

ESTTA Tracking number: **ESTTA264614**

Filing date: **02/04/2009**

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	Football Fanatics, Inc.
Granted to Date of previous extension	02/04/2009
Address	6630 Broadway Jacksonville, FL 32254 UNITED STATES
Attorney information	Wendi E. Sloane Barack Ferrazzano Kirschbaum & Nagelberg LLP 200 W. Madison Street, Suite 3900 CHICAGO, IL 60606 UNITED STATES trademarks@bfkn.com Phone:3129843100

Applicant Information

Application No	77307092	Publication date	10/07/2008
Opposition Filing Date	02/04/2009	Opposition Period Ends	02/04/2009
Applicant	Fanatix, Inc. P.O. Box 83463 Gaithersburg, MD 20883 UNITED STATES		

Goods/Services Affected by Opposition


Class 041. All goods and services in the class are opposed, namely: Providing an on-line computer database featuring information regarding sports and entertainment events and availability of tickets for sports and entertainment events
Class 042. All goods and services in the class are opposed, namely: Providing temporary use of non-downloadable software for customer relationship management and ticket management for sports and entertainment events
Class 045. All goods and services in the class are opposed, namely: On-line social networking services that facilitate customer relationship management and ticket management

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77383025	Application Date	01/29/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FACEOFF FANATICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Retail store services featuring sports related and sports team branded clothing and merchandise; On-line retail store services featuring sports related and sports team branded clothing and merchandise; Product merchandising; Order fulfillment services; Business marketing consulting services; Customer service in the field of retail store services and on-line retail store services		


U.S. Application No.	77566994	Application Date	09/10/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FANATICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/01/21 First Use In Commerce: 2008/01/21 Business marketing consulting services; Customer service in the field of on-line retail store services; On-line retail store services featuring sports related and sports team branded clothing and merchandise; Product merchandising; Retail store services featuring sports related and sports team branded clothing and merchandise		

U.S. Registration No.	3447091	Application Date	06/19/2006
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Registration Date	06/10/2008	Foreign Priority Date	NONE
Word Mark	FANATICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/01/21 First Use In Commerce: 2008/01/21 Retail store services and on-line retail store services featuring sports related and sports team branded clothing, namely, shirts, sweatshirts, jerseys, jackets, shorts and hats; and retail store services and on-line retail stores services featuring sports related and sports team branded merchandise, namely, flags, football helmets, license plate holders, imitation license plates, watches, clocks and jewelry; product merchandising, namely, purchasing and maintaining inventory of products, namely, clothing, for others; order fulfillment services; business marketing consulting services, namely, providing business advice to others in developing online retail sites and direct marketing response businesses; customer services in the field of retail store services		


U.S. Application No.	78911537	Application Date	06/19/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FANATICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: Development of new technology for others in the field of retail store services for the purpose of creating and maintaining the look and feel of web sites for others, not in the field of web site hosting; computer services, namely, creating and maintaining the look and feel of web sites for others, not in the field of web site hosting services; computer services, namely designing and implementing the look and feel of web sites for others, not in the field of web site hosting services;		

	computer services, namely, managing the look and feel of web sites for others, not in the field of web site hosting
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U.S. Application No.	77382979	Application Date	01/29/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FASTBALL FANATICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Retail store services featuring sports related and sports team branded clothing and merchandise; On-line retail store services featuring sports related and sports team branded clothing and merchandise; Product merchandising; Order fulfillment services; Business marketing consulting services; Customer service in the field of retail store services and on-line retail store services		

U.S. Application No.	77383003	Application Date	01/29/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FASTBREAK FANATICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Retail store services featuring sports related and sports team branded clothing and merchandise; On-line retail store services featuring sports related and sports team branded clothing and merchandise; Product merchandising; Order fulfillment services; Business marketing consulting services; Customer service in the field of retail store services and on-line retail store services		

U.S. Registration No.	2538045	Application Date	12/16/2000
Registration Date	02/12/2002	Foreign Priority Date	NONE
Word Mark	FOOTBALL FANATICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/02/28 First Use In Commerce: 1997/02/28 retail store services and on-line retail store services featuring sports related and sports team branded clothing, namely, shirts, sweatshirts, jerseys, jackets, shoes and hats; and retail store services and on-line retail store services featuring sports related and sports team branded merchandise, namely, flags, football helmets, license plate holders, imitation license plates, watches, clocks and jewelry		

U.S. Application No.	77566945	Application Date	09/10/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FOOTBALL FANATICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/02/28 First Use In Commerce: 1997/02/28 Business marketing consulting services; Customer service in the field of retail store services and on-line retail store services; On-line retail store services featuring sports related and sports team branded clothing and merchandise; Order fulfillment services; Product merchandising; Retail store services featuring sports related and sports team branded clothing and merchandise		

