Date	01/18/2008	Opposition Period Ends	01/20/2008
Applicant	Ibiza Angels Limited Regina House, 124 Finchley Road London, NW3 5JS UNITED KINGDOM		

Goods/Services Affected by Opposition

<p>Class 025. All goods and services in the class are opposed, namely: CLOTHING, NAMELY SHIRTS, BLOUSES, SINGLETs, VESTS, TROUSERS, TROUSER SUITS, SLACKS, SHORTS, SKIRTS, DRESSES, JUMPERS, TRACKSUITS, SWEATERS, PULLOVERS, CARDIGANS, COATS, BLAZERS, JACKETS, PAJAMAS, NIGHTGOWNS, WET SUITS FOR WATER SKIING, UNDERWEAR, SHOCKS, STOCKINGS, TIGHTS, SWIMWEAR, TANK TOPS, T-SHIRTS, PANTS, RUNNING SHORTS, WATER SHORTS, CROP TOPS, BRA TOPS, UNITARDS, LEOTARDS, BIKING SHORTS, ATHLETIC SHORTS, LEGGINGS, WARM-UP JACKETS, WARM-UP PANTS, SWEATSHIRTS, SWEATPANTS, RUNNING SINGLETs, BIKE SHORTS, CYCLISTS' JERSEYS; GLOVES; FOOTWEAR; HEADGEAR, NAMELY, HATS, CAPS, HEADBANDS, BATHING CAPS AND BANDANAS; AND SPORTS FOOTWEAR</p>
<p>Class 035. All goods and services in the class are opposed, namely: ADVERTISING AND BUSINESS SERVICES, NAMELY PROMOTION FOR THIRD PARTY ENTERTAINMENT OR PUBLIC EVENTS BY THE DISSEMINATION OF ADVERTISING MESSAGES VIA WEBSITES ON A GLOBAL COMPUTER NETWORK; PROMOTING THE GOODS AND SERVICE OF OTHER BY DISTRIBUTING ADVERTISING MATERIALS THROUGH A VARIETY OF METHODS; AND RETAIL STORE SERVICES FEATURING BEAUTY CARE PRODUCTS</p>

Class 041.

All goods and services in the class are opposed, namely: ENTERTAINMENT SERVICES, NAMELY, PERSONAL APPEARANCES BY MODELS AT NIGHTCLUBS, RESTAURANTS, PRODUCT LAUNCHES, CORPORATE EVENTS AND PUBLIC EVENTS

Class 044.

All goods and services in the class are opposed, namely: BEAUTY SALONS; HEALTH SPA SERVICES, NAMELY COSMETIC BODY CARE SERVICES; MASSAGE AND THERAPEUTIC SHIATSU MASSAGE

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	ibizalet.pdf (2 pages)(87522 bytes) ibizanoo.pdf (7 pages)(65983 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Antonio Borrelli/
Name	Antonio Borrelli
Date	01/18/2008

Cowan, Liebowitz & Latman, P.C.

Law Offices

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Antonio Borrelli
Direct (212) 790-9223
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January 18, 2008

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
Ibiza Angels Limited's
Application to Register IBIZA ANGELS & Design
Attorney Ref. No. 21307.024

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 78/954,511, published in the Official Gazette of July 24, 2007. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$1,200 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

January 18, 2008

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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. 21307.024

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

In re Application Serial No. 78/954,511
Filed: August 17, 2006
For Mark: IBIZA ANGELS & Design
Published in the Official Gazette: July 24, 2007

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ANGELS BASEBALL LP,	:
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Opposer,	:
v.	:
	:
	:
IBIZA ANGELS LIMITED,	:
	:
Applicant.	:
	X

NOTICE OF OPPOSITION

Opposition No.

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

Opposer, Angels Baseball LP (“Opposer”), a California limited partnership located at 2000 Gene Autry Way, Anaheim, California 92806, believes that it will be damaged by registration of the mark IBIZA ANGELS & Design shown here:



