

ESTTA Tracking number: **ESTTA599459**

Filing date: **04/18/2014**

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	Kansas City Royals Baseball Corporation
Granted to Date of previous extension	04/20/2014
Address	Harry S. Truman Sports Complex 1 Royal Way Kansas City, MO 64129 UNITED STATES
Attorney information	Don M. Obert Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES mlk@cll.com, dmo@cll.com, trademark@cll.com, jmn@cll.com Phone:212-790-9200

Applicant Information

Application No	85918689	Publication date	10/22/2013
Opposition Filing Date	04/18/2014	Opposition Period Ends	04/20/2014
Applicant	Grand Prix Entertainment Holdings, LLC 1209 Orange Street Wilmington, DE 19801 GERMANY		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing news and information in the field of rugby sports; Providing various facilities for an array of rugby sporting events, rugby sports and athletic competitions and rugby awards programmes

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	ROYALS (Grand Prix) Ser No 85918689 COMM LET 04182014.pdf(72697 bytes) ROYALS (Grand Prix) Ser No 85918689 NOO 04182014.pdf(9954 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	/Don M. Obert/
Name	Don M. Obert
Date	04/18/2014



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April 18, 2014

By Electronic Filing

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

Re: Kansas City Royals Baseball Corporation
Notice of Opposition Against
Grand Prix Entertainment Holdings, LLC
Application to Register ROYAL
Ref. No. 21307.030

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/918,689 published in the Official Gazette on October 22, 2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300.00 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,

/Don M. Obert/
Don M. Obert

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. 85/918,689
Filed: April 30, 2013
For Mark: ROYAL
Published in the Official Gazette: October 22, 2013

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KANSAS CITY ROYALS BASEBALL	:	
CORPORATION,	:	Opposition No.
	:	
Opposer,	:	
	:	
v.	:	<u>NOTICE OF OPPOSITION</u>
	:	
GRAND PRIX ENTERTAINMENT HOLDINGS,	:	
LLC,	:	
	:	
Applicant.	:	
-----X	:	

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

Opposer, Kansas City Royals Baseball Corporation (“Opposer”), a Missouri corporation, with offices at 1 Royal Way, Kansas City, Missouri 64129, believes that it will be damaged by registration of the standard character word mark ROYAL (“Applicant’s Mark”) in International Class 41 for “Providing news and information in the field of rugby sports; Providing various facilities for an array of rugby sporting events, rugby sports and athletic competitions and rugby awards programmes” as shown in Application Serial No. 85/918,689 (the “Application”), and having been granted extensions of time to oppose up to and including April 20, 2014, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned KANSAS CITY ROYALS MAJOR LEAGUE BASEBALL club.

2. Since long prior to April 30, 2013, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names or marks comprising or containing the word ROYAL or ROYALS, alone or with other word, letter and/or design elements ("Opposer's ROYALS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, providing information about sports, providing facilities for sports competitions, in connection with sporting events such as golf tournaments, running races and walking races; sport camps, instruction and training services; apparel; toys and sporting goods and novelty items.

3. Opposer owns United States federal registrations for Opposer's ROYALS Marks in International Classes 6, 14, 16, 20, 21, 24, 25, 26, 28, 30, 34, and 41 and International U.S. Class 200; namely, Registration Nos. 940,214, 1,034,779, 1,505,238, 1,522,388, 1,522,533, 1,538,005, 1,552,486, 1,607,457, 1,774,283, 2,623,374, 3,363,256 and 3,370,316. All of the foregoing registrations are incontestable.

4. Since long prior to April 30, 2013, 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 ROYALS Marks, including, but not limited to, providing information about sports; providing facilities for sports competitions in connection with sporting events such as golf tournaments, running races and walking races; sport camps, instruction and training services; apparel; toys and sporting goods and novelty items, 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 ROYALS Marks, Opposer has built up highly valuable goodwill in Opposer's ROYALS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On April 30, 2013, Applicant filed the Application for Applicant's Mark for (as later amended) "Providing news and information in the field of rugby sports; Providing various facilities for an array of rugby sporting events, rugby sports and athletic competitions and rugby awards programmes" in International Class 41, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark for the services covered by the Application in United States commerce prior to its constructive first use date of April 30, 2013.

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

9. Applicant's Mark is identical or virtually identical to Opposer's ROYALS Marks.

10. Applicant's Mark so resembles Opposer's ROYALS 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 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 Don M. Obert (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 18, 2014

Respectfully submitted,

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

By: / Don M. Obert /

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 18, 2014, 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 and Correspondent of Record, Scott W. Kelley, Esq., Kelly & Kelley, LLP, 6320 Canoga Ave., Ste. 1650, Woodland Hills, California 91367-7704.

/ Don M. Obert /

Don M. Obert