

ESTTA Tracking number: **ESTTA806581**

Filing date: **03/10/2017**

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	Eastern State Penitentiary Historic Site
Granted to Date of previous extension	03/12/2017
Address	2027 Fairmount Ave. Philadelphia, PA 19130 UNITED STATES
Party who filed Extension of time to oppose	Eastern State Penitentiary, Inc.
Relationship to party who filed Extension of time to oppose	Opposer's counsel informally refers to its client as "Eastern State Penitentiary, Inc.," because Opposer operates a museum named "Eastern State Penitentiary." In its Extension Requests, Opposer's counsel misidentified through mistake Opposer's name as "Eastern State Penitentiary, Inc.," when Opposer's full corporate name is "Eastern State Penitentiary Historic Site, Inc." This misidentification was solely a mistake in the form of Opposer's name, and is not the naming of a different existing legal entity that is not in privity with the party that should have been named. Opposer is, as identified in the Extension Requests, a Pennsylvania non-profit corporation located at 2027 Fairmount Avenue, in Philadelphia, PA 19130.

Attorney information	Leslie H Smith Liacouras & Smith, LLP 1515 Market Street, Suite 808 Philadelphia, PA 19102 UNITED STATES lsmith@liacouraslaw.com Phone:(215) 241-5303
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### Applicant Information

Application No	86884950	Publication date	09/13/2016
Opposition Filing Date	03/10/2017	Opposition Period Ends	03/12/2017
Applicant	Cops & Robbers, LLC 20 N. Orange Avenue, Suite 1600 Orlando, FL 32801 UNITED STATES		

### 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: Museum services

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ALCATRAZ OF THE EAST		
Goods/Services	Museum services		

Attachments	ALCATRAZ EAST Notice of Opposition.pdf(21233 bytes )
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Signature	/Leslie H Smith/
Name	Leslie H Smith
Date	03/10/2017

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

In the Matter of Application No. 86/884950  
Published in the Official Gazette on September 13, 2016

Eastern State Penitentiary Historic Site, Inc.,	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
Cops & Robbers, LLC,	:	
	:	
Applicant.	:	

**NOTICE OF OPPOSITION**

Opposer Eastern State Penitentiary Historic Site, Inc. (“ESP”), a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania, and having a principal place of business at 2027 Fairmount Avenue, Philadelphia, PA 19130, believes that it will be damaged by registration of the ALCATRAZ EAST mark, shown in the above-identified application Serial No. 86/884950 (the “Application”), filed by Applicant Cops & Robbers, LLC (“Applicant”), and hereby opposes registration of said Application in International Class 41.

As grounds of its opposition, ESP alleges the following:

1. Since 1988, ESP has been dedicated to preserving the Eastern State Penitentiary, a National Historic Landmark, as a museum and a historic site, for the education and enjoyment of its visitors.
2. ESP has been using the service mark ALCATRAZ OF THE EAST, in connection with its museum services, since at least as early as 2013, and ESP’s use of the ALCATRAZ OF THE EAST service mark has been valid and continuous since at least as early as 2013.

3. Specifically, ESP has been using its ALCATRAZ OF THE EAST service mark in brochures describing and promoting ESP's museum services, since at least as early as 2013, with thousands of such brochures distributed each year to museum visitors.

4. ESP has acquired goodwill in its ALCATRAZ OF THE EAST service mark through years of use in connection with its museum services.

5. On January 25, 2016, Applicant filed an application for registration of ALCATRAZ EAST, Serial No. 86/884950, based on its intent to use the mark in commerce in connection with "museum services," in International Class 41.

6. Because Applicant's Application is based on an intent to use, and because ESP has been using its ALCATRAZ OF THE EAST service mark since at least as early as 2013, ESP has priority of use, as between ESP and Applicant.

7. A likelihood of confusion exists between the ALCATRAZ EAST service mark that is the subject of the Application and ESP's ALCATRAZ OF THE EAST service mark, in view of the similarity of the marks in sight, sound, appearance and overall commercial impression, as well as the fact that the services are closely related.

8. The ALCATRAZ EAST mark that is the subject of Applicant's Application so resembles ESP's ALCATRAZ OF THE EAST service mark that persons familiar with ESP's services are likely to believe erroneously that Applicant's services are provided or sponsored by, affiliated, associated, or in some way connected with, ESP.

9. ESP has a bona fide intent to apply for registration of its ALCATRAZ OF THE EAST service mark, and believes that, if Applicant's Application matures into registration, ESP's application will be refused because of such registration.

WHEREFORE, ESP requests that Trademark Application Serial No. 86/884950 be refused, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of ESP.

Respectfully Submitted,

Dated: March 10, 2017

/Leslie H. Smith/  
Leslie H. Smith  
Gregory L. Liacouras

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Penitentiary Historic Site, Inc.