U.S. Application No.	77339176	Application Date	11/28/2007
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SURF FANATICS
Design Mark	 The logo for SURF FANATICS features the brand name in a large, bold, serif typeface. The letters are white with a thick black outline, giving it a three-dimensional, blocky appearance. The text is centered within a white rectangular field.
Description of Mark	NONE
Goods/Services	Class 025. First use: Shirts; T-shirts; Tank tops; Sweat shirts; Jackets; Shorts; Pants; Jeans; Hats; Footwear; Shoes; Sandals; Wet suits; Rash guards; Swimwear; Surf wear Class 035. First use: On-line retail store services featuring sunglasses, watches, jewelry, decals, stickers, wallets, backpacks, tote bags, beach towels, shirts, t-shirts, tank tops, sweatshirts, jackets, shorts, pants, jeans, hats, footwear, shoes, sandals, wet suits, rash guards, swimwear, surf wear, surf boards, skim boards and surfboard leashes; Retail store services featuring sunglasses, watches, jewelry, decals, stickers, wallets, backpacks, tote bags, beach towels, shirts, t-shirts, tank tops, sweatshirts, jackets, shorts, pants, jeans, hats, footwear, shoes, sandals, wet suits, rash guards, swimwear, surf wear, surf boards, skim boards and surfboard leashes

Attachments	77383025#TMSN.jpeg (1 page)(bytes) 77566994#TMSN.jpeg (1 page)(bytes) 78980114#TMSN.jpeg (1 page)(bytes) 78911537#TMSN.jpeg (1 page)(bytes) 77382979#TMSN.jpeg (1 page)(bytes) 77383003#TMSN.jpeg (1 page)(bytes) 76183737#TMSN.gif (1 page)(bytes) 77566945#TMSN.jpeg (1 page)(bytes) 77339176#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (38 pages)(2294662 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	/Wendi E. Sloane/
Name	Wendi E. Sloane
Date	02/04/2009

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

_____	x
	:
FOOTBALL FANATICS, INC.	:
	:
Opposer,	: In the matter of:
	: Application Serial No. 77/307,092
	: For the mark:
	: FANATIX
v.	: Published in the <i>Official Gazette</i>
	: On October 7, 2008
	:
FANATIX, INC.,	:
	:
Applicant.	:
_____	x

NOTICE OF OPPOSITION

Opposer Football Fanatics, Inc. ("Opposer"), a Delaware corporation with the address of 6630 Broadway Avenue, Jacksonville, Florida 32254, believes that it will be damaged by the registration of the mark FANATIX ("Applicant's Mark"), as shown in Application Serial No. 77/307,092, filed on October 18, 2007 by Fanatix, Inc. ("Applicant"), for "Providing an on-line computer database featuring information regarding sports and entertainment events and availability of tickets for sports and entertainment events" in International Class 41, "Providing temporary use of non-downloadable software for customer relationship management and ticket management for sports and entertainment events" in International Class 42, and "On-line social networking services that facilitate customer relationship management and ticket management" in International Class 45, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer, a Delaware corporation, is a premier provider of retail store services in connection with sports-related and sports team-branded merchandise, as well as various e-commerce technology services, and has advertised, promoted, provided, distributed and sold, since at least as early as 1997, a wide variety of such goods and services under its unique “Fanatics”-based trademarks in the United States. Among this family of Opposer’s trademarks are FANATICS, FOOTBALL FANATICS, FASTBALL FANATICS, FACEOFF FANATICS, FASTBREAK FANATICS and SURF FANATICS (collectively, the “FANATICS Trademarks.”).

2. Opposer is the owner of several federal trademark registrations and pending applications in the United States for its unique FANATICS Trademarks. These registrations and applications include:

MARK	REG./APPLN. NO.	GOODS/SERVICES	CLASS(ES)
FACEOFF FANATICS	77/383,025	retail store services featuring sports related and sports team branded clothing and merchandise; on-line retail store services featuring sports related and sports team branded clothing and merchandise; product merchandising; order fulfillment services; business marketing consulting services; customer service in the field of retail store services and on-line store services	35
FANATICS	77/566,994	business marketing consulting services; customer service in the field of on-line retail store services; on-line retail store services featuring sports related and sports team branded clothing and merchandise; product merchandising; retail store services featuring sports related and sports team branded clothing and merchandise	35