(the “IBIZA ANGELS & Design Mark”)

for “clothing, namely shirts, blouses, singlets, vests, trousers, trouser suits, slacks, shorts, skirts, dresses, jumpers, tracksuits, sweaters, pullovers, cardigans, coats, blazers, jackets, pajamas, nightgowns, wet suits for water skiing, underwear, shocks, stockings, tights, swimwear, tank tops, t-shirts, pants, running shorts, water shorts, crop tops, bra tops, unitards, leotards, biking shorts, athletic shorts, leggings, warm-up jackets, warm-up pants, sweatshirts, sweatpants, running singlets, bike shorts, cyclists' jerseys; gloves; footwear; headgear, namely, hats, caps, headbands, bathing caps and bandanas; and sports footwear” in International Class 25, “advertising and business services, namely promotion for third party entertainment or public events by the dissemination of advertising messages via websites on a global computer network; promoting the goods and service of other by distributing advertising materials through a variety of methods; and retail store services featuring beauty care products” in International Class 35, “entertainment services, namely, personal appearances by models at nightclubs, restaurants, product launches, corporate events and public events” in International Class 41 and “beauty salons; health spa services, namely cosmetic body care services; massage and therapeutic shiatsu massage” in International Class 44, as shown in Application Serial Number 78/954,511 (the “Application”), and having been granted extensions of time to oppose the Application up to and including January 20, 2008 hereby opposes the same.

As grounds for opposition, it is alleged that:

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 August 17, 2006, 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 terms ANGELS or ANGEL and/or the design of an angel wing or halo, alone and/or with other word, letter or design elements ("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, clothing, retail sales of goods, entertainment services, toys and games, paper goods and printed matter and novelties.

3. Opposer owns U.S. Federal registrations and applications for Opposer's ANGELS Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28 and 41, namely, Registration Nos. 3,353,457, 3,326,197, 3,326,194, 3,238,174, 3,238,175, 3,238,176, 3,238,177, 3,231,140, 3,211,693, 2,665,314, 2,824,312, 2,600,653, 2,879,939, 2,594,105, 2,581,357, 2,597,465, 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, 1,576,459, 1,408,209, 1,232,818, 2,018,032, 1,485,613, and 1,881,515, and Application Serial Nos. 78/863,256, 78/863,257, 78/863,255, 78/863,254, 78/863,253, 78/863,251, 78/831,759, 78/831,965, 78/843,326, 78/843,327, 78/633,877 and 78/540,237. Registration Nos. 1,646,800, 1,485,613, 1,881,515, 1,576,459, 1,408,209 and are incontestable.

4. Since long prior to August 17, 2006, 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 distribution of goods and services bearing or offered in connection with Opposer's ANGELS Marks, including, without limitation, baseball game and exhibition services and a wide variety of goods and services, including but not limited to, clothing, retail sales of goods, entertainment services, toys and games,

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 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, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On August 17, 2006, Applicant filed the Application, based on an intent to use, to register the IBIZA ANGELS & Design Mark for "Clothing, namely shirts, blouses, singlets, vests, trousers, trouser suits, slacks, shorts, skirts, dresses, jumpers, tracksuits, sweaters, pullovers, cardigans, coats, blazers, jackets, pajamas, nightgowns, wet suits for water skiing, underwear, shocks, stockings, tights, swimwear, tank tops, t-shirts, pants, running shorts, water shorts, crop tops, bra tops, unitards, leotards, biking shorts, athletic shorts, leggings, warm-up jackets, warm-up pants, sweatshirts, sweatpants, running singlets, bike shorts, cyclists' jerseys; gloves; footwear; headgear, namely, hats, caps, headbands, bathing caps and bandanas; and sports footwear" in International Class 25, "Advertising and business services, namely promotion for third party entertainment or public events by the dissemination of advertising messages via websites on a global computer network; promoting the goods and service of other by distributing advertising materials through a variety of methods; and retail store services featuring beauty care products" in International Class 35, "Entertainment services, namely, personal appearances by models at nightclubs, restaurants, product launches, corporate events and public events" in International Class 41 and "Beauty salons; health spa services, namely cosmetic body care services; massage and therapeutic shiatsu massage" in International Class 44.

7. Upon information and belief, Applicant did not use the IBIZA ANGELS & Design Mark prior to its constructive first use date of August 17, 2006.

8. The goods and 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 IBIZA ANGELS & Design Mark so resembles Opposer's ANGELS Marks as to be likely, when applied to Applicant's goods and services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods and services have their origin with Opposer and/or that such goods and 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 IBIZA ANGELS & Design Mark.

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

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's IBIZA ANGELS & Design 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 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
January 18, 2008

Respectfully submitted,

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

By /Antonio Borrelli/
Mary L. Kevlin
Richard S. Mandel
Antonio Borrelli
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing Notice Of Opposition to be sent via first class, postage paid mail to Applicant's attorney, Dianne M. Smith-Misemer, Esq., Sonnenschein Nath & Rosenthal LLP, P.O. Box 061080, Chicago, IL 60606-1080, on January 18, 2008.

/Antonio Borrelli/
Antonio Borrelli