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

Proceeding	91238874
Party	Plaintiff NFL Properties LLC and The Oakland Raiders
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Submission	Motion for Summary Judgment Yes , the Filer previously made its initial disclosures pursuant to Trademark Rule 2.120(a); OR the motion for summary judgment is based on claim or issue preclusion, or lack of jurisdiction. The deadline for pretrial disclosures for the first testimony period as originally set or reset: 05/30/2019
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Date	04/15/2019
Attachments	2019-04-15 Motion to Amend and Motion for Summary Judgment re SILVER BLACK NATION.pdf(719064 bytes)

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

THE OAKLAND RAIDERS and NFL
PROPERTIES LLC,

Opposers,

v.

JOSEPH HONG,

Applicant.

In re Application Serial No. 87/439,181
Mark: SILVER & BLACK NATION

Published: September 12, 2017
Opposition No. 91238874

**OPPOSERS' MOTION TO AMEND NOTICE OF OPPOSITION
AND MOTION FOR SUMMARY JUDGMENT**

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Pursuant to Federal Rule of Civil Procedure 15 and TBMP § 507, 37 C.F.R. § 2.107, Opposers The Oakland Raiders (“The Raiders Club”) and NFL Properties LLC (“NFLP,” and together with The Raiders, “Opposers”), hereby move the Board to amend the Notice of Opposition to include a claim that only became apparent during discovery, namely, that Applicant Joseph Hong (“Applicant”) lacked the required *bona fide* intent to use the designation SILVER & BLACK NATION (“Applicant’s Mark”) when he filed Application Serial No. 87/439,181 (the “Application”).

Pursuant to Federal Rule of Civil Procedure 56 and TBMP § 528, Opposers also move for summary judgment on the grounds that Applicant lacked the required *bona fide* intent to use Applicant’s Mark in commerce in connection with all of the goods set forth in the Application when he filed the Application, which is a prerequisite for seeking trademark registration under Section 1(b) of the Trademark Act.

Because this motion potentially disposes of this matter in its entirety, Opposers respectfully request that the Board suspend this proceeding pending the Board’s determination of Opposers’ motion for summary judgment. TBMP § 528.03, 37 C.F.R. § 2.127(d).

UNDISPUTED MATERIAL FACTS

I. Opposers and Their Well-Established Trademark Rights In and To Opposers’ SILVER & BLACK and RAIDER NATION Marks.

The Raiders Club owns and operates a professional football team and provides entertainment services to the public in the form of competitive professional football games. (*See* Exhibit A, Declaration of Kathryn A. Feiereisel (“Feiereisel Decl.”) ¶ 2.) The Raiders Club is one of the thirty-two member clubs (the “Member Clubs”) of the National Football League (“NFL”). (*Id.* at ¶ 3.) NFLP represents the NFL and its thirty-two Member Clubs for the licensing and protection of their names, logos, symbols, and other identifying marks and is charged with

protecting these marks and the rights of the NFL and the Member Clubs with respect thereto. (*Id.* at ¶ 4.)

For many years, and long before the May 5, 2017 filing date of Applicant’s intent-to-use application, Opposers have used marks consisting of and containing the phrases SILVER & BLACK and RAIDER NATION (collectively, “Opposers’ SILVER & BLACK and RAIDER NATION Marks”) in connection with their business of organizing, conducting, and promoting the Raiders football franchise as well as a wide variety of goods and services—including clothing—related to that business. (*Id.* at ¶ 5, Ex. 1.) The Raiders Club owns several registrations for Opposers’ SILVER & BLACK and RAIDER NATION Marks used in connection with entertainment services in the form of football games and exhibitions and promotional and merchandising products and services, including, among others, the following registrations issued by the United States Patent and Trademark Office (“PTO”):

Registration Number	Mark	International Class(es)	First Use in Commerce
2,716,923	RAIDER NATION	25	06/01/1995
2,902,616	RAIDER NATION	35, 41	06/01/1995
2,822,131	SILVER & BLACK CLUB	16, 41	08/2001
2,683,107	SILVER & BLACK SHOW	41	07/2000

(*See id.* at Ex. 1.)