MARK	REG./APPLN. NO.	GOODS/SERVICES	CLASS(ES)
FANATICS	3,447,091	retail store services and on-line retail store services featuring sports related and sports team branded clothing, namely shirts, sweatshirts, jerseys, jackets, shorts and hats; and retail store services and on-line retail stores services featuring sports related and sports team branded merchandise, namely, flags, football helmets, license plate holders, imitation license plates, watches, clocks and jewelry; product merchandising, namely, purchasing and maintaining inventory of products, namely, clothing, for others; order fulfillment services; business marketing consulting services, namely, providing business advice to others in developing online retail sites and direct marketing response businesses; customer services in the field of retail store services	35
FANATICS	78/911,537	development of new technology for others in the field of retail store services for the purpose of creating and maintaining the look and feel of web sites for others, not in the field of web site hosting; computer services, namely, creating and maintaining the look and feel of web sites for others, not in the field of web site hosting services; computer services, namely designing and implementing the look and feel of web sites for others, not in the field of web site hosting services; computer services, namely, managing the look and feel of web sites for others, not in the field of web site hosting	42

MARK	REG./APPLN. NO.	GOODS/SERVICES	CLASS(ES)
FASTBALL FANATICS	77/382,979	retail store services featuring sports related and sports team branded clothing and merchandise; on-line retail store services featuring sports related and sports team branded clothing and merchandise; product merchandising; order fulfillment services; business marketing consulting services; customer service in the field of retail store services and on-line retail store services	35
FASTBREAK FANATICS	77/383,003	retail store services featuring sports related and sports team branded clothing and merchandise; on-line retail store services featuring sports related and sports team branded clothing and merchandise; product merchandising; order fulfillment services; business marketing consulting services; customer service in the field of retail store services and on-line retail store services	35
FOOTBALL FANATICS	2,538,045	retail store services featuring sports related and sports team branded clothing and merchandise; on-line retail store services featuring sports related and sports team branded clothing and merchandise; product merchandising; order fulfillment services; business marketing consulting services; customer service in the field of retail store services and on-line retail store services	35
FOOTBALL FANATICS	77/566,945	business marketing consulting services; customer service in the field of retail store services and on-line retail store services; on-line retail store services featuring sports related and sports team branded clothing and merchandise; order fulfillment services; product merchandising; retail store services featuring sports related and sports team branded clothing and merchandise	35

MARK	REG./APPLN. NO.	GOODS/SERVICES	CLASS(ES)
SURF FANATICS	77/339,176	shirts; t-shirts; tank tops; sweat shirts; jackets; shorts; pants; jeans; hats; footwear; shoes; sandals; wet suits; rash guards; swimwear; surf wear in Class 25; on-line retail store services featuring sunglasses, watches, jewelry, decals, stickers, wallets, backpacks, tote bags, beach towels, shirts, t-shirts, tank tops, sweatshirts, jackets, shorts, pants, jeans, hats, footwear, shoes, sandals, wet suits, rash guards, swimwear, surf wear, surf boards, skim boards and surfboard leashes; retail store services featuring sunglasses, watches, jewelry, decals, stickers, wallets, backpacks, tote bags, beach towels, shirts, t-shirts, tank tops, sweatshirts, jackets, shorts, pants, jeans, hats, footwear, shoes, sandals, wet suits, rash guards, swimwear, surf wear, surf boards, skim boards and surfboard leashes in Class 35	25, 35

These registrations and applications are valid and subsisting. Together, this family of marks protects Opposer's various retail and online retail store services and merchandise, as well as its related new technology development services. Copies of these registrations and applications from the U.S. Patent and Trademark Office ("PTO") Database are attached herewith, collectively marked as **Exhibit A**. Certified copies of these properties will be made of record during Opposer's testimony period.

3. Opposer's FANATICS Trademarks are inherently distinctive and have come to symbolize Opposer as a premier source of sports-related merchandising among consumers throughout the United States. Opposer currently distributes its products and provides its services in commerce.

4. Long prior to the filing date of the application opposed herein, Opposer used the FANATICS Trademarks for the services and goods covered by the registrations and applications referred to above. As a result of such use, Opposer has developed a distinctive style and quality of products and services that the general public throughout the United States associates with the FANATICS Trademarks. Sports-related merchandising provided under the FANATICS Trademarks has been extremely successful throughout the country.

5. The FANATICS Trademarks have achieved a vast amount of consumer recognition by virtue of Opposer's continuous use of the marks for over ten years with the registered goods and services. Opposer also features the FANATICS Trademarks on its various websites, including, e.g., www.footballfanatics.com, www.fastballfanatics.com and www.surffanatics.com, representative pages of which are collected at **Exhibit B**.

