

ESTTA Tracking number: **ESTTA553564**

Filing date: **08/12/2013**

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	Houston Astros, LLC
Granted to Date of previous extension	08/11/2013
Address	501 Crawford Street, #500 Houston, TX 77002 UNITED STATES
Attorney information	Bridget A. Crawford Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036-6799 UNITED STATES bac@cll.com, mlk@cll.com, trademark@cll.com, jmn@cll.com Phone:212-790-9200

Applicant Information

Application No	85711235	Publication date	02/12/2013
Opposition Filing Date	08/12/2013	Opposition Period Ends	08/11/2013
Applicant	Kin Collective, Inc. 620 S. Main Street, #607 Los Angeles, CA 90015 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, jackets, coats, tops, bottoms and dresses
--

Grounds for Opposition

Other	See attached pleading.
-------	------------------------

Attachments	Notice of Opposition - ASTR.PDF(31292 bytes) Ltr to Commissioner - ASTR NOO.PDF(153971 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	/Bridget A. Crawford/
Name	Bridget A. Crawford
Date	08/12/2013

used the name or mark ASTROS, alone or with other word, letter and/or design elements (“Opposer’s ASTROS Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, clothing and apparel, including, without limitation, jackets, coats, tops, bottoms and dresses; jewelry; bags; paper goods and printed matter; toys and sporting goods; and novelty items, and have sold or distributed such goods and rendered such services in commerce.

3. Opposer owns United States federal registrations and applications for Opposer’s ASTROS Marks in International Classes 6, 9, 14, 16, 18, 21, 24, 25, 26, 28, and 41; namely, Registration Nos. 805,802, 1,085,711, 1,114,369, 1,476,271, 1,485,610, 1,530,535, 1,642,768, 1,748,631, 2,655,871, 2,703,751, 2,803,116, 3,231,199, 3,363,257, 3,363,259, 3,366,722, 3,370,322, 3,652,902, 3,652,903, 3,905,267, 3,905,268, 3,905,269, 3,905,270, 3,905,271 and 4,122,749 and Application Serial Nos. 85/770,517, 85/770,520, 85/770,566, 85/770,606, 85/770,617, 85/770,628, 85/770,635, 85/770,651, 85/770,666, and 85/770,682. Registration Nos. 805,802, 1,085,711, 1,114,369, 1,476,271, 1,485,610, 1,530,535, 1,642,768, 1,748,631, 2,655,871, 2,703,751 and 3,231,199 are incontestable.

4. Since long prior to August 23, 2012, 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 ASTROS Marks, including, but not limited to, clothing and apparel, including, without limitation, jackets, coats, tops, bottoms and dresses; jewelry; bags; paper goods and printed matter; toys and sporting goods; and novelty items, and have sold or distributed 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 ASTROS Marks, Opposer has built up highly valuable goodwill in Opposer's ASTROS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On August 23, 2012, Applicant filed the Application for the standard character word mark ASTR for "Clothing, namely, jackets, coats, tops, bottoms and dresses" in International Class 25, based on an intent to use.

7. 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 constructive first use date of August 23, 2012.

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

9. Applicant's Mark so resembles Opposer's ASTROS 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.

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 Bridget A. Crawford (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
August 12, 2013

Respectfully submitted,

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

By: /Bridget A. Crawford/

Mary L. Kevlin
Richard S. Mandel
Bridget A. Crawford
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 12, 2013, 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 Correspondent of Record, Yi Sun Kim, Greenberg & Bass, LLP, 16000 Venture Blvd., Ste. 1000, Encino, CA 91436-2762 and to Applicant's new attorney, Kelly Cunningham, Cislo & Thomas LLP, 1333 2nd Street, Suite 500, Santa Monica, California 90401.

/Bridget A. Crawford/

Bridget A. Crawford

1413743.1



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

August 12, 2013

By Electronic Filing

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

Re: Houston Astros, LLC's Notice of Opposition Against Kin
Collective, Inc.'s Application to register ASTR
Ref. No. 21307.015

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number published in the Official Gazette on February 12, 2013. 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,

/Bridget A. Crawford/
Bridget A. Crawford

Enclosures

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

1418427.1