

ESTTA Tracking number: **ESTTA262008**

Filing date: **01/22/2009**

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	Detroit Red Wings, Inc.
Granted to Date of previous extension	01/25/2009
Address	600 Civic Center Drive Detroit, MI 48226 UNITED STATES
Attorney information	Michael H. Gold, Kelley A. Lynch NHL Enterprises, L.P. 1185 Avenue of the Americas New York, NY 10036 UNITED STATES mgold@nhl.com, tprochnow@nhl.com, Klynch@nhl.com, anunez@nhl.com Phone:2127892000

Applicant Information

Application No	77415965	Publication date	07/29/2008
Opposition Filing Date	01/22/2009	Opposition Period Ends	01/25/2009
Applicant	Red Wing Shoe Company, Inc. 314 Main Street, Riverfront Centre Red Wing, MN 55066 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. All goods and services in the class are opposed, namely: leather accessories, namely, leather bags; wallets, umbrellas, and luggage

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1741388	Application Date	10/19/1990
Registration Date	12/22/1992	Foreign Priority Date	NONE
Word Mark	DETROIT RED WINGS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 clothing; namely, shirts, [jerseys], sweaters, T-shirts, sweatpants, shorts, caps, scarves, mittens and cloth bibs, all sold in connection and intended to be identified with the Detroit Red Wings professional ice hockey team

U.S. Registration No.	893051	Application Date	05/07/1969
Registration Date	06/16/1970	Foreign Priority Date	NONE
Word Mark	RED WINGS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U107 (International Class 041). First use: First Use: 1933/00/00 First Use In Commerce: 1933/00/00 ENTERTAINMENT SERVICES-NAMELY, PROVIDING PROFESSIONAL ICE HOCKEY EXHIBITIONS		

U.S. Registration No.	1694497	Application Date	10/19/1990
Registration Date	06/16/1992	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 CLOTHING; NAMELY, SHIRTS, JERSEYS, SWEATERS, JACKETS, SWEATSHIRTS, T-SHIRTS, PANTS, SWEATPANTS, WARM-UP SUITS, WRISTBANDS, HEADBANDS, SHORTS, CAPS, HATS, SOCKS [NIGHTSHIRTS,] MITTENS AND CLOTH BIBS * , ALL SOLD IN CONNECTION AND INTENDED TO BE IDENTIFIED WITH THE DETROIT RED WINGS PROFESSIONAL ICE HOCKEY TEAM *		

U.S. Registration No.	891121	Application Date	05/26/1969
Registration Date	05/12/1970	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class U107 (International Class 041). First use: First Use: 1933/00/00 First Use In Commerce: 1933/00/00 ENTERTAINMENT SERVICES-NAMELY, PERFORMANCE OF PROFESSIONAL ICE HOCKEY CONTESTS

U.S. Registration No.	2098934	Application Date	04/30/1996
Registration Date	09/23/1997	Foreign Priority Date	NONE
Word Mark	RUNNIN' RED WINGS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1994/08/04 First Use In Commerce: 1994/08/04 organizing and administering community based street hockey programs and competitions for youths		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RED WINGS		
Goods/Services	hockey-related goods and services		

Related Proceedings	Opposition No. 91173547; Opposition No. 91173624; Opposition No. 91174453
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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	/kelley a. lynch/
Name	Kelley A. Lynch

Date	01/22/2009
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 77/415,965
Published in the Official Gazette on July 29, 2008



DETROIT RED WINGS, INC.	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	<u>NOTICE OF OPPOSITION</u>
	:	
RED WING SHOE COMPANY, INC.	:	
	:	
Applicant.	:	

Detroit Red Wings, Inc. (a Michigan corporation), 600 Civic Center Drive, Detroit, Michigan 48226, believes that it will be damaged by registration of the mark shown in the above application, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer, Detroit Red Wings, Inc., is the owner of the well-known professional ice hockey team, the Detroit Red Wings (the “RED WINGS Team”). The RED WINGS Team has been a member of the National Hockey League since 1926 and has consistently attracted a large following, both in the United States and worldwide.