Each of these registrations is valid and subsisting and in full force and effect. Opposers’ registrations for Opposers’ SILVER & BLACK and RAIDER NATION Marks evidence Opposers’ exclusive rights to use those marks in commerce in connection with the goods and services specified in the registrations. 15 U.S.C. § 1057(b). Opposers’ registrations for Opposers’ SILVER & BLACK and RAIDER NATION Marks also provide constructive notice of Opposers’

claim of ownership. 15 U.S.C. § 1072. Moreover, these registrations have become incontestable and therefore constitute conclusive evidence of Opposers' ownership of and the validity of those marks. 15 U.S.C. §§ 1065, 1115(b).

II. Applicant's Trademark Application.

Applicant seeks to register the designation SILVER & BLACK NATION, Serial No. 87/439,181, for use in connection with the following goods ("Applicant's Goods") in Class 25: "Clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts." (See Feiereisel Decl. Ex. 2.) Applicant filed his application under Section 1(b) of the Trademark Act on May 5, 2017 (*see id.*), well after Opposers began using and had registered Opposers' SILVER & BLACK and RAIDER NATION Marks for similar goods (*see* Feiereisel Decl. ¶ 5, Ex. 1).

III. Status of This Opposition Proceeding.

By their Notice of Opposition filed on January 10, 2018, Opposers opposed the Application on the basis of a likelihood of confusion with and dilution of Opposers' SILVER & BLACK and RAIDER NATION Marks. Applicant answered the Notice of Opposition on February 20, 2018.

Opposers served their First Set of Interrogatories ("Interrogatories") and First Set of Requests for Production of Documents ("Document Requests") on Applicant on December 3, 2018. (See Feiereisel Decl. Exs. 3–4.) Applicant served his responses to Opposers' Interrogatories ("Interrogatory Responses") and his responses to Opposers' Document Requests ("Responses to Document Requests") on January 30, 2019 (collectively, "Applicant's Responses"). (See Feiereisel Decl. Exs. 5–6.) Applicant has not produced any documents in connection with this opposition proceeding. (*Id.* at ¶ 11.)

In his Interrogatory Responses, Applicant admits that he has no documentary evidence to support his purported *bona fide* intent to use Applicant's Mark in commerce when he filed the

Application. Specifically, Opposers requested a detailed description of “the basis for the statement in the Application that [Applicant] had a *bona fide* intent to use Applicant’s Designation in commerce with the goods listed in the Application as of the filing date” and an identification of “all documents evidencing [Applicant’s] *bona fide* intent.” (Feiereisel Decl. Ex. 3 at 8.) Applicant responded “***To sell clothing to consumers who like the silver and black colors, and provide legal services to those in need of legal representation in Nevada.***” (Feiereisel Decl. Ex. 5 at 2.) Applicant did not provide any further information regarding his purported *bona fide* intent, let alone identify any documents evidencing such intent. (*See id.*) And indeed, Applicant admits that no such documents exist. (*See* Feiereisel Decl. Ex. 4 at 8 (Opposers’ request for all documents evidencing Applicant’s alleged *bona fide* intent); Ex. 6 at 10 (Applicant responding, “None.”).)

Other Interrogatory Responses confirm Applicant’s lack of *bona fide* intent:

- Asked to “[d]escribe in detail all plans to use Applicant’s Designation in the U.S.,” Applicant responded “Same Answer as 4,” in other words, “***To sell clothing to consumers who like the silver and black colors, and provide legal services to those in need of legal representation in Nevada.***” (Feiereisel Decl. Ex. 3 at 8 (Opposers’ Interrogatory); Ex. 5 at 2 (Applicant’s Response).)
- Asked to “[d]escribe in detail the process by which Applicant selected and cleared Applicant’s Designation for use on clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts,” Applicant responded only that Applicant “***has always like the colors silver and black. Also, the State of Nevada is called the Silver state.***” (Feiereisel Decl. Ex. 3 at 8 (Opposers’ Interrogatory); Ex. 5 at 2 (Applicant’s Response).)
- Asked to “[i]dentify all agreements (including, but not limited to, oral and written licenses, assignments, coexistence agreements, and consents) entered into by

Applicant, and/or contemplated or negotiated by Applicant but not consummated, regarding or relating to Applicant's Designation or the goods and services intended to be offered and/or sold using Applicant's Designation," Applicant responded "**None.**" (Feiereisel Decl. Ex. 3 at 9 (Opposers' Interrogatory); Ex. 5 at 3 (Applicant's Response).)