6. As a result of this extensive use, Opposer has acquired an eminent reputation and valuable goodwill in the FANATICS Trademarks throughout the United States. Indeed, as a result of its long use in commerce, Registration No. 2,538,045 for FOOTBALL FANATICS is now incontestable, and also constitutes the Opposer's trade name in addition to simply being a trademark for its services and products.

7. Applicant has applied to register "Fanatix" for various sports-related information technology and e-commerce services in Classes 41, 42 and 45, under the intent-to-use basis, 15 U.S.C. § 1051(b). Accordingly, Applicant has yet to make use of Applicant's Mark in commerce.

8. Applicant's Mark so closely resembles Opposer's FANATICS Trademarks in appearance, sound and in the overall commercial impression it imparts on consumers that it is likely to cause confusion, mistake or deception among the buying public as

to source if registered with the services identified in the application opposed herein, in violation of 15 U.S.C. § 1052(d).

9. Visually, the marks are strikingly similar, particularly with regard to Opposer's FANATICS registration and pending application. In general, these marks share in common the f-a-n-a-t-i sequence of letters and are separated merely by the substitution of "x" for "cs" as part of Applicant's Mark. With respect to Opposer's FANATICS trademark specifically, this mark is nearly indistinguishable from Applicant's Mark in that both comprise a single (and all but identical) term. Also, having filed its application with a standard character claim, Applicant's Mark does not include any design element or appear in any stylization that could otherwise visually distinguish it from Opposer's FANATICS Trademarks.

10. The FANATICS Trademarks and Applicant's Mark are identical phonetically.

11. Applicant's Mark has the same meaning and imparts the same overall commercial impression as the FANATICS Trademarks. The connotation of "fanatics" as sports enthusiasts is not eliminated as a result of the altered "tix" spelling in Applicant's Mark, particularly given the association of tickets with sports-related merchandise. Each mark associates the respective owner's services with the same general concept; namely, an extreme sports fan.

12. Applicant has applied to register its mark in Classes 41, 42 and 45 with information technology and e-commerce services *for sports events and tickets*—services highly-related to Opposer's sports-related and sports team-branded merchandising services, as well as its new technology development services for creating, implementing and maintaining the look and feel of web sites for others, for which Opposer has already registered (and been allowed),

and is using its FANATICS Trademarks in overlapping international classes, thereby heightening the likelihood of confusion. Applicant's registration of a mark highly similar to that of Opposer's FANATICS Trademarks is likely to give rise to the mistaken belief among consumers that Applicant's Class 41, 42 and 45 services emanate from the same source and/or that Applicant's services are sponsored by, approved by, connected with or otherwise affiliated with those of Opposer.

13. As a result of its longstanding use of the FANATICS Trademarks with sports-related e-commerce services and merchandise, Opposer is likely to bridge the gap into e-commerce services for sports events and tickets given the related nature of these services.

14. Applicant's and Opposer's services are likely to be encountered by the same classes of overlapping consumers—sports enthusiasts—in the same geographic markets.

15. Moreover, Applicant's services are intended to be provided through identical channels of distribution as those of Opposer's, *i.e.*, online.

16. Applicant's Mark so resembles the FANATICS Trademarks that it is likely to cause confusion, mistake or deception within the meaning of Section 2(d) of the Lanham Act. Indeed, the Examining Attorney arrived at this same conclusion when she issued an office action initially refusing registration of Applicant's Mark.

17. Opposer has not authorized or consented to Applicant's use or registration of Applicant's Mark in the United States. Rather, prior to the filing of this Notice of Opposition, Opposer sent Applicant a cease and desist letter objecting to Applicant's Mark, upon becoming aware of its publication.

18. Accordingly, registration of Applicant's Mark in connection with the services specified in its application will likely cause consumers to be confused, mistaken or

deceived as to the source, origin or sponsorship of Applicant's services, to believe that Applicant's services emanate from Opposer, to believe that Applicant is in some way related to Opposer, and/or to believe that Applicant's services provided and marketed under the opposed mark are marketed with the consent, permission or authorization of Opposer.

19. If Applicant is permitted to register Applicant's Mark for the services as set forth in the application herein opposed, it is likely that the relevant public will be confused as to source, resulting in damage and injury to Opposer.

20. Furthermore, any objection or fault with the manner in which Applicant's services are provided would necessarily reflect on and seriously injure the reputation that Opposer has established under the FANATICS Trademarks and the goods sold and services provided thereunder.

21. If Applicant were to be granted a registration for the mark herein opposed, it would obtain thereby at least a *prima facie* exclusive right to use the mark for Applicant's intended services in International Classes 41, 42 and 45. Such registration would be a source of damage and injury to Opposer, as set forth herein.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that registration of the mark FANATIX, Application Serial No. 77/307,092 for the services specified therein, be refused and that no registration should issue thereon to Applicant.

