

ESTTA Tracking number: **ESTTA313770**

Filing date: **10/27/2009**

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	Angels Baseball LP
Granted to Date of previous extension	10/28/2009
Address	2000 Gene Autry Way Anaheim, CA 92806 UNITED STATES
Attorney information	Jill K. Tomlinson Cowan Liebowitz & Latman 1133 Avenue of the Americas New York, NY 10036 UNITED STATES jkt@cll.com, trademark@cll.com Phone:212-790-9200

Applicant Information

Application No	79046152	Publication date	06/30/2009
Opposition Filing Date	10/27/2009	Opposition Period Ends	10/28/2009
International Registration No.	0943354	International Registration Date	05/08/2007
Applicant	TAKSIM TEKSTIL; SANAYI VE TICARET LIMITED SIRKETI Merter Mehmet Nesih Å#zmen Mah. Fatih Cad. Selvi; Sk. And IshaniNo:11 Bodrum 2 GÃ¼ngÃ¼ren/ISTANBUL, TURKEY		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Soaps; perfumery, cosmetics, hair care products, namely, hair spray, shampoo, hair gel, hair conditioners
Class 009. All goods and services in the class are opposed, namely: Apparatus for recording, transmission or reproduction of sound an images, namely, CD and DVD recorders and copiers, blank magnetic data carriers, blank recording discs, namely, DVDs and CDs; computer game software; eyeglasses; sunglasses; glasses accessories, namely, eyeglass cases
Class 014. All goods and services in the class are opposed, namely: Jewellery, precious stones; horological instruments
Class 018. All goods and services in the class are opposed, namely: Leather and imitations of leather, namely, wallets, purses, coin purses, credit card holders, trunks, traveling bags, tote bags, backpacks;

umbrellas
Class 025. All goods and services in the class are opposed, namely: Clothing, namely, pants, shirts, t-shirts, dresses, shorts, skirts, vests; headgear, namely, hats, caps, visors; footwear
Class 026. All goods and services in the class are opposed, namely: Lace and embroidery, ribbons and braid; buttons
Class 035. All goods and services in the class are opposed, namely: Retail store services featuring cosmetics, jewelry, clothing, wallets, purses, coin purses, credit card holders, trunks, traveling bags, tote bags, backpacks, umbrellas, CD and DVD recorders and copiers, blank and prerecorded DVDs and CDs, computer game software, eyeglasses, sunglasses, eyeglass cases; business intermediary and advice services in the field of selling products and rendering services; product merchandising; advertising, marketing services; commercial business management for the support of the commercialization of products and services; organization and implementation of trade fairs and advertising events for others; assistance in business management, namely, providing administrative services within the framework of the drawing up and concluding of franchise agreements

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	JUST ANGELS NOO Final.pdf (7 pages)(23381 bytes) JUST ANGELS NOO Cover Letter.pdf (1 page)(46614 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 Overnight Courier on this date.

Signature	/Jill K. Tomlinson/
Name	Jill K. Tomlinson
Date	10/27/2009

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

In re Application Serial No. 79/046,152
Filed: May 8, 2007
For Mark: JUST ANGELS
Published in the Official Gazette: June 30, 2009

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ANGELS BASEBALL LP,	:	Opposition No.
	:	
Opposer,	:	
	:	
v.	:	
	:	<u>NOTICE OF OPPOSITION</u>
TAKSIM TEKSTIL; SANAYI VE TICARET	:	
LIMITED SIRKETI,	:	
	:	
Applicant.	:	
-----X		

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

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 standard character word mark JUST ANGELS in International Class 3 for “Soaps; perfumery, cosmetics, hair care products, namely, hair spray, shampoo, hair gel, hair conditioners;” in International Class 9 for “Apparatus for recording, transmission or reproduction of sound an [sic] images, namely, CD and DVD recorders and copiers, blank magnetic data carriers, blank recording discs, namely, DVDs and CDs; computer game software; eyeglasses; sunglasses; glasses accessories, namely, eyeglass cases;” in International Class 14 for “Jewellery [sic], precious stones; horological instruments;” in International Class 18 for “Leather and imitations of leather, namely, wallets, purses, coin purses, credit card holders, trunks, traveling bags, tote bags, backpacks; umbrellas;” in International Class 25 for “Clothing, namely, pants,

shirts, t-shirts, dresses, shorts, skirts, vests; headgear, namely, hats, caps, visors; footwear;” in International Class 26 for “Lace and embroidery, ribbons and braid; buttons;” and in International Class 35 for “Retail store services featuring cosmetics, jewelry, clothing, wallets, purses, coin purses, credit card holders, trunks, traveling bags, tote bags, backpacks, umbrellas, CD and DVD recorders and copiers, blank and prerecorded DVDs and CDs, computer game software, eyeglasses, sunglasses, eyeglass cases; business intermediary and advice services in the field of selling products and rendering services; product merchandising; advertising, marketing services; commercial business management for the support of the commercialization of products and services; organization and implementation of trade fairs and advertising events for others; assistance in business management, namely, providing administrative services within the framework of the drawing up and concluding of franchise agreements” as shown in Application Serial No. 79/046,152 (the “Application”), and having been granted extensions of time to oppose up to and including October 28, 2009, 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 May 8, 2007, Applicant’s constructive first use date pursuant to Section 66(b) of the Lanham Act, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark ANGELS or ANGEL or a halo or wing design, alone or with other word, letter and/or design elements (the “Opposer’s ANGELS Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, retail store services, on-line retail services, pre-