- Asked to "[d]escribe Applicant's efforts to advertise Applicant's goods or services offered in the U.S. using Applicant's Designation," Applicant responded "**None.**" (Feiereisel Decl. Ex. 3 at 9 (Opposers' Interrogatory); Ex. 5 at 3 (Applicant's Response).)

Applicant also admitted that he has no documents responsive to the following requests for production, and he certainly did not produce any such documents (*see* Feiereisel Decl. ¶ 11):

- All Documents that refer or relate to Your selection, conception, and/or development of Applicant's Designation, including all documents concerning the reasons Applicant selected Applicant's Designation. (*See* Feiereisel Decl. Ex. 4 at 8 (Opposers' Request); Ex. 6 at 2 (Applicant responding "None").)
- All business plans related to the offering for sale and sale of "clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts" products using Applicant's Designation. (*See* Feiereisel Decl. Ex. 4 at 8 (Opposers' Request); Ex. 6 at 2 (Applicant responding "None").)
- Documents sufficient to show all prototypes and mock-ups of packaging and labeling for "clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts" products using Applicant's Designation. (*See* Feiereisel Decl. Ex. 4 at 8 (Opposers' Request); Ex. 6 at 2 (Applicant responding "None").)

- All Documents that relate to Your use of Applicant's Designation. (*See* Feiereisel Decl. Ex. 4 at 8 (Opposers' Request); Ex. 6 at 2 (Applicant responding "None").)
- All Documents that relate to Your plans to use Applicant's Designation. (*See* Feiereisel Decl. Ex. 4 at 8 (Opposers' Request); Ex. 6 at 2 (Applicant responding "None").)
- All Documents that relate to Your plans to advertise or promote the goods identified in the Application in connection with Applicant's Designation. (*See* Feiereisel Decl. Ex. 4 at 9 (Opposers' Request); Ex. 6 at 3 (Applicant responding "None").)
- Any surveys, polls, research, or studies relating to Applicant's Designation or Opposers' SILVER & BLACK and RAIDER NATION Marks. (*See* Feiereisel Decl. Ex. 4 at 10 (Opposers' Request); Ex. 6 at 3 (Applicant responding "None").)
- Documents sufficient to show any arrangement or relationship with any other party, proposed or established, for the advertising and distribution of any and all products intended to be sold or distributed in connection with Applicant's Designation. (*See* Feiereisel Decl. Ex. 4 at 10 (Opposers' Request); Ex. 6 at 4 (Applicant responding "None").)
- Documents sufficient to show Applicant's expenditures to date and planned future expenditures for the advertising or promotion of the goods and services offered or intended to be offered under Applicant's Designation. (*See* Feiereisel Decl. Ex. 4 at 11 (Opposers' Request); Ex. 6 at 4 (Applicant responding "None").)
- All documents concerning any contracts, consents, permissions, agreements, assignments, licenses or other transfer of title, or other interest to or from Applicant of any right in or otherwise concerning Applicant's Designation or similar names

or marks. (See Feiereisel Decl. Ex. 4 at 11 (Opposers' Request); Ex. 6 at 4 (Applicant responding "None").)

ARGUMENT

I. The Board Should Grant Opposers' Motion to Amend the Notice of Opposition.

Pursuant to Federal Rule of Civil Procedure 15 and TBMP § 507, and 37 C.F.R. § 2.107, Opposers move the Board to amend the Notice of Opposition against the Application to include an additional ground for opposition that only became apparent following receipt of Applicant's Responses on January 30, 2019. As set forth above and as discussed at length in Section II below, Applicant's Responses demonstrate that Applicant has no objective evidence whatsoever to support his purported *bona fide* intent to use Applicant's Mark in commerce. Accordingly, Opposers request that the Notice of Opposition be amended to include the following allegation:

Applicant did not have a *bona fide* intention to use the SILVER & BLACK NATION Designation in commerce on the specified goods when he filed his application Serial No. 87/439,181 on May 5, 2017. Because Applicant did not possess a *bona fide* intention to use the SILVER & BLACK NATION Designation, the application is void *ab initio*.

(See Exhibit B, Amended Notice of Opposition, at ¶ 23.)

Under Federal Rule of Civil Procedure 15(a), leave to amend shall be freely given when justice so requires. Likewise, the Board has recognized that "amendments to pleadings should be allowed with great liberality at any stage of the proceeding where necessary to bring about a furtherance of justice unless it is shown that entry of the amendment would violate settled law or be prejudicial to the rights of any opposing parties." See *Am. Optical Corp. v. Am. Olean Tile Co.*, 168 U.S.P.Q. 471, 473 (TTAB 1971).

