ESTTA Tracking number: **ESTTA383424**

Filing date: **12/13/2010**

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	Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Granted to Date of previous extension	12/12/2010
Address	7000 Coliseum Way Second Floor Oakland, CA 94621 UNITED STATES

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

Applicant Information

Application No	77771531	Publication date	06/15/2010
Opposition Filing Date	12/13/2010	Opposition Period Ends	12/12/2010
Applicant	WOMEN'S SOCCER, LLC 1750 MONTGOMERY STREET SAN FRANCISCO, CA 94111 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: Printed matter related to a professional soccer team, namely, posters, stickers, trading cards, programs, tickets and magazines regarding soccer
Class 018. First Use: 2009/03/00 First Use In Commerce: 2009/03/00 All goods and services in the class are opposed, namely: Backpacks, duffel bags and tote bags
Class 025. First Use: 2009/03/00 First Use In Commerce: 2009/03/00 All goods and services in the class are opposed, namely: Apparel, namely, t-shirts, jerseys, hats; Shorts, pants, jackets, sweatshirts, sweaters and footwear
Class 041. First Use: 2008/11/26 First Use In Commerce: 2008/11/26 All goods and services in the class are opposed, namely: Entertainment services, namely, organizing, conducting and staging professional soccer games and exhibitions; production of radio and television programs in the nature of professional soccer games and exhibitions; providing information via a global information network for the transfer and dissemination of information of education, entertainment and sports

Applicant Information

Application No	77771539	Publication date	06/15/2010
Opposition Filing Date	12/13/2010	Opposition Period Ends	
Applicant	WOMEN'S SOCCER, LLC 1750 MONTGOMERY STREET SAN FRANCISCO, CA 94111 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: Printed matter related to a professional soccer team, namely, posters, stickers, trading cards, programs, tickets and magazines regarding soccer
Class 018. First Use: 2009/03/00 First Use In Commerce: 2009/03/00 All goods and services in the class are opposed, namely: Backpacks, duffel bags and tote bags
Class 025. First Use: 2009/03/00 First Use In Commerce: 2009/03/00 All goods and services in the class are opposed, namely: Apparel, namely, t-shirts, jerseys, hats; shorts, pants, jackets, sweatshirts, sweaters and footwear
Class 041. First Use: 2008/11/26 First Use In Commerce: 2008/11/26 All goods and services in the class are opposed, namely: Entertainment services, namely, organizing, conducting and staging professional soccer games and exhibitions; production of radio and television programs in the nature of professional soccer games and exhibitions; providing information via a global information network for the transfer and dissemination of information of education, entertainment and sports

Applicant Information

Application No	77771555	Publication date	06/15/2010
Opposition Filing Date	12/13/2010	Opposition Period Ends	
Applicant	WOMEN'S SOCCER, LLC 1750 MONTGOMERY STREET SAN FRANCISCO, CA 94111 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: Printed matter related to a professional soccer team, namely, posters, stickers, trading cards, programs, tickets and magazines regarding soccer
Class 018. First Use: 2009/03/00 First Use In Commerce: 2009/03/00 All goods and services in the class are opposed, namely: Backpacks, duffel bags and tote bags
Class 025. First Use: 2009/03/00 First Use In Commerce: 2009/03/00 All goods and services in the class are opposed, namely: Apparel, namely, t-shirts, jerseys, hats; shorts, pants, jackets, sweatshirts, sweaters and footwear
Class 041. First Use: 2008/11/26 First Use In Commerce: 2008/11/26 All goods and services in the class are opposed, namely: Entertainment services, namely, organizing, conducting and staging professional soccer games and exhibitions; production of radio and television programs in the nature of professional soccer games and exhibitions; providing information via a global information network for the transfer and dissemination of information of education, entertainment and sports

Applicant Information

Application No	77782943	Publication date	06/15/2010
Opposition Filing Date	12/13/2010	Opposition Period Ends	
Applicant	WOMEN'S SOCCER, LLC 1750 MONTGOMERY STREET SAN FRANCISCO, CA 94111 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: Printed matter related to a professional soccer team, namely, posters, stickers, trading cards, programs, tickets and magazines regarding soccer
Class 018. All goods and services in the class are opposed, namely: Backpacks, duffel bags and tote bags
Class 025. All goods and services in the class are opposed, namely: Apparel, namely, t-shirts, jerseys, shorts, pants, jackets, sweatshirts, hats, sweaters and footwear
Class 041. All goods and services in the class are opposed, namely: Entertainment services, namely, organizing, conducting and staging professional soccer games and exhibitions; production of radio and television programs in the nature of professional soccer games and exhibitions; providing information via a global information network for the transfer and dissemination of information of education, entertainment and sports

Grounds for Opposition

Other	See attached pleading.

