

ESTTA Tracking number: **ESTTA372365**

Filing date: **10/08/2010**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	Atlanta National League Baseball Club, Inc.
Granted to Date of previous extension	10/10/2010
Address	755 Hank Aaron Drive Atlanta, GA 30315 UNITED STATES

Name	Boston Red Sox Baseball Club Limited Partnership
Granted to Date of previous extension	10/10/2010
Address	Fenway Park 4 Yawkey Way Boston, MA 02215 UNITED STATES

Name	Baltimore Orioles Limited Partnership
Granted to Date of previous extension	10/10/2010
Address	333 West Camden Street Baltimore, MD 21201 UNITED STATES

Name	Los Angeles Dodgers LLC
Granted to Date of previous extension	10/10/2010
Address	Dodger Stadium 1000 Elysian Park Avenue Los Angeles, CA 90012 UNITED STATES

Name	Milwaukee Brewers Baseball Club, Limited Partnership
Granted to Date of previous extension	10/10/2010
Address	Miller Park One Brewers Way Milwaukee, WI 53214 UNITED STATES

Attorney information	Robert Riether Cowan, Liebowitz & Latman, P.C.
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	1133 Avenue of the Americas New York, NY 10036 UNITED STATES jss@ccl.com, trademark@ccl.com, rar@ccl.com Phone:212-790-9200
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### Applicant Information

Application No	77715520	Publication date	04/13/2010
Opposition Filing Date	10/08/2010	Opposition Period Ends	10/10/2010
Applicant	Battat Incorporated 1560 Military Turnpike Plattsburgh, NY 12901 UNITED STATES		

### Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: Children's Books
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### Grounds for Opposition

Other	See Attached Pleading.
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Attachments	1198953_1.pdf ( 2 pages )(90133 bytes ) 1197987_5.pdf ( 10 pages )(91682 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	/Robert Riether/
Name	Robert Riether
Date	10/08/2010

# Cowan, Liebowitz & Latman, P.C.

Law Offices

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**Robert A. Riether**  
Direct (212) 790-9263  
rar@cl.com

October 8, 2010

## **By Electronic Filing**

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

Re: ATLANTA NATIONAL LEAGUE BASEBALL CLUB, INC.,  
BOSTON RED SOX BASEBALL CLUB LIMITED  
PARTNERSHIP, BALTIMORE ORIOLES LIMITED  
PARTNERSHIP, LOS ANGELES DODGERS LLC and  
MILWAUKEE BREWERS BASEBALL CLUB,  
LIMITED PARTNERSHIP,  
Consolidated Notice of Opposition Against  
BATTAT INCORPORATED's  
Application to register B.  
Ref. No. 21307.010

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Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Number 77/715,520 published in the Official Gazette on April 13, 2010. Contemporaneously with the electronic filing of this Consolidated Notice of Opposition, we are arranging for an electronic payment in the amount of \$1,500 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

October 8, 2010

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Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Robert A. Riether/

Robert A. Riether

Enclosures

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

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

In re Application Serial No. 77/715,520  
Filed: April 16, 2009  
For Mark: B.  
Published in the Official Gazette: April 13, 2010

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:  
ATLANTA NATIONAL LEAGUE BASEBALL  
CLUB, INC., BOSTON RED SOX BASEBALL  
CLUB LIMITED PARTNERSHIP, BALTIMORE  
ORIOLES LIMITED PARTNERSHIP,  
LOS ANGELES DODGERS LLC and  
MILWAUKEE BREWERS BASEBALL CLUB,  
LIMITED PARTNERSHIP,  
:  
Opposers,  
:  
v.  
:  
BATTAT INCORPORATED,  
:  
Applicant.  
:  
-----X

Opposition No.