Here, Opposers were only recently able to confirm Applicant's total lack of evidence to support *bona fide* intent, when Applicant served his responses to Opposers' written discovery requests. And Applicant will suffer no undue prejudice from Opposers' additional ground for

opposition; Applicant does not require discovery on the issue of his own *bona fide* intent to use Applicant's Mark in commerce. *See Hollywood Casino LLC v. Chateau Celeste, Inc.*, 116 U.S.P.Q.2d 1988, 1991 (TTAB 2015) (permitting amendment after close of discovery because "much if not all of the information needed for Applicant to defend the proposed additional claim is already in Applicant's custody or control. Therefore, no reopening of the discovery period is necessary.").

Accordingly, the Board should grant Opposers' Motion to Amend the Notice of Opposition.

II. Opposers are Entitled to Summary Judgment that Applicant Lacked *Bona Fide* Intent.

Assuming that the Board grants Opposers' Motion to Amend, Opposers move for summary judgment under Federal Rule of Civil Procedure 56 because the undisputed material facts demonstrate that Applicant did not possess the requisite *bona fide* intent to use Applicant's Mark in connection with all of the goods set forth in the Application when Applicant filed the Application.

"Summary judgment is an appropriate method of disposing of cases in which there are no genuine issues of material fact in dispute, thus leaving such cases to be resolved as a matter of law." *John W. Carson Found. v. Toilets.com, Inc.*, 94 U.S.P.Q.2D 1942, 1945 (TTAB 2010) (citing Fed. R. Civ. P. 56(c)). The party moving for summary judgment has the burden of demonstrating the absence of any genuine issues of material fact, and its entitlement to summary judgment. *See, e.g.,* Fed. R. Civ. P. 56(c); *Copelands' Enters, Inc. v. CNV, Inc.*, 945 F.2d 1563 (Fed. Cir. 1991). When the moving party's motion is supported by evidence sufficient to indicate that there is no genuine issue of material fact and that it is entitled to judgment, the nonmoving party may not rest on mere denials, but must proffer countering evidence showing that there is a genuine factual dispute for trial. *See Copelands'*, 945 F.2d at 1564. A factual dispute is genuine

only if, on the evidence of record, a reasonable fact-finder could resolve the matter in favor of the nonmoving party. *See Lloyd's Food Prods., Inc. v. Eli's, Inc.*, 987 F.2d 766, 767 (Fed. Cir. 1993).

There are no genuine factual disputes regarding *bona fide* intent in the record before the Board, and Opposers are entitled to judgment as a matter of law.

A. It is Undisputed that Applicant Lacks any Objective Evidence Sufficient to Establish *Bona Fide* Intent.

Section 1(b) of the Lanham Act provides that “[a] person who has a *bona fide* intention, under circumstances showing the good faith of such person, to use a trademark in commerce may request registration of its trademark on the principal register” 15 U.S.C. § 1051(b)(1). An opposer may challenge an application filed under Section 1(b) based on a lack of *bona fide* intent to use a mark in commerce. *See, e.g., Saul Zaentz Co. v. Bumb*, 95 U.S.P.Q.2d 1723, 1726 (TTAB 2010); *see also* TBMP § 309.03(c).

The Board only considers objective evidence regarding an applicant’s alleged *bona fide* intent to use a mark in commerce; an applicant’s mere statement of subjective intent, without more, is insufficient to establish a *bona fide* intent. *Id.* (citing *Lane Ltd. v. Jackson Int’l Trading Co.*, 33 U.S.P.Q.2d 1351, 1355 (TTAB 1994)). Specifically, the Board has held that an applicant’s

mere statement that it intends to use the mark, and its denial that it lacked a *bona fide* intent, do not establish, in fact, that it had a *bona fide* intent to use the mark in commerce Evidence bearing on *bona fide* intent is “objective” in the sense that it is evidence in the form of real life facts and by the actions of the applicant, not by the applicant’s testimony as to its subjective state of mind. That is, Congress did not intend the issue to be resolved simply by an officer of applicant later testifying, “Yes, indeed, at the time we filed that application, I did truly intend to use the mark at some time in the future.”

