

ESTTA Tracking number: **ESTTA486738**

Filing date: **08/01/2012**

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	DavidHDouglasM.Q.
Granted to Date of previous extension	08/01/2012
Address	19 Fermoy Road London, W9 3NH UNITED KINGDOM

Domestic Representative	David M. Perry Esquire Blank Rome LLP One Logan Square Philadelphia, PA 19103 UNITED STATES perry@blankrome.com, mccoee@blankrome.com
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Applicant Information

Application No	85400843	Publication date	04/03/2012
Opposition Filing Date	08/01/2012	Opposition Period Ends	08/01/2012
Applicant	La Mura, Luigi 6 Station Cottages Sharnbrook, MK441PZ UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 028. All goods and services in the class are opposed, namely: Training apparatus for boxing, martial arts, and similar sports; Sports equipment for boxing, martial arts, and the like, namely, an apparatus to support a moving heavy bag, boxing gloves, boxing bags, punching mitts, belly protectors, groin protectors, mixed martial arts gloves and shin guards; Punching balls; Boxing swivels; Martial arts training equipment

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Queensberry		
Goods/Services	ceramics,glassware, tableware, and household products		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Queensberry Hunt		
Goods/Services	ceramics,glassware, tableware, and household products		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DAVID QUEENSBERRY		
Goods/Services	ceramics,glassware, tableware, and household products		

Attachments	Harrington.pdf (9 pages)(60286 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	/s/ David M. Perry
Name	David M. Perry
Date	08/01/2012

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

The Most Honorable David	:	
Harrington Angus Douglas,	:	
Marquess of Queensberry,	:	
	:	Serial No.: 85/400,843
Opposer,	:	
	:	Opposition No.: _____
v.	:	
	:	
Luigi La Mura,	:	
	:	
Applicant.	:	

Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attn.: Trademark Trial and Appeal Board

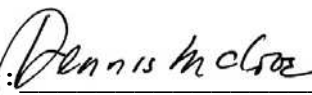
Madam:

Pursuant to Federal Rule of Civil Procedure 15(a) and 37 C.F.R. § 2.101 et seq., Opposer respectfully requests that the Board accept the enclosed Notice of Opposition against the mark MARQUESS OF QUEENSBERRY BOXING SINCE 1867, as applied for in Application No. 85/400,843. Please charge our Deposit Account No. 02-2555 for fees due in connection with the filing of this Notice of Opposition.

Respectfully submitted,

The Most Honorable David
Harrington Angus Douglas,
Marquess of Queensberry

Date: August 1, 2012

By: 

David M. Perry
Dennis P. McCooe
His Attorneys

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

In re Application of Luigi La Mura

Application No.: 85/400,843

Filed: August 18, 2011

Mark: MARQUESS OF QUEENSBERRY BOXING SINCE 1867

<hr/>	:	
The Most Honorable David	:	
Harrington Angus Douglas,	:	
Marquess of Queensberry,	:	
	:	Serial No.: 85/400,843
Opposer,	:	
	:	Opposition No.: _____
v.	:	
	:	
Luigi La Mura,	:	
	:	
Applicant.	:	

Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attn.: Trademark Trial and Appeal Board

NOTICE OF OPPOSITION

Madam:

Opposer, The Most Honorable David Harrington Angus Douglas, Marquess of Queensberry, with an address of 19 Fermoy Road, London, UK, W9 3NH, believes that he will be damaged by registration of the mark in International Class 28, as shown in Application Serial No. 85/400,843, and hereby opposes the same.

As grounds of opposition, it is alleged that:

OPPOSER'S EXCLUSIVE RIGHTS

1. Opposer, the Most Honorable David Harrington Angus Douglas, is a Scottish nobleman, a peer of the United Kingdom, and the Twelfth Marquess of Queensberry.

2. In 1867, Opposer's ancestor, John Sholto Douglas, the Ninth Marquess of Queensberry, famously endorsed the publication of the "Queensberry Rules for the Sport of Boxing." Since that time, the "Queensberry Rules" have come to be recognized and accepted as the standard rules for the conduct of boxing matches in the United Kingdom, Canada and the United States.

3. As a result of his status as true heir and successor to the Ninth Marquess of Queensberry, Opposer holds the legal title of the Marquess of Queensberry.

4. The names QUEENSBERRY and MARQUESS OF QUEENSBERRY are uniquely and unmistakably associated with Opposer. When used on goods or services, the names QUEENSBERRY and MARQUESS OF QUEENSBERRY point uniquely and unmistakably to Opposer.

5. Opposer's names are of sufficient fame or reputation and are so well recognized that consumers, prospective purchasers, and the general public would presume and expect that any goods or services in commerce have a connection or association with Opposer.

6. Since at least the early 1960s, Opposer has been the owner of trademark rights in the marks QUEENSBERRY, DAVID

QUEENSBERRY and QUEENSBERRY HUNT in connection with a variety of goods and services including, without limitation, ceramics, glassware, tableware, and household products. As a result of Opposer's continuous use of the marks QUEENSBERRY, DAVID QUEENSBERRY and QUEENSBERRY HUNT in connection with goods and services available throughout the United Kingdom, the United States and in more than seventy-five countries around the world, the marks have become widely recognized by the public and exclusively associated with Opposer.