The Trademark Office is hereby authorized to charge any underpayment or overpayment to Deposit Account No. 50-1004.

Dated: February 4, 2009

Respectfully submitted,

By: /Wendi E. Sloane/
Wendi E. Sloane
Thomas M. Gniot
BARACK FERRAZZANO KIRSCHBAUM
& NAGELBERG LLP
200 West Madison Street
Suite 3900
Chicago, IL 60606-3465
Phone: (312) 984-3100
Fax: (312) 984-3150

Counsel for Opposer, FOOTBALL FANATICS, INC.

Certificate of Service

The undersigned, an attorney, hereby certifies that on February 4, 2009, she served a copy of this Notice of Opposition upon counsel for Applicant Fanatix, Inc. by first class mail to:

Natalie A. Ward
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington DC 20004

/Wendi E. Sloane/
Wendi E. Sloane

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-02-03 12:19:22 ET

Serial Number: 77383025 Assignment Information

Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

FACEOFF FANATICS

(words only): FACEOFF FANATICS

Standard Character claim: Yes

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2008-07-29

Filing Date: 2008-01-29

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Notice of Allowance Date is: 2008-07-29

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

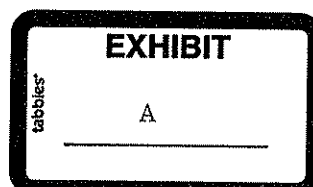
Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:
MAHONEY PAULA M

Current Location: 700 -Intent To Use Section

Date In Location: 2008-07-29



LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Football Fanatics, Inc.

Address:

Football Fanatics, Inc.
6630 Broadway Avenue
Jacksonville, FL 32254
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Retail store services featuring sports related and sports team branded clothing and merchandise; On-line retail store services featuring sports related and sports team branded clothing and merchancise; Product merchandising; Order fulfillment services; Business marketing consulting services; Customer service in the field of retail store services and on-line retail store services

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

2538045

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-01-20 - TEAS Statement of Use Received

2008-07-29 - Noa Mailed - SOU Required From Applicant

2008-05-06 - Published for opposition

2008-04-16 - Notice of publication

2008-03-31 - Law Office Publication Review Completed

2008-03-31 - Assigned To LIE

2008-03-19 - Approved for Pub - Principal Register (Initial exam)

2008-03-10 - Assigned To Examiner

2008-02-02 - Notice Of Pseudo Mark Mailed

2008-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Wendi E. Sloane

Correspondent

WENDI E. SLOANE

BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG

200 W MADISON ST STE 3900

CHICAGO, IL 60606-3459

Phone Number: 312-984-3100

Fax Number: 312-984-3150

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-02-03 12:19:46 ET

Serial Number: 77566994 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

FANATICS

(words only): FANATICS

Standard Character claim: Yes

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2008-12-15

Filing Date: 2008-09-10

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:
DAHLING KRISTIN M

Current Location: M4X -TMO Law Office 113 - Examining Attorney Assigned

Date In Location: 2008-12-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Football Fanatics, Inc.

Address:

Football Fanatics, Inc.
6630 Broadway Avenue
Jacksonville, FL 32254
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Business marketing consulting services; Customer service in the field of on-line retail store services;
On-line retail store services featuring sports related and sports team branded clothing and merchandise;
Product merchandising; Retail store services featuring sports related and sports team branded clothing
and merchandise

Basis: 1(a)**First Use Date:** 2008-01-21**First Use in Commerce Date:** 2008-01-21

ADDITIONAL INFORMATION

Prior Registration Number(s):

2538045

3447091

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-12-15 - Notification Of Non-Final Action E-Mailed

2008-12-15 - Non-final action e-mailed

2008-12-15 - Non-Final Action Written

2008-12-12 - Assigned To Examiner

2008-09-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Wendi E. Sloane

Correspondent

WENDI E. SLOANE

BARACK FERRAZZANO KIRSCHBAUM PERLMAN & N

200 W MADISON ST STE 3900

CHICAGO, IL 60606-3459

Phone Number: 312-984-3100

Fax Number: 312-984-3150

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,447,091

Registered June 10, 2008

SERVICE MARK
PRINCIPAL REGISTER

FANATICS

FOOTBALL FANATICS, INC. (DELAWARE CORPORATION)
6330 BROADWAY AVENUE
JACKSONVILLE, FL 32254

FOR: RETAIL STORE SERVICES AND ON-LINE RETAIL STORE SERVICES FEATURING SPORTS RELATED AND SPORTS TEAM BRANDED CLOTHING, NAMELY, SHIRTS, SWEATSHIRTS, JERSEYS, JACKETS, SHORTS AND HATS; AND RETAIL STORE SERVICES AND ON-LINE RETAIL STORES SERVICES FEATURING SPORTS RELATED AND SPORTS TEAM BRANDED MERCHANDISE, NAMELY, FLAGS, FOOTBALL HELMETS, LICENSE PLATE HOLDERS, IMITATION LICENSE PLATES, WATCHES, CLOCKS AND JEWELRY; PRODUCT MERCHANDISING, NAMELY, PURCHASING AND MAINTAINING INVENTORY OF PRODUCTS, NAMELY, CLOTHING, FOR OTHERS; ORDER FULFILLMENT SERVICES; BUSINESS