Attachments	SAINT LOUIS ATHLETICA - Letter to Commissioner.pdf (1 page)(69166 bytes) SAINT LOUIS ATHLETICA - Notice of Opposition 121310.pdf (7 pages)(41693 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	/Maryann E. Licciardi/
Name	Maryann E. Licciardi
Date	12/13/2010

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Maryann E. Licciardi
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mel@cll.com

December 13, 2010

By Electronic Filing

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

Re: Athletics Investment Group LLC d/b/a
The Oakland Athletics Baseball Company's
Consolidated Notice of Opposition Against Women's Soccer, LLC's
Applications to Register SAINT LOUIS ATHLETICA, STL SAINT LOUIS
ATHLETICA and Shield Design, STL SAINT LOUIS ATHLETICA and Shield
Color Design, and SAINT LOUIS ATHLETICA and Design
Attorney Ref. No. 21307.034

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Numbers 77/771,531, 77/771,539, 77/771,555 and 77/782,943 published in the Official Gazette on June 15, 2010. Contemporaneously with the electronic filing of this Consolidated Notice of Opposition, we are arranging for an electronic payment in the amount of $4800 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, Esq. of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Maryann E. Licciardi/

Maryann E. Licciardi

Enclosures

cc: Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)

Ref. No. 21307.034

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

In re Application Serial Nos. 77/771,531, 77/771,539, 77/771,555 and 77/782,943
Filed: June 30, 2009 (77/771,531, 77/771,539 and 77/771,555) and July 16, 2009 (77/782,943)
For Marks: SAINT LOUIS ATHLETICA, STL SAINT LOUIS ATHLETICA and Shield Design, STL SAINT LOUIS ATHLETICA and Shield Color Design, and SAINT LOUIS ATHLETICA and Design
Published in the Official Gazette: June 15, 2010

ATHLETICS INVESTMENT GROUP LLC d/b/a THE OAKLAND ATHLETICS BASEBALL COMPANY,	:	**CONSOLIDATED NOTICE OF OPPOSITION**
Opposer,	:	
v.	:	
WOMEN'S SOCCER, LLC (by assignment from ST. LOUIS SOCCER UNITED, LLC),	:	Opposition No.
Applicant.	:	

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

Opposer, Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company ("Opposer"), a California limited liability company with offices at 7000 Coliseum Way, Second Floor, Oakland, California 94621, believes that it will be damaged by registration of:

a) the standard character word mark SAINT LOUIS ATHLETICA (the "SAINT LOUIS ATHLETICA Word Mark"); and

b) the following STL SAINT LOUIS ATHLETICA and shield design mark:

(the "STL SAINT LOUIS ATHLETICA and Shield Design Mark"); and

c) the following STL SAINT LOUIS ATHLETICA and shield design mark in color:

(the "STL SAINT LOUIS ATHLETICA and Shield Color Design Mark"); and

d) the following SAINT LOUIS ATHLETICA and design mark: (the "SAINT LOUIS ATHLETICA and Design Mark") (collectively, "Applicant's Marks"),

each for various goods and services in International Classes 16, 18, 25 and 41 as shown respectively in Application Serials Nos. 77/771,531, 77/771,539, 77/771,555 and 77/782,943 (collectively, the "Applications"), and having been granted extensions of time to oppose up to and including December 12, 2010, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned OAKLAND ATHLETICS MAJOR LEAGUE BASEBALL club.

2. Since long prior to November 26, 2008, Applicant's earliest claimed or constructive first use date in connection with any of the Applications, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used marks and names comprising or containing the word ATHLETICS, alone or with other word, letter and/or design elements, including, without limitation, the geographic designations "Oakland," "Philadelphia" and/or "Kansas City" to form marks such as OAKLAND ATHLETICS, PHILADELPHIA ATHLETICS and KANSAS CITY ATHLETICS (collectively, "Opposer's Marks"), in connection with baseball game and exhibition services rendered live and through broadcast media including television, radio and via a global computer network or a commercial on-line service, and a wide variety of goods and services, including, but not limited to, information

services, namely providing information in the field of sports, entertainment and related topics; entertainment services, namely, production of programming broadcast via television, radio and a global computer network or a commercial on-line service; apparel, including without limitation, t-shirts, jerseys, hats; shorts, pants, jackets, sweatshirts, sweaters and footwear; tote bags and all purpose sport bags; printed and paper matter, including without limitation, posters, stickers, programs, magazines and trading cards; sporting goods; toys and novelty items.