recorded compact discs relating to baseball, sunglasses, jewelry, clothing, footwear, ornamental novelty pins, embroidered patches for clothing, sports gear, wallets, attaches, travel bags, umbrellas, toys and novelty items.

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, Registrations 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, 2,606,782, 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, 3,506,593, 3,659,451, 3,659,452, 3,659,453, 3,659,454 and 3,662,058. 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 May 8, 2007, Applicant's constructive first use date pursuant to Section 66(b) of the Lanham Act, Opposer, its predecessors, and 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, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, retail store services, on-line retail services, pre-recorded compact discs relating to baseball, sunglasses, jewelry, clothing, footwear, ornamental novelty pins, embroidered patches for clothing, sports gear, wallets, attaches, travel bags, umbrellas, toys and novelty items and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the 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 May 8, 2007, Applicant filed a request to extend protection of its International Application No. 0943354 for the word mark JUST ANGELS in International Class 3 for "Soaps; perfumery, cosmetics, hair care products, namely, hair spray, shampoo, hair gel, hair conditioners;" in International Class 9 for "Apparatus for recording, transmission or reproduction of sound an [sic] images, namely, CD and DVD recorders and copiers, blank magnetic data carriers, blank recording discs, namely, DVDs and CDs; computer game software; eyeglasses; sunglasses; glasses accessories, namely, eyeglass cases;" in International Class 14 for "Jewellery [sic], precious stones; horological instruments;" in International Class 18 for "Leather and imitations of leather, namely, wallets, purses, coin purses, credit card holders, trunks, traveling bags, tote bags, backpacks; umbrellas;" in International Class 25 for "Clothing, namely, pants, shirts, t-shirts, dresses, shorts, skirts, vests; headgear, namely, hats, caps, visors; footwear;" in International Class 26 for "Lace and embroidery, ribbons and braid; buttons;" and in International Class 35 for "Retail store services featuring cosmetics, jewelry, clothing, wallets, purses, coin purses, credit card holders, trunks, traveling bags, tote bags, backpacks, umbrellas, CD and DVD recorders and copiers, blank and prerecorded DVDs and CDs, computer game software, eyeglasses, sunglasses, eyeglass cases; business intermediary and advice services in the field of selling products and rendering services; product merchandising; advertising, marketing services; commercial business management for the support of the commercialization of products and services; organization and implementation of trade fairs and advertising events for others;

assistance in business management, namely, providing administrative services within the framework of the drawing up and concluding of franchise agreements” on an intent to use basis.

7. Upon information and belief, Applicant did not use the mark JUST ANGELS for the goods and services covered in the Application in United States commerce prior to May 8, 2007, its constructive first use date pursuant to Section 66(b) of the Lanham Act.

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 JUST ANGELS mark so resembles Opposer’s ANGELS Marks as to be likely, when used in connection with 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/or services have their origin with Opposer and/or that such goods and/or 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 JUST ANGELS mark.

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

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant’s JUST ANGELS 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 Jill K. Tomlinson (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 27, 2009

Respectfully submitted,

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

By: /Jill K. Tomlinson/

Mary L. Kevlin
Richard S. Mandel
Jill K. Tomlinson
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 27, 2009, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via courier, to Applicant and Correspondent TAKSIM TEKSTIL; SANAYI VE TICARET LIMITED SIRKETI, Merter Mehmet Nesih Özmen Mah. Fatih Cad. Selvi; Sk. And Ishani No:11 Bodrum 2, Güngören/ Istanbul, Turkey and to Applicant's Turkish Counsel, Attorney Duygu Tellioglu, Istanbul Patent Trademark & Consultancy Ltd., Plaza-33, Buyukdere Cad. No. 33/16, Sisli 34381 - Istanbul, Turkey.

/Jill K. Tomlinson/

Jill K. Tomlinson

Cowan, Liebowitz & Latman, P.C.

LAW OFFICES

1133 Avenue of the Americas • New York, NY 10036-6799

(212) 790-9200 • www.cll.com • Fax (212) 575-0671

October 27, 2009

By Electronic Filing

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

Re: Angels Baseball LP
Notice of Opposition Against
Taksim Tekstil; Sanayi Ve Ticaret Limited Sirketi
Application to register JUST ANGELS
Ref. No. 21307.024

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 79/046,152 published in the Official Gazette on June 30, 2009. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$2,100 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 of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Jill K. Tomlinson/

Jill K. Tomlinson

Enclosures

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