MARKETING CONSULTING SERVICES, NAMELY, PROVIDING BUSINESS ADVICE TO OTHERS IN DEVELOPING ONLINE RETAIL SITES AND DIRECT MARKETING RESPONSE BUSINESSES; CUSTOMER SERVICES IN THE FIELD OF RETAIL STORE SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-21-2008; IN COMMERCE 1-21-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,538,045.

SN 78-980,114, FILED 6-19-2006.

NAKIA HENRY, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-02-03 12:38:41 ET

Serial Number: 78911537 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

FANATICS

(words only): FANATICS

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2008-09-08

Filing Date: 2006-06-19

The Notice of Allowance Date is: 2007-09-25

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

Attorney Assigned:
HENRY NAKIA D

Current Location: 700 -Intent To Use Section

Date In Location: 2008-09-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. FOOTBALL FANATICS, INC.**Address:**

FOOTBALL FANATICS, INC.
6330 BROADWAY AVENUE
JACKSONVILLE, FL 32254
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 042**Class Status:** Active

Development of new technology for others in the field of retail store services for the purpose of creating and maintaining the look and feel of web sites for others, not in the field of web site hosting; computer services, namely, creating and maintaining the look and feel of web sites for others, not in the field of web site hosting services; computer services, namely designing and implementing the look and feel of web sites for others, not in the field of web site hosting services; computer services, namely, managing the look and feel of web sites for others, not in the field of web site hosting

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

2538045

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-09-08 - Extension 2 granted

2008-08-29 - Extension 2 filed

2008-09-08 - Case Assigned To Intent To Use Paralegal

2008-08-29 - TEAS Extension Received

2008-04-08 - Extension 1 granted

2008-03-24 - Extension 1 filed

2008-04-08 - Divisional processing completed

2008-03-31 - Divisional request received

2008-03-31 - PAPER RECEIVED

2007-09-25 - Noa Mailed - SOU Required From Applicant

2007-09-18 - Changes/Corrections After Pub Approval Entered

2007-09-14 - Assigned To Petition Staff

2007-08-14 - Extension Of Time To Oppose Process - Terminated

2007-08-08 - Automatic Update Of Assignment Of Ownership

2007-07-19 - PAPER RECEIVED

2007-06-28 - Attorney Revoked And/Or Appointed

2007-06-28 - TEAS Revoke/Appoint Attorney Received

2007-06-28 - TEAS Change Of Correspondence Received

2007-03-01 - Extension Of Time To Oppose Received

2007-01-30 - Published for opposition

2007-01-10 - Notice of publication

2006-12-09 - Law Office Publication Review Completed

2006-12-08 - Assigned To LIE

2006-11-21 - Approved for Pub - Principal Register (Initial exam)

2006-11-21 - Examiner's Amendment/Priority Action E-Mailed

2006-11-21 - Examiners Amendment And/Or Priority Action - Completed

2006-11-20 - Assigned To Examiner

2006-06-26 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Wendi E. Sloane

Correspondent

Wendi E. Sloane

Barack Ferrazzano Kirschbaum & Nagelberg

200 West Madison Street, Suite 3900

Chicago IL 60606

Phone Number: 312-984-3100

Fax Number: 312-984-3150

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Serial Number: 77382979 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

FASTBALL FANATICS

(words only): FASTBALL FANATICS

Standard Character claim: Yes

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2008-07-29

Filing Date: 2008-01-29

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Notice of Allowance Date is: 2008-07-29

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:
MAHONEY PAULA M

Current Location: 700 -Intent To Use Section

Date In Location: 2008-07-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Football Fanatics, Inc.