Research In Motion Ltd. v. NBOR Corp., 92 U.S.P.Q.2d 1926, 1931 (TTAB 2009) (quoting 4 J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition, § 19:14 (2009)). Similarly, an applicant’s intention to use the mark must be more than a mere hope or wish. *See Caesars*

World, Inc. v. Park Place Entm't, 247 F. Supp. 2d 1171, 1191 (D. Nev. 2003); 4 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 19:14 (2012).

It is undisputed that Applicant has no objective, documentary evidence that he had the requisite *bona fide* intent to use his Mark when he filed the Application. And “[t]he absence of any documentary evidence on the part of an applicant regarding [*bona fide*] intent constitutes objective proof sufficient to prove that the applicant lacks a *bona fide* intention to use its mark in commerce.” *Boston Red Sox Baseball Club LP v. Sherman*, 88 U.S.P.Q.2d 1581, 1587 (TTAB 2008); *see also Saul Zaentz Co.*, 95 U.S.P.Q.2d at 1727 (“One way in which an opposer can establish its *prima facie* case of no *bona fide* intent is by proving that applicant has no documentary evidence to support its allegation in the application of its claimed *bona fide* intent to use the mark in commerce as of the application filing date.”); *Commodore Electronics Ltd. v. CBM Kabushiki Kaisha*, 26 U.S.P.Q.2d 1503, 1507 (TTAB 1993). In *Red Sox Baseball Club*, for example, the Board found a lack of *bona fide* intent based, in part, on the applicant’s admission that he had no documents concerning trademark searches or investigations regarding the applied-for mark, no packaging specimens, no advertising or promotional materials, and no documents concerning the advertising, marketing, or promotion of the goods with which the applied-for mark was intended to be used. 88 U.S.P.Q.2d at 1587. Similarly, in *Honda Motor Co. v. Winkelmann*, 90 U.S.P.Q.2d 1660, 1662 (TTAB 2009), the Board granted a motion for summary judgment sustaining an opposition based on the applicant’s lack of “current business plans, ongoing discussions, promotional activities, or anything else to corroborate his claim of a *bona fide* intent to use the mark in commerce in the United States.”

Here, the undisputed facts demonstrate that Applicant did not have a *bona fide* intent to use Applicant’s Mark in commerce in the United States with Applicant’s Goods when he filed the Application. Applicant has produced no documents whatsoever, let alone documents evidencing

a *bona fide* intent—no business plans, no budgets, no market research, no focus group testing, and no advertising. (See Feiereisel Decl. ¶ 11.) Applicant’s Interrogatory Responses and Responses to Document Requests also confirm that, among other things, Applicant (i) has no business plans related to the offering for sale or sale of Applicant’s Goods using Applicant’s Mark (see Feiereisel Decl. Ex. 4 at 8; Ex. 6 at 2; Ex. 3 at 8; Ex. 5 at 2); (ii) has no plans regarding advertising or promotion of goods bearing Applicant’s Mark (see Feiereisel Decl. Ex. 3 at 9; Ex. 5 at 3; Ex. 4 at 9, 11; Ex. 6 at 3, 4); (iii) has no prototypes or mock-ups of packaging or labeling for Applicant’s Goods using Applicant’s Mark (see Feiereisel Decl. Ex. 4 at 8; Ex. 6 at 2); (iv) has conducted no market research regarding Applicant’s Goods or Applicant’s Mark (see Feiereisel Decl. Ex. 4 at 10; Ex. 6 at 3); and (v) has no plans to work with third parties to market, promote, or distribute Applicant’s Goods (see Feiereisel Decl. Ex. 3 at 9; Ex. 5 at 3; Ex. 4 at 10–11; Ex. 6 at 3–4).

The record here is clear and undisputed—beyond having selected and applied to register Applicant’s Mark, Applicant has nothing more than an unsupported general hope that his Mark will someday be used in connection with Applicant’s Goods. Applicant’s alleged “intent” is thus nothing more than a mere wish (and a unsubstantiated wish at that) that Applicant will bring a product to market using Applicant’s Mark. See *Caesars World, Inc.*, 247 F. Supp. 2d at 1191. Because Applicant cannot support his intent with any documentary evidence whatsoever, he lacks the *bona fide* intent necessary to support his Application, and Opposer is entitled to judgment as a matter of law.

