

ESTTA Tracking number: **ESTTA374992**

Filing date: **10/25/2010**

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 party opposes registration of the indicated application.

Opposer Information

Name	Los Angeles Dodgers LLC
Granted to Date of previous extension	10/24/2010
Address	Dodger Stadium 1000 Elysian Park Avenue Los Angeles, CA 90012 UNITED STATES

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

Applicant Information

Application No	77750645	Publication date	04/27/2010
Opposition Filing Date	10/25/2010	Opposition Period Ends	10/24/2010
Applicant	A. Stein Meat Products, Inc. 5600 First Avenue Brooklyn, NY 11220 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. First Use: 2006/06/01 First Use In Commerce: 2006/06/01
All goods and services in the class are opposed, namely: Hamburger patties

Grounds for Opposition

Other	Please see attached pleading.
-------	-------------------------------

Attachments	1201515_1.pdf (1 page)(46584 bytes) 1200326_2.pdf (5 pages)(51673 bytes)
-------------	---

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	10/25/2010

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 25, 2010

By Electronic Filing

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

Re: Los Angeles Dodgers, LLC,
Notice of Opposition Against
A. Stein Meat Products, Inc.,
Application to register BROOKLYN BURGER (Stylized)
Ref. No. 21307.016

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 77/750,645 published in the Official Gazette on April 27, 2010. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin 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. 77/750,645
Filed: June 3, 2009
For Mark: BROOKLYN BURGER (Stylized)
Published in the Official Gazette: April 27, 2010

-----X	:	
LOS ANGELES DODGERS, LLC,	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
A. STEIN MEAT PRODUCTS, INC.,	:	<u>NOTICE OF OPPOSITION</u>
Applicant.	:	
-----X	:	

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

Opposer, Los Angeles Dodgers, LLC (“Opposer”), a Delaware limited liability company, with offices at Dodger Stadium, 1000 Elysian Park Avenue, Los Angeles, California 90012, believes that it will be damaged by registration of the stylized mark BROOKLYN BURGER as



shown here (“Applicant’s Mark”) in International Class 29 for “hamburger patties” as shown in Application Serial No. 77/750,645 (the “Application”), and having been granted extensions of time to oppose up to and including October 24, 2010, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned LOS ANGELES DODGERS MAJOR LEAGUE BASEBALL club (the “Club”).

2. The Club was previously and famously known as the BROOKLYN DODGERS club.

3. Since long prior to June 1, 2006, Applicant’s claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark BROOKLYN, including without limitation, in the following distinctive



stylizations and variations thereof:



and



(“Opposer’s Stylized BROOKLYN

Marks”), alone or with other word, letter and/or design elements (collectively, “Opposer’s BROOKLYN Marks”), in connection with baseball games and exhibition services and a variety of goods and services, including, but not limited to, apparel, beverage containers, printed matter and novelty items.

4. Opposer owns U.S. federal registrations for Opposer’s BROOKLYN Marks in International Classes 21 and 25, namely, Registration Nos. 1,562,301, 1,571,978, 1,859,757, 3,633,244 and 3,797,654 for said trademarks. Registration Nos. 1,562,301, 1,571,978 and 1,859,757 are incontestable.

5. Since long prior to June 1, 2006, Applicant's claimed first use date, 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 BROOKLYN Marks, including, but not limited to, baseball games and exhibition services and a variety of goods and services, including, but not limited to, apparel, beverage containers, printed matter and novelty items, and have sold or distributed such goods and rendered such services in commerce.

6. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's BROOKLYN Marks, Opposer has built up highly valuable goodwill in Opposer's BROOKLYN Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

7. On June 3, 2009, Applicant filed the Application for Applicant's Mark for "hamburger patties" in International Class 29, claiming a first use date of June 1, 2006.

8. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered in the Application in United States commerce prior to its claimed first use date of June 1, 2006.

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

10. Applicant's Mark, which consists primarily of the stylized word "Brooklyn" with underlining beginning with the letter "n" and the generic word "Burger," so resembles Opposer's BROOKLYN Marks, especially Opposer's Stylized BROOKLYN 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

Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

11. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's Mark, which is a close approximation of Opposer BROOKLYN Marks, especially Opposer's Stylized BROOKLYN Marks, and which points uniquely to Opposer when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, which has no connection with or authorization from Opposer, and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's 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 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 25, 2010

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

By: Robert A. Riether /
Mary L. Kevlin
Richard S. Mandel
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 25, 2010, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's attorney of record Robert T. Maldonado, Esq., Cooper & Dunham LLP, 30 Rockefeller Plaza, New York, NY 10112.

/Robert A. Riether/
Robert A. Riether