7. Opposer also has been the recipient of numerous design awards, including the prestigious 50th Premio from the Ceramic Museum in Faenza. Opposer's signature designs can be found in the collections of many museums, including the Victoria and Albert Museum in London, the world's greatest collection of decorative arts.

APPLICANT'S MARK

8. On August 18, 2011, Applicant filed application No. 85/400,843 for registration of the mark MARQUESS OF QUEENSBERRY BOXING SINCE 1867 (hereinafter "Applicant's Mark") listing its goods as "Training apparatus for boxing, martial arts, and similar sports; Sports equipment for boxing, martial arts, and the like, namely, an apparatus to support a moving heavy bag, boxing gloves, boxing bags, punching mitts, belly protectors, groin protectors, mixed martial arts gloves and shin guards;

Punching balls; Boxing swivels; Marital arts training equipment".

9. Applicant's basis for filing Applicant's Mark is intent-to-use, pursuant to Section 1(b).

10. Applicant's Mark was published for opposition in the Official Gazette dated April 3, 2012.

Count One
False Suggestion Of A Connection With Opposer

11. Opposer repeats and realleges the allegations contained in paragraphs 1 through 10 above, as if fully set forth herein.

12. Upon information and belief, Applicant did not use Applicant's Mark in United States commerce for the goods covered by Application Serial No. 85/400,843 prior to his constructive use date of August 18, 2012.

13. Opposer's rights in the names QUEENSBERRY and MARQUESS OF QUEENSBERRY predate the earliest constructive use date of Applicant's mark or any other first use date Applicant might claim.

14. Opposer is not connected in any way with Applicant or Applicant's commercial activities.

15. Upon information and belief, Applicant had knowledge of the public recognition of the names QUEENSBERRY and MARQUESS OF QUEENSBERRY as referring to Opposer, when it filed

Application No. 85/400,843 for MARQUESS OF QUEENSBERRY BOXING SINCE 1867.

16. Applicant's Mark, MARQUESS OF QUEENSBERRY BOXING SINCE 1867, is a close approximation of Opposer's names QUEENSBERRY and MARQUESS OF QUEENSBERRY, which names point uniquely and unmistakably to Opposer.

17. Opposer's names QUEENSBERRY and MARQUESS OF QUEENSBERRY are of sufficient fame or reputation that when Applicant's Mark is used on Applicant's goods, a connection or association with Opposer would be presumed by actual and prospective consumers.

18. In effect, the public and the trade are likely to mistakenly believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or otherwise connected with Opposer.

19. Accordingly, Applicant's Mark falsely suggests a connection with Opposer within the meaning of Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a).

20. Any defects, objections or faults found with the goods offered, marketed or sold by Applicant under Applicant's Mark, because of the false suggestion of a connection with Opposer, would inflict serious injury upon the reputation of Opposer.

21. The Registration of Applicant's Mark would be inconsistent with and in derogation of Opposer's prior rights

and, therefore, would cause damage and injury to Opposer and deception of and confusion to the public.

Count Two
Failure to Obtain Written
Consent of Opposer to Register His Name

22. Opposer repeats and realleges the allegations contained in paragraphs 1 through 21 above, as if fully set forth herein.

23. Without Opposer's written permission, authorization or consent, Applicant sought to register the mark MARQUESS OF QUEENSBERRY BOXING SINCE 1867 which is confusingly similar to Opposer's names QUEENSBERRY and MARQUESS OF QUEENSBERRY.

24. Accordingly, Applicant's Mark "[c]onsists of or comprises a name . . . identifying a particular living individual" without Opposer's written consent within the meaning of Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(c).

25. The Registration of Applicant's Mark would be inconsistent with and in derogation of Opposer's prior rights and, therefore, would cause damage and injury to Opposer and deception of and confusion to the public.

WHEREFORE, Opposer requests that this opposition be sustained and that Application Serial No. 85/400,843 be refused registration.

Respectfully submitted,

The Most Honorable David
Harrington Angus Douglas,
Marquess of Queensberry

Date: August 1, 2012


By: 

David M. Perry
Dennis P. McCooe
Its Attorneys

BLANK ROME LLP
ONE LOGAN SQUARE
PHILADELPHIA, PA 19103
(215) 569-5580

CERTIFICATE OF ELECTRONIC FILING

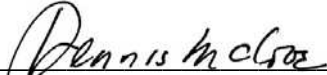
I hereby certify that this correspondence is addressed to the Trademark Trial and Appeal Board, Hon. Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, and is being deposited via the Electronic System for Trademark Trials and Appeals (ESTTA) on August 1, 2012.


Dennis P. McCooe

CERTIFICATE OF SERVICE

I, Dennis P. McCooe, do hereby certify that I have on August 1, 2012, mailed via first class mail, the foregoing Notice of Opposition to the following:

Christopher Ditico, Esq.
Raj Abhyanker, P.C.
1580 W. El Camino Real, Ste 8
Mountain View, CA 94040-2462



Dennis P. McCooe