CONCLUSION

The undisputed material facts of this Opposition demonstrate that Applicant lacked the requisite *bona fide* intent to use his proposed mark in commerce at the time of his Application. Accordingly, and for the foregoing reasons, Opposers respectfully request that the Board (1) grant Opposers’ Motion to Amend their Notice of Opposition to add the requested additional ground;

(2) grant Opposers' Motion for Summary Judgment, resulting in Opposers' opposition to Application Serial No. 87/439,181 being sustained; and (3) grant Opposers' request that the Board suspend this proceeding pending the Board's determination of Opposers' motion.

Respectfully submitted,

Dated: April 15, 2019

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*Attorneys for Opposers The Oakland Raiders and
NFL Properties LLC*

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2019, a copy of the foregoing Opposers' Motion to Amend Notice of Opposition and Motion for Summary Judgment has been sent via email to:

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LAS VEGAS, NV 89135
UNITED STATES
Yosuphonglaw@gmail.com

/Kristin H. Altoff/

EXHIBIT A

Declaration of Kathryn A. Feiereisel

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

THE OAKLAND RAIDERS and NFL
PROPERTIES LLC,

Opposers,

v.

JOSEPH HONG,

Applicant.

In re Application Serial No. 87/439,181
Mark: SILVER & BLACK NATION

Published: September 12, 2017
Opposition No. 91238874

**DECLARATION OF KATHRYN A. FEIEREISEL IN SUPPORT OF
OPPOSERS' MOTION FOR SUMMARY JUDGMENT**

I, Kathryn A. Feiereisel, declare as follows:

1. I am an attorney licensed to practice in Illinois and Colorado and am counsel for Opposers The Oakland Raiders ("The Raiders Club") and NFL Properties LLC ("NFLP," and together with The Raiders Club, "Opposers") in the above-captioned matter. I submit this declaration in support of Opposers' Motion for Summary Judgment. I have personal knowledge of the matters set forth in this declaration and if called as a witness I could and would testify competently to them.

2. The Raiders Club owns and operates a professional football team and provides entertainment services to the public in the form of competitive professional football games.

3. The Raiders Club is one of the thirty-two member clubs (the "Member Clubs") of the National Football League ("NFL").

4. NFLP represents the NFL and its thirty-two Member Clubs for the licensing and protection of their names, logos, symbols, and other identifying marks and is charged with protecting these marks and the rights of the NFL and the Member Clubs with respect thereto.

5. For many years, and long before May 5, 2017, Opposers have used marks consisting of and containing the phrases SILVER & BLACK and RAIDER NATION in connection with their business of organizing, conducting, and promoting the Raiders football franchise as well as a wide variety of goods and services—including clothing—related to that business. A true and accurate copy of a printout from the TSDR database for the following trademark registrations, which reflect such use, are attached as Exhibit 1:

Registration Number	Mark	International Class(es)	First Use in Commerce
2,716,923	RAIDER NATION	25	06/01/1995
2,902,616	RAIDER NATION	35, 41	06/01/1995
2,822,131	SILVER & BLACK CLUB	16, 41	08/2001
2,683,107	SILVER & BLACK SHOW	41	07/2000

6. A true and accurate copy of printouts from the TSDR database for Applicant's Application Serial No. 87/439,181 is attached as Exhibit 2.

7. A true and accurate copy of Opposers' First Set of Interrogatories is attached as Exhibit 3.

8. A true and accurate copy of Opposers' First Set of Requests for Production of Documents is attached hereto as Exhibit 4.

9. A true and accurate copy of Applicant's Responses to Opposers' First Set of Interrogatories is attached as Exhibit 5.

10. A true and accurate copy of Applicant's Responses to Opposers' First Set of Requests for Production of Documents is attached as Exhibit 6.

11. Applicant has not produced any documents in connection with this opposition proceeding.

Dated: April 15, 2019

Kathryn A. Feiereisel

Kathryn A. Feiereisel

Declaration of Kathryn A. Feiereisel

EXHIBIT 1

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Mark: RAIDER NATION

RAIDER NATION

US Serial Number: 76035172

Application Filing Date: Apr. 27, 2000

US Registration Number: 2716923

Registration Date: May 20, 2003

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Mar. 06, 2013

Publication Date: Feb. 13, 2001

Mark Information

Mark Literal Elements: RAIDER NATION

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Clothing, namely, [hats, jackets, and] tee shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 1995

