

ESTTA Tracking number: **ESTTA741856**

Filing date: **04/22/2016**

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	AZPB Limited Partnership
Granted to Date of previous extension	04/24/2016
Address	Chase Field, 401 East Jefferson Street Phoenix, AZ 85004 UNITED STATES
Attorney information	Timothy J. Buckley/Mary L. Kevlin Cowan, Liebowitz & Latman, P.C. 114 West 47th St. New York, NY 10036 UNITED STATES tjb@cll.com, mlk@cll.com, szl@cll.com, njh@cll.com, trademark@cll.com

### Applicant Information

Application No	86654755	Publication date	10/27/2015
Opposition Filing Date	04/22/2016	Opposition Period Ends	04/24/2016
Applicant	ROBERTSON, RUAIRIDH 4 FIELD ISLAND POINT SANDWICH, MA 02563 UNITED STATES		

### Goods/Services Affected by Opposition

Class 008. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: SHAVING RAZORS AND RAZOR BLADES

### Grounds for Opposition

Other	Please see attached pleading.
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Attachments	THE DIAMONDBACK (Ruairidh Robertson) - Notice of Opposition.pdf(97691 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	/Timothy J. Buckley/
Name	Timothy J. Buckley
Date	04/22/2016



various names, marks and domain names that comprise or contain the words DIAMONDBACKS, DIAMONDBACK, D-BACKS or letters DB (abbreviation marks for the marks DIAMONDBACKS and DIAMONDBACK), and various snake designs, alone or with other word, letter and/or design elements (the “Opposer’s DIAMONDBACKS Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, shaving products, including shavers and razors; hand tools; clothing; jewelry; toys and sporting goods; paper goods and printed matter; and novelty items.

3. Opposer owns United States federal registrations for Opposer’s DIAMONDBACKS Marks in International Classes 9, 14, 16, 18, 25, 28, 35, 36 and 41; namely, Registration Nos. 2,506,423, 2,577,984, 2,718,516, 2,825,803, 2,825,804, 2,873,082, 2,875,933, 2,875,934, 2,889,634, 2,947,119, 2,962,569, 3,240,969, 3,303,988, 3,412,953, 3,565,930, 3,899,931, 3,923,253, 3,913,430 and 4,582,724 and Application Serial Nos. 86/842,363 and 86/842,368. Registration Nos. 2,506,423, 2,577,984, 2,873,082, 2,875,933, 2,875,934, 2,889,634, 2,947,119, 2,962,569, 3,240,969, 3,303,988, 3,412,953 and 3,565,930 are incontestable.

4. Since long prior to June 8, 2015, 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 DIAMONDBACKS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, shaving products, including shavers and razors; hand tools; clothing; jewelry; toys and sporting goods; paper goods and printed matter; 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 DIAMONDBACKS Marks, Opposer has built up highly valuable goodwill in Opposer's DIAMONDBACKS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On June 8, 2015, Applicant filed the Application for the standard character word mark THE DIAMONDBACK for "Shaving razors and razor blades" in International Class 8 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 prior to his constructive first use date of June 8, 2015.

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

9. Applicant's Mark is virtually identical to Opposer's DIAMONDBACKS 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 Timothy J. Buckley (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47<sup>th</sup> Street, 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 22, 2016

Respectfully submitted,

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

By: /Timothy J. Buckley/

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Richard S. Mandel  
Timothy J. Buckley  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 22, 2016, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Attorney and Correspondent of Record, Alex P. Garens, Esq., Grossman Tucker Perreault & Pflieger PLLC, 55 South Commercial Street, Manchester, NH 03101-2606, with a courtesy copy to Caroline Carter Smith, Grossman Tucker Perreault & Pflieger PLLC, 55 South Commercial Street, Manchester, NH 03101-2606.

/Timothy J. Buckley/

Timothy J. Buckley