2. Opposer, Detroit Red Wings, Inc., is the owner of the following registrations on the Principal Register in the United States Patent and Trademark Office, among others:

Mark	Registration No.	Registration Date	Goods and/or Services
DETROIT RED WINGS	1,741,388	12/22/1992	Clothing; namely, shirts, sweaters, T-shirts, sweatpants, shorts, caps, scarves, mittens and cloth bibs, all sold in connection and intended to be identified with the Detroit Red Wings professional ice hockey team, in International Class 25.
RED WINGS	893,051	6/16/1970	Entertainment services, namely, providing professional ice hockey exhibitions, in International Class 41.
	1,694,497	6/16/1992	Clothing; namely, shirts, jerseys, sweaters, jackets, sweatshirts, t-shirts, pants, sweatpants, warm-up suits, wristbands, headbands, shorts, caps, hats, socks, mittens and cloth bibs, all sold in connection and intended to be identified with the Detroit Red Wings professional ice hockey team, in International Class 25.
	891,121	5/12/1970	Entertainment services, namely, performance of professional ice hockey contests, in International Class 41.
RUNNIN' RED WINGS	2,098,934	9/23/1997	Organizing and administering community based street hockey programs and competitions for youths, in International Class 41.

All of the registrations listed above are valid, subsisting and incontestable.

3. The RED WINGS Team identifies itself and is known by the aforesaid registered marks and the name RED WINGS, as well as a family of other related marks (collectively, the “RED WINGS Team Marks”). The RED WINGS Team has been using the RED WINGS Team Marks for many years and, in many cases, decades in connection with professional ice hockey exhibitions and a wide variety of related goods and services. The RED WINGS Team’s use of the RED WINGS Team Marks predates the filing date for Applicant’s intent-to-use application for the mark herein opposed.

4. The RED WINGS Team is engaged in an extensive collateral licensing program of the RED WINGS Team Marks. As part of this program, the RED WINGS Team and NHL Enterprises, L.P., working on behalf of the RED WINGS Team as the licensing arm of the National Hockey League and the National Hockey League teams, license the use of the RED WINGS Team Marks to different companies for use on a wide variety of goods and services. The RED WINGS Team has been using and licensing the use of the RED WINGS Team Marks prior to the filing date for Applicant’s intent-to-use application for the mark herein opposed.

5. By the application herein opposed, Applicant seeks to register the design mark RED WING SHOES for leather accessories in Class 18, which are included among the goods and services on or in connection with which the RED WINGS Team Marks have been used.

6. If Applicant succeeds in registering the design mark RED WING SHOES in Class 18, that registration could jeopardize the RED WINGS Team’s right and ability

to license, use and register and to continue licensing, using and registering the RED WINGS Team Marks for identical and related goods.

7. Applicant's mark comprises a mark that so resembles the RED WINGS Team Marks as to be likely, when used on or in connection with the applied-for goods referenced in paragraph 5, to cause confusion or mistake or to deceive as to the affiliation, connection or association of Applicant's goods with the RED WINGS Team and as to the RED WINGS Team's sponsorship or approval of Applicant's goods.

8. The RED WINGS Team will be damaged by the registration sought by Applicant in Class 18 because it will dilute the distinctive and famous quality of the RED WINGS Team Marks, which became famous prior to the date of Applicant's intent-to-use application.

WHEREFORE, Opposer prays that this opposition be sustained and that Applicant be denied registration of the mark shown by Serial No. 77/415,965.

Please charge the requisite statutory filing fee of \$300 and any additional amounts to Deposit Account No. 50-0205.

All communication should be addressed to Opposer's counsel, NHL

Enterprises, L.P., at the below stated address.

Dated: New York, New York
January 21, 2009

Respectfully submitted,

NHL Enterprises, L.P.

By:


Michael H. Gold

Thomas H. Prochnow

Kelley A. Lynch

1185 Avenue of the Americas

15th Floor

New York, NY 10020

(212) 789 – 2000 (telephone)

(212) 789 – 2727 (facsimile)

tprochnow@nhl.com

klynch@nhl.com

ATTORNEYS FOR OPPOSER

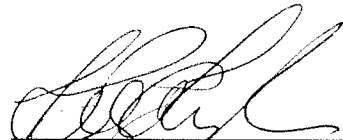
DETROIT RED WINGS, INC.

CERTIFICATE OF SERVICE

I, Kelley A. Lynch, hereby swear and affirm that on January 22, 2009, I caused to be served by Federal Express, a true and correct copy of the foregoing Notice of Opposition, pursuant to 37 C.F.R. § 2.101(a), on applicant at the following address:

Brent Routman, Esq.
Merchant & Gould, P.C.
P.O. Box 2910
Minneapolis, Minnesota 55402-0910

Dated: January 22, 2009



Kelley A. Lynch