Use in Commerce: Jun. 01, 1995

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: OAKLAND RAIDERS

Owner Address: 1220 HARBOR BAY PARKWAY
ALAMEDA, CALIFORNIA 94502
UNITED STATES

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

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UNITED STATES

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Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 06, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Mar. 06, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Mar. 06, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Mar. 06, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Feb. 25, 2013	TEAS SECTION 8 & 9 RECEIVED	
Apr. 26, 2012	NOTICE OF SUIT	
Jun. 12, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67603
May 21, 2009	ASSIGNED TO PARALEGAL	67603
May 18, 2009	TEAS SECTION 8 & 15 RECEIVED	
Dec. 21, 2007	CASE FILE IN TICRS	
Apr. 12, 2006	REGISTERED - SEC. 7 REQUEST ABANDONED	
Jun. 25, 2005	POST REGISTRATION ACTION MAILED - SEC. 7	
Jun. 24, 2005	ASSIGNED TO PARALEGAL	76293
Mar. 09, 2005	SEC 7 REQUEST FILED	
Mar. 09, 2005	PAPER RECEIVED	
May 20, 2003	REGISTERED-PRINCIPAL REGISTER	
Dec. 09, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 23, 2002	PAPER RECEIVED	
Feb. 21, 2001	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 13, 2001	PUBLISHED FOR OPPOSITION	
Jan. 12, 2001	NOTICE OF PUBLICATION	
Nov. 28, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 09, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 04, 2000	NON-FINAL ACTION MAILED	
Sep. 27, 2000	ASSIGNED TO EXAMINER	67507

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 20, 2013

TM Staff and Location Information

TM Staff Information - None**File Location**

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 06, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Hudson, James

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2605/0120](#)

Pages: 3

Date Recorded: Sep. 19, 2002

Supporting Documents: [assignment-tm-2605-0120.pdf](#)

Assignor

Name: [HUDSON, JAMES B.](#)

Execution Date: Aug. 29, 2002

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee

Name: [OAKLAND RAIDERS](#)

Legal Entity Type: A CALIFORNIA LIMITED PARTNERSHIP

State or Country Where Organized: No Place Where Organized Found

Address: 1220 HARBOR BAY PARKWAY
ALAMEDA, CALIFORNIA 94502

Correspondent

Correspondent Name: ANASTASIA DANIAS, ESQ.

Correspondent Address: NFL PROPERTIES LLC
280 PARK AVENUE
NEW YORK, NY 10017

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 7

Type of Proceeding: Extension of Time

Proceeding Number: [76035172](#)

Filing Date:

Status: Terminated

Status Date:

Interlocutory Attorney:

Defendant

Name: Hudson, James

Correspondent Address: JAMES HUDSON
RAIDER NATION
5100-1B CLAYTON ROAD PMB# 207
CONCORD CA , 94521
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923

Potential Opposer(s)

Name: Oakland Raiders and NFL Properties, LLC

Correspondent Address: Anastasia Danias
NFL PROPERTIES LLC
280 Park Avenue
New York NY , 10017
UNITED STATES

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	May 14, 2001	
2	EXTENSION OF TIME GRANTED	Mar 20, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jun 15, 2001	
4	EXTENSION OF TIME GRANTED	Mar 20, 2002	
5	INCOMING - EXT TIME TO OPPOSE FILED	Aug 15, 2001	
6	EXTENSION OF TIME GRANTED	Mar 20, 2002	
7	INCOMING - EXT TIME TO OPPOSE FILED	Sep 24, 2001	
8	EXTENSION OF TIME GRANTED	Mar 20, 2002	
9	INCOMING - EXT TIME TO OPPOSE FILED	Nov 13, 2001	
10	EXTENSION OF TIME GRANTED	Mar 20, 2002	
11	INCOMING - EXT TIME TO OPPOSE FILED	Dec 12, 2001	
12	EXTENSION OF TIME GRANTED	Mar 20, 2002	
13	INCOMING - EXT TIME TO OPPOSE FILED	Jan 09, 2002	
14	EXTENSION OF TIME GRANTED	Mar 20, 2002	
15	INCOMING - EXT TIME TO OPPOSE FILED	Feb 11, 2002	
16	EXTENSION OF TIME GRANTED	Mar 20, 2002	
17	INCOMING - EXT TIME TO OPPOSE FILED	Mar 14, 2002	
18	EXTENSION OF TIME GRANTED	Mar 20, 2002	
19	INCOMING - EXT TIME TO OPPOSE FILED	Apr 11, 2002	
20	EXTENSION OF TIME GRANTED	Apr 19, 2002	
21	INCOMING - EXT TIME TO OPPOSE FILED	May 13, 2002	
22	PROGRESS LETTER	May 31, 2002	
23	INCOMING - EXT TIME TO OPPOSE FILED	Jun 12, 2002	
24	EXTENSION OF TIME GRANTED	Aug 08, 2002	
25	INCOMING - EXT TIME TO OPPOSE FILED	Jul 08, 2002	
26	EXTENSION OF TIME GRANTED	Aug 08, 2002	
27	INCOMING - EXT TIME TO OPPOSE FILED	Aug 09, 2002	
28	EXTENSION OF TIME GRANTED	Aug 16, 2002	