**CONSOLIDATED**  
**NOTICE OF OPPOSITION**

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


Opposers, Atlanta National League Baseball Club, Inc., a Georgia corporation, with offices at 755 Hank Aaron Drive, Atlanta, Georgia 30315, Boston Red Sox Baseball Club Limited Partnership, a Massachusetts limited partnership, with offices at Fenway Park, 4 Yawkey Way, Boston, Massachusetts 02215, Baltimore Orioles Limited Partnership, a Maryland limited partnership with offices at 333 West Camden Street, Baltimore, Maryland 21201, Los Angeles Dodgers LLC, a Delaware limited liability company with offices at Dodger Stadium, 1000 Elysian Park Avenue, Los Angeles, California 90012, and Milwaukee Brewers Baseball

Club, a Wisconsin limited partnership, with offices at Miller Park, One Brewers Way, Milwaukee, Wisconsin 53214 (collectively, “Opposers”), believe that they will be damaged by registration of the standard character mark “B.” in International Class 16 for “Children’s Books” as shown in Application Serial No. 77/715,520 (the “Application”), and having been granted extensions of time to oppose up to and including October 10, 2010, hereby oppose the same.

As grounds for opposition, it is alleged that:

1. Opposer Atlanta National League Baseball Club, Inc. (the “Atlanta Braves Club”) is the owner of the renowned ATLANTA BRAVES MAJOR LEAGUE BASEBALL club, Opposer Boston Red Sox Baseball Club Limited Partnership (the “Boston Red Sox Club”) is the owner of the renowned BOSTON RED SOX MAJOR LEAGUE BASEBALL club, Opposer Baltimore Orioles Limited Partnership (the “Baltimore Orioles Club”) is the owner of the renowned BALTIMORE ORIOLES MAJOR LEAGUE BASEBALL club, Opposer Los Angeles Dodgers LLC (the “Dodgers Club”) is the owner of the renowned LOS ANGELES DODGERS MAJOR LEAGUE BASEBALL club (successor to the famous BROOKLYN DODGERS MAJOR LEAGUE BASEBALL club), and Opposer Milwaukee Brewers Baseball Club Limited Partnership (the “Brewers Club”) is the owner of the renowned MILWAUKEE BREWERS MAJOR LEAGUE BASEBALL club.

2. Since long prior to April 16, 2009, Applicant’s constructive first use date, Opposer, the Atlanta Braves Club, its predecessors, their affiliated and related entities, licensees and/or sponsors have used various “B” marks, including, without limitation, in the following

distinctive stylizations:  , alone or with other word, letter and/or design elements, in connection with baseball games and exhibition services and a

wide variety of goods and services, including, but not limited to, paper goods and printed matter, including, but not limited to, magazines and books, apparel, toys and sporting goods (collectively, the “Atlanta Braves B Marks”).

3. The Atlanta Braves Club owns U.S. federal registrations for the Atlanta Braves B Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 26, 28, 34, 41, namely, Registration Nos. 829,308, 829,309, 845,032, 1,596,052, 1,562,115, 1,620,113, 2,671,045, 3,382,988, 3,382,989 and 3,532,500. Registration Nos. 829,308, 829,309, 845,032, 1,596,052, 1,562,115, 1,620,113 and 2,671,045 are incontestable.

4. Since long prior to April 16, 2009, Applicant’s constructive first use date, the Atlanta Braves Club, 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 the Atlanta Braves B Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, paper goods and printed matter, including, but not limited to, magazines and books, apparel, toys and sporting goods 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 the Atlanta Braves B Marks, the Atlanta Braves Club has built up highly valuable goodwill in the Atlanta Braves B Marks, and said goodwill has become closely and uniquely identified and associated with the Atlanta Braves Club.

6. Since long prior to April 16, 2009, Applicant’s constructive first use date, Opposer, the Boston Red Sox Club, its predecessors, their affiliated and related entities, licensees and/or sponsors have used various “B” marks including, without limitation, in the following

distinctive stylizations:  , and/or ,

alone or with other word, letter and/or design elements, in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, paper goods and printed matter, including, but not limited to, magazines and books, apparel, toys and sporting goods (collectively the “Boston Red Sox B Marks”).