Address:

Football Fanatics, Inc.
6630 Broadway Avenue
Jacksonville, FL 32254
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Retail store services featuring sports related and sports team branded clothing and merchandise; On-line retail store services featuring sports related and sports team branded clothing and merchandise; Product merchandising; Order fulfillment services; Business marketing consulting services; Customer service in the field of retail store services and on-line retail store services

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

2538045

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-01-20 - TEAS Statement of Use Received

2008-07-29 - Noa Mailed - SOU Required From Applicant

2008-05-06 - Published for opposition

2008-04-16 - Notice of publication

2008-03-31 - Law Office Publication Review Completed

2008-03-31 - Assigned To LIE

2008-03-19 - Approved for Pub - Principal Register (Initial exam)

2008-03-10 - Assigned To Examiner

2008-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Wendi E. Sloane

Correspondent

WENDI E. SLOANE

BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG

200 W MADISON ST STE 3900

CHICAGO, IL 60606-3459

Phone Number: 312-984-3100

Fax Number: 312-984-3150

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Serial Number: 77383003 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

FASTBREAK FANATICS

(words only): FASTBREAK FANATICS

Standard Character claim: Yes

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2008-07-29

Filing Date: 2008-01-29

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Notice of Allowance Date is: 2008-07-29

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:
MAHONEY PAULA M

Current Location: 700 -Intent To Use Section

Date In Location: 2008-07-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Football Fanatics, Inc.

Address:

Football Fanatics, Inc.
6630 Broadway Avenue
Jacksonville, FL 32254
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Retail store services featuring sports related and sports team branded clothing and merchandise; On-line retail store services featuring sports related and sports team branded clothing and merchandise; Product merchandising; Order fulfillment services; Business marketing consulting services; Customer service in the field of retail store services and on-line retail store services

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

2538045

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-01-20 - TEAS Statement of Use Received

2008-07-29 - Noa Mailed - SOU Required From Applicant

2008-05-06 - Published for opposition

2008-04-16 - Notice of publication

2008-03-31 - Law Office Publication Review Completed

2008-03-31 - Assigned To LIE

2008-03-19 - Approved for Pub - Principal Register (Initial exam)

2008-03-10 - Assigned To Examiner

2008-02-02 - Notice Of Pseudo Mark Mailed

2008-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Wendi E. Sloane

Correspondent

WENDI E. SLOANE

BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG

200 W MADISON ST STE 3900

CHICAGO, IL 60606-3459

Phone Number: 312-984-3100

Fax Number: 312-984-3150

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,538,045

Registered Feb. 12, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

FOOTBALL FANATICS

FOOTBALL FANATICS, INC. (FLORIDA CORPORATION)
1910 WELLS ROAD
ORANGE PARK, FL 32073

FOR: RETAIL STORE SERVICES AND ON-LINE RETAIL STORE SERVICES FEATURING SPORTS RELATED AND SPORTS TEAM BRANDED CLOTHING, NAMELY, SHIRTS, SWEATSHIRTS, JERSEYS, JACKETS, SHOES AND HATS; AND RETAIL STORE SERVICES AND ON-LINE RETAIL STORE SERVICES FEATURING SPORTS RELATED AND SPORTS TEAM BRANDED MERCHANDISE, NAMELY, FLAGS, FOOTBALL HELMETS, LICENSE PLATE HOLDERS, IMITATION LICENSE PLATES,

WATCHES, CLOCKS AND JEWELRY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-28-1997; IN COMMERCE 2-28-1997.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FOOTBALL", APART FROM THE MARK AS SHOWN.

SER. NO. 76-183,737, FILED 12-16-2000.

BARBARA A. LOUGHRAN, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-02-03 12:42:14 ET

Serial Number: 77566945 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

FOOTBALL FANATICS

(words only): FOOTBALL FANATICS

Standard Character claim: Yes

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2008-12-15

Filing Date: 2008-09-10

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:
DAHLING KRISTIN M

Current Location: M4X -TMO Law Office 113 - Examining Attorney Assigned

Date In Location: 2008-12-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Football Fanatics, Inc.

Address:

Football Fanatics, Inc.
6630 Broadway Avenue
Jacksonville, FL 32254
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Business marketing consulting services; Customer service in the field of retail store services and on-line retail store services; On-line retail store services featuring sports related and sports team branded clothing and merchandise; Order fulfillment services; Product merchandising; Retail store services featuring sports related and sports team branded clothing and merchandise

Basis: 1(a)**First Use Date:** 1997-02-28**First Use in Commerce Date:** 1997-02-28

ADDITIONAL INFORMATION

Disclaimer: "FOOTBALL"**Prior Registration Number(s):**

2538045

3447091

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-12-15 - Notification Of Non-Final Action E-Mailed

2008-12-15 - Non-final action e-mailed

2008-12-15 - Non-Final Action Written

2008-12-12 - Assigned To Examiner

2008-09-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Wendi E. Sloane

Correspondent

WENDI E. SLOANE

BARACK FERRAZZANO KIRSCHBAUM PERLMAN & N

200 W MADISON ST STE 3900

CHICAGO, IL 60606-3459

Phone Number: 312-984-3100

Fax Number: 312-984-3150

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-02-03 12:42:56 ET

Serial Number: 77339176 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

SURF FANATICS

(words only): SURF FANATICS

Standard Character claim: Yes

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2009-01-06

Filing Date: 2007-11-28

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Notice of Allowance Date is: 2009-01-06

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:
MAHONEY PAULA M

Current Location: 700 -Intent To Use Section

Date In Location: 2009-01-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Football Fanatics, Inc.

