

ESTTA Tracking number: **ESTTA614780**

Filing date: **07/09/2014**

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	MSG Holdings, L.P.
Granted to Date of previous extension	07/09/2014
Address	Two Penn Plaza New York, NY 10121 UNITED STATES

Correspondence information	Anil V. George Attorney for Opposer NBA Properties, Inc. Olympic Tower - 645 Fifth Avenue New York, NY 10121 UNITED STATES ipgroup@nba.com Phone:2124078330
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Applicant Information

Application No	86096988	Publication date	03/11/2014
Opposition Filing Date	07/09/2014	Opposition Period Ends	07/09/2014
Applicant	Home Box Office, Inc. 1100 Avenue of the Americas New York, NY 10036 UNITED STATES		


Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Pre-recorded DVDs and high definition digital video discs featuring a medical drama television series set in a hospital in downtown New York city in the early 1900s; pre-recorded CDs, video tapes and DVDs featuring video clips, video shorts and promotional spots from or related to a medical drama television series set in a hospital in downtown New York city in the early 1900s; digital materials, namely, downloadable pre-recorded video files and graphics files all featuring content from or related to a medical drama television series set in a hospital in downtown New York city in the early 1900s; prerecorded CDs featuring audio soundtracks containing content from or relating to a medical drama television series set in a hospital in downtown New York city in the early 1900s</p>

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2916171	Application Date	07/24/2003
Registration Date	01/04/2005	Foreign Priority Date	NONE
Word Mark	NEW YORK KNICKS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1992/06/17 First Use In Commerce: 1992/06/17</p> <p>Audio recordings and video recordings in the field of basketball, audio, video, computer and laser discs, pre-recorded audio and video cassettes, pre-recorded audio and video tapes, pre-recorded compact discs, pre-recorded computer discs, all related to basketball; computer accessories, namely mouse pads, mice, disc cases, computer carry-on cases, keyboard wrist pads, computer monitor cardboard frames, all related to basketball; computer programs for viewing information, statistics or trivia about basketball; computer software, namely screen savers featuring basketball themes, computer software to access and view computer wallpaper, computer browsers, computer skins and computer cursors; computer game software; video game software, video game cartridges and video game machines for use with televisions; radios, telephones, and cell phone accessories, namely face plates and cell phone covers; binoculars; sunglasses; eyeglass frames; eyewear straps and chains; eyeglass and sunglass cases; magnets; disposable cameras; credit cards and pre-paid telephone calling cards magnetically encoded, downloadable video recordings, video stream recordings, and audio recordings in the field of basketball provided over the internet; downloadable computer software for viewing databases of information, statistical information, trivia, polling information, and interactive polling in the field of basketball provided over the internet; downloadable computer game software; downloadable video game programs, downloadable interactive video games and downloadable trivia game software provided over the internet; downloadable computer software for use as screensavers, wallpaper, browsers, skins, avatars and cursors over the internet; downloadable electronic publications in the nature of magazines, newsletters, coloring books, game schedules all in the field of basketball provided over the internet; downloadable catalogs provided over the internet featuring an array of basketball-themed products; downloadable greeting cards provided over the internet</p>		

Attachments	78278146#TMSN.gif(bytes) The Knick - HBO.pdf(137741 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 Facsimile or email (by agreement only) on this date.

Signature	/Anil V. George/
Name	Anil V. George
Date	07/09/2014

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

In re Application of Home Box Office, Inc.

SERIAL NO. : 86/096,988
MARK : THE KNICK
FILING DATE : October 21, 2013

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MSG Holdings, LP :
Petitioner :
v. : Opposition No. _____
Home Box Office, Inc. :
Applicant :
-----X

NOTICE OF OPPOSITION

MSG Holdings, LP (“Opposer”) believes that it will be damaged by the registration of the proposed mark, THE KNICK (the “Mark”), identified in application serial number 86/096,988 and, hereby, opposes registration of the same in Class 9.

1. Opposer is a Delaware limited partnership with its principal office and place of business at Two Penn Plaza, New York, NY 10121.
2. Since long prior to October 21, 2013, the date of filing of the above identified Intent to Use application, Opposer has and now is engaged in the business of providing assorted basketball entertainment services through the National Basketball Association (the “NBA”).

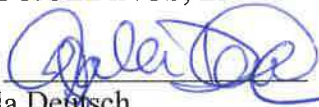
3. Opposer provides such basketball entertainment services and related, collateral goods including Class 9 goods under various KNICKERBOCKERS, NEW YORK KNICKERBOCKERS, NEW YORK KNICKS, KNICKS, NEW YORK KNICKS AND DESIGN and KNICKS AND DESIGN marks (Collectively the “Knicks Marks”).
4. Opposer has used the Knicks Marks extensively and continuously. In connection thereto, Opposer has engaged in wide ranging promotional efforts and generated substantial sales. As a result, the Knicks Marks have become known to the public and are closely associated with the NBA and its goods and services. Thus, the Knicks Marks are identified as a source of origin and have generated substantial goodwill.
5. In addition to being distinctive of the goods and services of the NBA and the New York Knicks, the Knicks Marks are famous. The Knicks Marks are famous, among other reasons, because of their extensive and continuous nationwide use by the Knicks, the substantial sales volumes for goods and services associated with the Knicks Marks, the wide ranging promotional efforts relating to the Knicks Marks by the New York Knicks and the NBA, and extensive media attention concerning the NBA and the New York Knicks, the goods and services of the NBA and the Knicks, and the Knicks Marks.
6. Opposer owns several registrations for the Knicks Marks, issued by the United States Patent and Trademark Office, which are validly subsisting and uncanceled, in International Class 9.
7. Notwithstanding Opposer’s rights, Applicant seeks registration of the Mark for assorted Class 9 goods.

8. The Mark contains the word "KNICK" in connection with assorted Class 9 goods.
9. Applicant's adoption and use of the Mark is without license or permission of Opposer.
10. Use of the Mark likely will cause people to believe that the relevant goods are authorized, endorsed, or sponsored by the New York Knicks basketball team or the NBA when that is not the case.
11. Registration of the Mark would be contrary to and violate Trademark Act Sections 2(a), 15 U.S.C. § 1052(a), and 2(d), 15 U.S.C. § 1052(d), and, therefore, violate and diminish the prior and superior rights of Opposer in the Knicks Marks.
12. Opposer will be damaged if Application Serial No. 86/096,988 is granted registration because Applicant will obtain statutory rights in violation and derogation of the established prior and superior rights of Opposer.
13. WHEREFORE, Opposer prays that its opposition be sustained and that Application Serial No. 86/096,988 be refused and denied registration.

July 9, 2014

NBA PROPERTIES, INC.
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MSG HOLDINGS, LP

By: 
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