7. The Boston Red Sox Club owns U.S. federal registrations and an application for the Boston Red Sox B Marks in International Classes 9, 14, 16, 18, 20, 24, 25, 28 and 41, namely, Registration Nos. 1,060,117, 1,232,820, 1,633,120, 1,736,679, 2,504,257, 2,634,700, 3,231,139, 3,234,850, 3,370,310, 3,797,632 and 3,801,204 and Application Serial No. 85/063,856. Registration Nos. 1,060,117, 1,232,820, 1,633,120, 1,736,679 and 2,504,257 are incontestable.

8. Since long prior to April 16, 2009, Applicant’s constructive first use date, the Boston Red Sox Club, its predecessors, their affiliated and related entities, licensees and/or sponsors have extensively promoted and advertised the sale and distribution of goods and services bearing or offered in connection with the Boston Red Sox B Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, paper goods and printed matter, including, but not limited to, magazines and books, apparel, toys and sporting goods and have sold or distributed such goods and rendered such services in commerce.

9. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with the Boston Red Sox B Marks, the Boston Red Sox Club has built up highly valuable goodwill in the Boston Red Sox B Marks, and said goodwill has become closely and uniquely identified and associated with the Boston Red Sox Club.



10. Since long prior to April 16, 2009, Applicant's constructive first use date, Opposer, the Baltimore Orioles Club, its predecessors, their affiliated and related entities, licensees and/or sponsors have used various "B" or "BB" marks, including, without limitation, in

the following distinctive stylizations , and/or , alone or with other word, letter and/or design elements, in connection with baseball games and exhibition services and a variety of goods and services, including, but not limited to, paper goods and printed matter, including, but not limited to, magazines and books, and apparel (the "Baltimore Orioles B Marks").

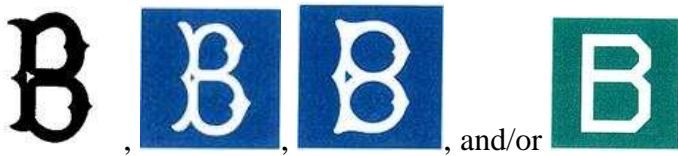
11. The Baltimore Orioles Club owns U.S. federal registrations and applications for the Baltimore Orioles B Marks in International Classes 25 and 41, namely, Registration Nos. 1,802,396 and 1,602,441, and Application Serial Nos. 85/037,247 and 85/102,266. Registration Nos. 1,802,396 and 1,602,441 are incontestable.

12. Since long prior to April 16, 2009, Applicant's constructive first use date, the Baltimore Orioles Club, its predecessors, their affiliated and related entities, licensees and/or sponsors have extensively promoted and advertised the sale and distribution of goods and services bearing or offered in connection with the Baltimore Orioles B Marks, including, but not limited to, baseball games and exhibition services and a variety of goods and services, including, but not limited to, paper goods and printed matter, including, but not limited to, magazines and books, and apparel and have sold or distributed such goods and rendered such services in commerce.

13. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with the Baltimore Orioles B Marks, the Baltimore Orioles Club has

built up highly valuable goodwill in the Baltimore Orioles B Marks, and said goodwill has become closely and uniquely identified and associated with the Baltimore Orioles Club.

14. Since long prior to April 16, 2009, Applicant's constructive first use date, Opposer, the Dodgers Club, its predecessors, their affiliated and related entities, licensees and/or sponsors have used various "B" marks, including, without limitation, in the following distinctive




stylizations: , alone or with other word, letter and/or design elements, in connection with baseball games and exhibition services and a variety of goods and services, including, but not limited to, apparel (collectively, the "Dodgers B Marks").

15. The Dodgers Club owns U.S. federal registrations, namely, Registration Nos. 1,643,672, 1,562,301, 1,571,978 and 1,859,757 for the Dodgers B Marks in International Classes 21 and 25. Registration Nos. 1,643,672, 1,562,301, 1,571,978 and 1,859,757 are incontestable.

16. Since long prior to April 16, 2009, Applicant's constructive first use date, the Dodgers Club, 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 the Dodgers B Marks, including, but not limited to, baseball games and exhibition services and a variety of goods and services, including, but not limited to, apparel and have sold or distributed such goods and rendered such services in commerce.

17. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with the Dodgers B Marks, the Dodgers Club has built up highly valuable goodwill in the Dodgers B Marks, and said goodwill has become closely and uniquely identified and associated with the Dodgers Club.

18. Since long prior to April 16, 2009, Applicant's constructive first use date, Opposer, the Brewers Club, its predecessors, their affiliated and related entities, licensees and/or sponsors have used various "B" or "MB" marks, including, without limitation, in the following

distinctive stylizations:  ,  and/or  , alone or with other word, letter and/or design elements, in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, paper goods and printed matter, including, but not limited to, magazines and books, apparel, toys and sporting goods (collectively, the "Brewers B Marks").

19. The Brewers Club owns U.S. federal registrations and an application for the Brewers B Marks in International Classes 6, 9, 14, 16, 18, 24, 25, 28, 36 and 41, namely, Registration No. 1,222,121, 1,243,706, 1,262,144, 1,543,238, 2,136,439, 2,623,286, 2,542,640, 2,546,834, 2,549,755, 2,789,452, 3,353,761 and 3,525,776 and Application No. 85/121,553. Registration Nos. 1,222,121, 1,243,706, 1,262,144 and 1,543,238 are incontestable.

20. Since long prior to April 16, 2009, Applicant's constructive first use date, the Brewers Club, 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 the Brewers B Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, paper goods and printed matter, including, but not limited to, magazines and books, apparel, toys and sporting goods and have sold or distributed such goods and rendered such services in commerce.

21. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with the Brewers B Marks, the Brewers Club has built up highly

valuable goodwill in the Brewers B Marks, and said goodwill has become closely and uniquely identified and associated with the Brewers Club.

22. On April 16, 2009, Applicant filed the Application for the standard character mark “B.” in International Class 16 for “Children’s Books” based on an intent to use.

23. Upon information and belief, Applicant did not use the mark “B.” for the goods covered in the Application in United States commerce prior to its constructive first use date of April 16, 2009.

24. The goods covered by the Application are closely related to the goods offered and services rendered in connection with the Atlanta Braves B Marks, the Boston Red Sox B Marks, the Baltimore Orioles B Marks, the Dodgers B Marks and the Brewers B Marks (collectively, “Opposers’ B Marks”).

25. As Applicant has claimed its “B.” mark as a standard character mark, where the letter “B” is the dominant part of the mark, registration of such mark effectively could give Applicant rights to the letter “B” in any stylization, including the stylizations of Opposers’ B Marks that have been duly registered and/or have priority of use over Applicant’s “B.” mark. Additionally, registration of such mark effectively could prevent Opposers from developing additional “B” marks in the future.

26. Applicant’s “B.” mark so resembles Opposers’ B Marks as to be likely, when used in connection with 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 Opposers and/or that such goods are approved, endorsed or sponsored by Opposers or associated in some way with Opposers. Opposers would thereby be injured by the granting to Applicant of a certificate of registration for Applicant’s “B.” mark.

27. Opposers would be further injured by the granting of a certificate of registration to Applicant because Applicant's "B." mark, which is the same as and/or a close approximation of Opposers' B marks, and which points uniquely to Opposers, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposers, and Opposers.

WHEREFORE, Opposers believe that they will be damaged by registration of Applicant's "B." mark and request that the consolidated opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposers in this proceeding Mary L. Kevlin, Richard S. Mandel, Jane Shih, and Robert A. Riether (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 8, 2010

Respectfully submitted,

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

By: / Robert A. Riether/

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Mary L. Kevlin  
Richard S. Mandel  
Jane Shih  
Robert A. Riether  
1133 Avenue of the Americas  
New York, New York 10036  
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 8, 2010, I caused a true and correct copy of the foregoing Consolidated Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Correspondent and Attorney of Record, Andrew S. Langsam, Esq., Pryor Cashman LLP, 7 Times Square, New York, NY 10036-6569.

/Robert A. Riether /  
Robert A. Riether