Address:

Football Fanatics, Inc.
6630 Broadway Avenue
Jacksonville, FL 32254
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 025**Class Status:** Active

Shirts; T-shirts; Tank tops; Sweat shirts; Jackets; Shorts; Pants; Jeans; Hats; Footwear; Shoes; Sandals;
Wet suits; Rash guards; Swimwear; Surf wear

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 035**Class Status:** Active

On-line retail store services featuring sunglasses, watches, jewelry, decals, stickers, wallets, backpacks, tote bags, beach towels, shirts, t-shirts, tank tops, sweatshirts, jackets, shorts, pants, jeans, hats, footwear, shoes, sandals, wet suits, rash guards, swimwear, surf wear, surf boards, skim boards and surfboard leashes; Retail store services featuring sunglasses, watches, jewelry, decals, stickers, wallets, backpacks, tote bags, beach towels, shirts, t-shirts, tank tops, sweatshirts, jackets, shorts, pants, jeans, hats, footwear, shoes, sandals, wet suits, rash guards, swimwear, surf wear, surf boards, skim boards and surfboard leashes

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "SURF"**Prior Registration Number(s):**

2538045

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-01-06 - Noa Mailed - SOU Required From Applicant

2008-10-14 - Published for opposition

2008-09-24 - Notice of publication

2008-09-05 - Law Office Publication Review Completed

2008-09-04 - Assigned To LIE

2008-08-26 - Approved for Pub - Principal Register (Initial exam)

2008-08-26 - Examiner's Amendment Entered

2008-08-26 - Notification Of Examiners Amendment E-Mailed

2008-08-26 - EXAMINERS AMENDMENT E-MAILED

2008-08-26 - Examiners Amendment -Written

2008-03-19 - Notification Of Non-Final Action E-Mailed

2008-03-19 - Non-final action e-mailed

2008-03-19 - Non-Final Action Written

2008-03-10 - Assigned To Examiner

2007-12-03 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Wendi E. Sloane

Correspondent

WENDI E. SLOANE
BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG
200 W MADISON ST STE 3900
CHICAGO, IL 60606

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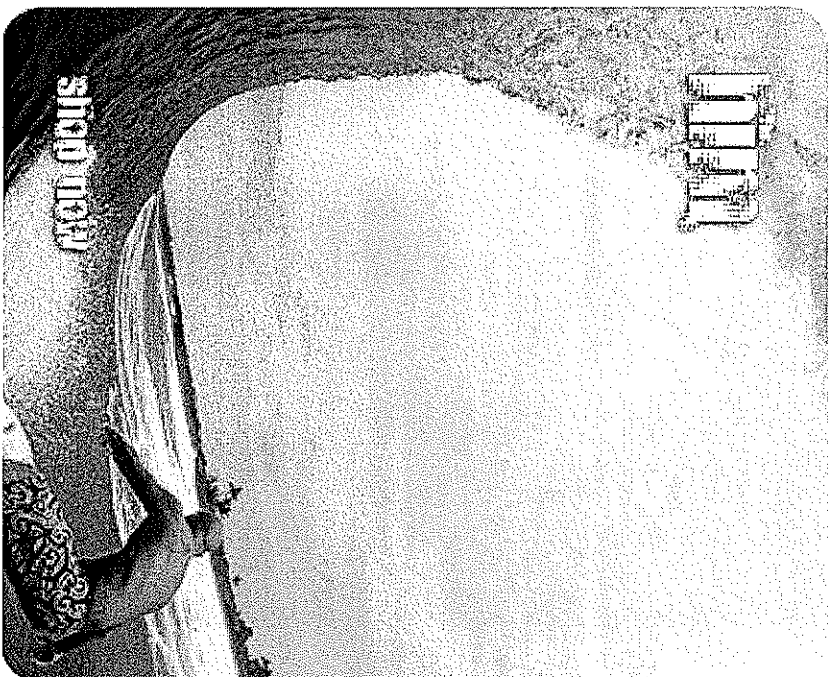
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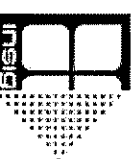
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