

ESTTA Tracking number: **ESTTA467097**

Filing date: **04/13/2012**

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 | 04/15/2012 |
| Address | 2000 Gene Autry Way Anaheim, CA 92806 UNITED STATES |

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|----------------------|---|
| Attorney information | Aryn M. Emert Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036-6799 UNITED STATES ame@cll.com, jmn@cll.com, trademark@cll.com Phone:212-790-9200 |
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Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 85261890 | Publication date | 10/18/2011 |
| Opposition Filing Date | 04/13/2012 | Opposition Period Ends | 04/15/2012 |
| Applicant | Fenwal, Inc. Three Corporate Drive Lake Zurich, IL 60047 UNITED STATES | | |

Goods/Services Affected by Opposition

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|---|
| Class 035. All goods and services in the class are opposed, namely: promoting the donation of blood by means of arranging and conducting incentive reward programs |
| Class 044. All goods and services in the class are opposed, namely: blood donation services, namely, blood bank services |

Applicant Information

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| Application No | 85261891 | Publication date | 10/18/2011 |
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| Applicant | Fenwal, Inc. Three Corporate Drive Lake Zurich, IL 60047 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 035.

All goods and services in the class are opposed, namely: Promoting the donation of blood by means of arranging and conducting incentive reward programs

Class 044.

All goods and services in the class are opposed, namely: blood donation services, namely, blood bank services

Grounds for Opposition

| | |
|-------|-------------------------------|
| Other | Please see attached pleading. |
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| Attachments | Ltr to Comm - ANGELS FOR LIFE _ Consolidated.pdf (1 page)(68818 bytes) ANGELS FOR LIFE - NOO.pdf (5 pages)(27319 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 | /Aryn M. Emert/ |
| Name | Aryn M. Emert |
| Date | 04/13/2012 |



Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036
(212) 790-9200 Tel
(212) 575-0671 Fax
www.cll.com

April 13, 2012

By Electronic Filing

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

Re: Angels Baseball LP
Consolidated Notice of Opposition Against
Fenwal, Inc.
Application to register ANGELS FOR LIFE and PLATELET
DONORS ARE ANGELS FOR LIFE and Design
Ref. No. 21307.024

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Numbers 85/261,890 and 85/261,891 published in the Official Gazette on October 18, 2011. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$1,200.00 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,

/Aryn M. Emert/
Aryn M. Emert

Enclosures

cc: Ms. Diane Kovach (w/encs.)
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. 85/261,890 and 85/261,891

Filed: March 9, 2011

For Mark: ANGELS FOR LIFE and PLATELET DONORS ARE ANGELS FOR LIFE (and Design)

Published in the Official Gazette: October 18, 2011

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|---------------------|---|------------------------------------|
| -----X | | |
| ANGELS BASEBALL LP, | : | |
| | : | Opposition No. |
| Opposer, | : | |
| | : | |
| v. | : | CONSOLIDATED |
| | : | <u>NOTICE OF OPPOSITION</u> |
| FENWAL, INC., | : | |
| | : | |
| 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 ANGELS FOR LIFE (“Applicant’s ANGELS FOR LIFE Mark”) and the mark PLATELET DONORS ARE ANGELS FOR LIFE and Design as depicted below:



(“Applicant’s PLATELET DONORS ARE ANGELS FOR LIFE Mark”) (together with Applicant’s ANGELS FOR LIFE Mark, “Applicant’s Marks”) both for “promoting the donation of blood by means of arranging and conducting incentive reward programs” in International

Class 35 and “blood donation services, namely, blood bank services” in International Class 44, as shown in Application Serial Nos. 85/261,890 and 85/261,891, respectively (together, the “Applications”), and having been granted extensions of time to oppose up to and including April 15, 2012, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned LOS ANGELES ANGELS MAJOR LEAGUE BASEBALL club, formerly known as the ANAHEIM ANGELS, CALIFORNIA ANGELS and LA ANGELS club.

2. Since long prior to March 9, 2011, Applicant’s constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark ANGEL or ANGELS, 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, blood donation services; promoting the donation of blood; clothing; jewelry; paper goods and printed matter; and toys and sporting goods.

3. Opposer owns U.S. federal registrations for Opposer’s ANGELS Marks in International Classes 9, 14, 16, 18, 25 and 28; namely Registration Nos. 1,485,613, 1,646,800, 1,881,515, 2,482,497, 2,581,357, 2,594,105, 2,594,106, 2,597,466, 2,606,782, 2,611,737, 2,638,556, 2,667,909, 2,668,048, 2,879,939, 3,211,693, 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. 1,485,613, 1,646,800, 1,881,515, 2,606,782 and 2,879,939 are incontestable.

4. Since long prior to March 9, 2011, Applicant's constructive 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 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, blood donation services; promoting the donation of blood; clothing; jewelry; paper goods and printed matter; and toys and sporting goods, and have offered 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 March 9, 2011, Applicant filed the Applications for Applicant's Marks both applications for "promoting the donation of blood by means of arranging and conducting incentive reward programs" in International Class 35 and for "blood donation services, namely, blood bank services" in International Class 44, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Marks for the services covered in the Applications in United States commerce prior to its constructive first use date of March 9, 2011.

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

9. Applicant's Marks so resemble Opposer's ANGELS Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such 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 certificates of registration for Applicant's Marks.

WHEREFORE, Opposer believes that it will be damaged by the registrations of Applicant's Marks and requests that the consolidated opposition be sustained and said registrations be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Aryn M. Emert (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
April 13, 2012

Respectfully submitted,

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

By: /Aryn M. Emert/

Mary L. Kevlin
Richard S. Mandel
Aryn M. Emert
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 13, 2012, 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 Attorney and Correspondent of Record Lee J. Eulgen, Neal Gerber & Eisenberg LLP, 2 N. LaSalle Street, Suite 2300, Chicago, Illinois 60602-3882.

/Aryn M. Emert/
Aryn M. Emert