

ESTTA Tracking number: **ESTTA250653**

Filing date: **11/21/2008**

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	11/23/2008
Address	2000 Gene Autry Way Anaheim, CA 92806 UNITED STATES

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

Application No	77114968	Publication date	05/27/2008
Opposition Filing Date	11/21/2008	Opposition Period Ends	11/23/2008
Applicant	Specialty Coffee, LLC 6 Goddard Irvine, CA 92618 UNITED STATES		

### Goods/Services Affected by Opposition

Class 030. All goods and services in the class are opposed, namely: coffee, including organic and non-organic, flavored coffee, coffee beans, ground coffee, instant coffee, liquid coffee extract and hot chocolate
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### Grounds for Opposition

Other	See attached pleading.
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Attachments	HALO BRAND - Letter to Commissioner.pdf ( 1 page )(58087 bytes ) HALO BRAND - Notice of Opposition.pdf ( 5 pages )(16953 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	/Maryann Penney/
Name	Maryann Penney
Date	11/21/2008

# Cowan, Liebowitz & Latman, P.C.

Law Offices

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**Maryann Penney**  
Direct (212) 790-9218  
mxp@cl.com

November 21, 2008

## **By Electronic Filing**

Commissioner for Trademarks

Attn: TTAB

P.O. Box 1451

Alexandria, VA 22313-1451

Re: Angels Baseball LP  
Notice of Opposition Against  
Specialty Coffee, LLC's  
Application to Register HALO BRAND  
Attorney Ref. No. 21307.024

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Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 77/114,968 published in the Official Gazette on May 27, 2008. 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, Esq. 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.)

Ref. No. 21307.024

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

In re Application Serial No. 77/114,968  
Filed: February 23, 2007  
For Mark: HALO BRAND  
Published in the Official Gazette: May 27, 2008

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ANGELS BASEBALL LP,

Opposer,

v.

SPECIALTY COFFEE, LLC,

Applicant.

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

**NOTICE OF OPPOSITION**

Opposition No.

Opposer, Angels Baseball LP (“Opposer”), a California limited partnership with offices at 2000 Gene Autry Way, Anaheim, California 92806, believes that it will be damaged by registration of the word mark HALO BRAND for “coffee, including organic and non-organic, flavored coffee, coffee beans, ground coffee, instant coffee, liquid coffee extract and hot chocolate” in International Class 30 as shown in Application Serial No. 77/114,968 (the “Application”) and, having been granted extensions of time to oppose up to and including November 23, 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 club.

2. Since long prior to February 23, 2007, Applicant's constructive first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors have used names and marks comprising or containing the words HALOS, HALO, ANGELS, ANGEL and/or halo or wing designs, alone or with other word, letter and/or design elements (collectively "Opposer's Marks") in connection with baseball game, exhibition and stadium facility services and a wide variety of goods and services, including, without limitation, food and beverage products, concession services, apparel, sporting goods, toys, printed and paper matter and novelty items.

3. Opposer owns U.S. federal applications and registrations for Opposer's Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28 and 41; namely, Registration Nos. 1,232,818; 1,408,209; 1,485,613; 1,576,459; 1,646,800; 1,881,515; 2,018,032; 2,482,497; 2,581,357; 2,594,105; 2,594,106; 2,597,465; 2,597,466; 2,600,653; 2,603,792; 2,606,782; 2,606,783; 2,611,737; 2,638,556; 2,665,314; 2,667,909; 2,668,048; 2,824,312; 2,879,939; 3,211,693; 3,231,140; 3,238,174; 3,238,175; 3,238,176; 3,238,177; 3,326,194; 3,326,197; 3,353,457; 3,403,355; 3,406,606; 3,410,418; 3,474,157; 3,486,603 and 3,506,593, and Application Serial Nos. 78/831,965; 78/843,326; 78/843,327; 78/863,253; 78/863,254; 78/863,255; 78/863,256 and 78/863,257. Registration Nos. 1,232,818; 1,408,209; 1,485,613; 1,576,459; 1,646,800; 1,881,515 and 2,606,782 are incontestable.

4. Since long prior to February 23, 2007, 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 goods and services bearing or offered in connection with Opposer's Marks, including, but not limited to, baseball game, exhibition and stadium facility services and a wide variety of goods and services, including, without limitation, food and beverage products, concession services, apparel, sporting goods, toys, printed and paper matter and novelty items, 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 Marks, Opposer has built up highly valuable goodwill in Opposer's Marks and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On February 23, 2007, Applicant filed the Application, based on an intent to use, to register the word mark HALO BRAND for "coffee, including organic and non-organic, flavored coffee, coffee beans, ground coffee, instant coffee, liquid coffee extract and hot chocolate" in International Class 30.

7. Upon information and belief, Applicant did not use the HALO BRAND mark in United States commerce in connection with the goods covered by the Application prior to its constructive first use date of February 23, 2007.

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

9. Applicant's HALO BRAND mark so resembles Opposer's Marks as to be likely, when applied to 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 HALO BRAND mark.

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

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's HALO BRAND mark and requests that the opposition be sustained and the Application 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  
November 21, 2008

Respectfully submitted,

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

By:           /Maryann Penney/            
Mary L. Kevlin  
Richard S. Mandel  
Maryann Penney

1133 Avenue of the Americas  
New York, New York 10036  
(212) 790-9200

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on November 21, 2008, I caused a true copy of the foregoing NOTICE OF OPPOSITION to be sent via First Class Mail, postage prepaid, to Applicant's Attorney of Record, Vic Lin, Esq., Myers, Dawes, Andras & Sherman LLP, 19900 MacArthur Blvd., Floor 11, Irvine, California 92612-2445.

Dated: New York, New York  
November 21, 2008

/Maryann Penney/  
Maryann Penney