3. Opposer owns United States registrations for Opposer's Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 28 and 41; namely, Registration Nos. 1,263,825; 1,267,687; 1,530,675; 1,530,851; 1,560,962; 2,573,396; 2,630,348; 2,759,932; 3,349,789; 3,538,727; 3,633,242 and 3,633,243. Registration Nos. 1,263,825; 1,267,687; 1,530,675; 1,530,851 and 1,560,962 are incontestable.

4. Since long prior to November 26, 2008, Applicant's earliest claimed or constructive first use date in connection with any of the Applications, 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 Marks, including, without limitation, baseball game and exhibition services rendered live and through broadcast media including television, radio and via a global computer network or a commercial on-line service, and a wide variety of goods and services, including, but not limited to, information services, namely providing information in the field of sports, entertainment and related topics; entertainment services, namely, production of programming broadcast via television, radio and a global computer network or a commercial on-line service; apparel, including without limitation, t-shirts, jerseys, hats; shorts, pants, jackets, sweatshirts, sweaters and footwear; tote bags and all purpose sport bags; printed and paper matter, including without

limitation, posters, stickers, programs, magazines and trading cards; sporting goods; toys and novelty items, and have sold or distributed such goods and rendered such services in commerce.

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

6. On June 30, 2009, Applicant filed Application Serial No. 77/771,531 for the SAINT LOUIS ATHLETICA Word Mark, Application Serial No. 77/771,539 for the STL SAINT LOUIS ATHLETICA and Shield Design Mark, and Application Serial No. 77/771,555 for the STL SAINT LOUIS ATHLETICA and Shield Color Design Mark, each in connection with:

> "Printed matter related to a professional soccer team, namely, posters, stickers, trading cards, programs, tickets and magazines regarding soccer" in International Class 16, based on an intent to use; and
>
> "Backpacks, duffel bags and tote bags" in International Class 18, claiming a first use date of March 2009; and
>
> "Apparel, namely, t-shirts, jerseys, hats; shorts, pants, jackets, sweatshirts, sweaters and footwear" in International Class 25, claiming a first use date of March 2009; and
>
> "Entertainment services, namely, organizing, conducting and staging professional soccer games and exhibitions; production of radio and television programs in the nature of professional soccer games and exhibitions; providing information via a global information network for the transfer and dissemination of information of education, entertainment and sports" in International Class 41, claiming a first use date of November 26, 2008.

7. On July 16, 2009, Applicant filed Application Serial No. 77/782,943, based on an intent to use, for the SAINT LOUIS ATHLETICA and Design Mark in connection with "Printed matter related to a professional soccer team, namely, posters, stickers, trading cards, programs, tickets and magazines regarding soccer" in International Class 16, "Backpacks, duffel bags and

tote bags" in International Class 18, "Apparel, namely, t-shirts, jerseys, shorts, pants, jackets, sweatshirts, hats, sweaters and footwear" in International Class 25, and "Entertainment services, namely, organizing, conducting and staging professional soccer games and exhibitions; production of radio and television programs in the nature of professional soccer games and exhibitions; providing information via a global information network for the transfer and dissemination of information of education, entertainment and sports" in International Class 41.

8. Upon information and belief, Applicant did not use any of Applicant's Marks in United States commerce for the goods and/or services covered by the Applications prior to November 28, 2008, its earliest claimed or constructive first use date.

9. The goods and services covered by the Applications are identical and/or closely related to the goods offered and services rendered in connection with Opposer's Marks.

10. Applicant's Marks so resemble Opposer's Marks as to be likely, when applied to 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 services have their origin with Opposer and/or that such goods and 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 certificates of registration for Applicant's Marks.

11. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's Marks (comprised of the key element of ATHLETICA coupled with a geographic term), which are nearly identical to Opposer's ATHLETICS name and marks (also used with a geographic term), and which point uniquely to Opposer when used in connection with the applied-for goods and services (which are nearly identical as those used by

Opposer), 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 Marks and requests that the consolidated opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Maryann E. Licciardi (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
December 13, 2010

Respectfully submitted,

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

By: /Maryann E. Licciardi/
Mary L. Kevlin
Richard S. Mandel
Maryann E. Licciardi

1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 13, 2010, I caused a true and complete copy of the foregoing CONSOLIDATED NOTICE OF OPPOSITION to be sent via First Class Mail, postage paid, to Applicant's attorney and Correspondent of Record, Susan Reiss, Esq., Shearman & Sterling LLP, Intellectual Property Docketing, 599 Lexington Avenue, New York, NY 10022.

Dated: New York, New York
December 13, 2010

/Maryann E. Licciardi/
Maryann E. Licciardi