Type of Proceeding: Opposition

Proceeding Number: [91246374](#)

Filing Date: Feb 12, 2019

Status: Pending

Status Date: Feb 12, 2019

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Dailey, Sean P, Dailey, Donna J.

Correspondent Address: Steven L. Baron
Mandell Menkes LLC
1 North Franklin Street Suite 3600
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: sbaron@mandellmenkes.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LAS VEGAS RAIDER NATION	Opposition Pending	87979204	

Plaintiff(s)

Name: The Oakland Raiders, NFL Properties LLC

Correspondent Address: Kristin H. Altoff
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave. NW; Attn: TMSU
Washington DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , michelle.raynes@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
OAKLAND RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739982	3843713
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	74310195	1891012
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739964	3725246
RAIDERS	REGISTERED AND RENEWED	72109506	731309
RAIDERS	REGISTERED AND RENEWED	72436581	974730
RAIDERS	REGISTERED AND RENEWED	72436589	975685
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739988	3725247
OAKLAND RAIDERS	REGISTERED AND RENEWED	74490242	1919846
OAKLAND RAIDERS	REGISTERED AND RENEWED	78440367	3037735
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	73484614	1322621
THE RAIDER IMAGE	REGISTERED AND RENEWED	78628589	3085421
RAIDERETTES	REGISTERED AND RENEWED	73165576	1132390

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2019	Mar 24, 2019
3	PENDING, INSTITUTED	Feb 12, 2019	
4	D CHANGE OF CORRESP ADDRESS	Mar 20, 2019	
5	D MOT FOR EXT W/ CONSENT	Mar 20, 2019	
6	EXTENSION OF TIME GRANTED	Mar 20, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91238874](#)

Filing Date: Jan 10, 2018

Status: Pending

Status Date: Jan 10, 2018

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Joseph Hong

Correspondent Address: JOSEPH HONG
10781 W TWAIN AVENUE
LAS VEGAS NV , 89135
UNITED STATES

Correspondent e-mail: Yosuphonglaw@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SILVER & BLACK NATION	Opposition Pending	87439181	

Plaintiff(s)

Name: NFL Properties LLC and The Oakland Raiders

Correspondent Address: KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , michelle.raynes@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616

SILVER & BLACK CLUB	REGISTERED AND RENEWED	76357896	2822131
SILVER & BLACK SHOW	REGISTERED AND RENEWED	76368318	2683107

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 10, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 10, 2018	Feb 19, 2018
3	PENDING, INSTITUTED	Jan 10, 2018	
4	ANSWER	Feb 20, 2018	
5	P MOT FOR EXT W/ CONSENT	Apr 18, 2018	
6	EXTENSION OF TIME GRANTED	Apr 18, 2018	
7	P MOT FOR EXT W/ CONSENT	Jun 14, 2018	
8	EXTENSION OF TIME GRANTED	Jun 14, 2018	
9	P MOT FOR EXT W/ CONSENT	Jan 14, 2019	
10	EXTENSION OF TIME GRANTED	Jan 15, 2019	
11	P MOT FOR EXT W/ CONSENT	Feb 06, 2019	
12	EXTENSION OF TIME GRANTED	Feb 07, 2019	
13	P MOT FOR EXT W/ CONSENT	Mar 18, 2019	
14	EXTENSION OF TIME GRANTED	Mar 22, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91236161](#)

Filing Date: Aug 16, 2017

Status: Terminated

Status Date: Nov 27, 2017

Interlocutory Attorney: MARY B MYLES

Defendant

Name: Robert Bender

Correspondent Address: ROBERT BENDER
10422 STONEWIND PLACE
SAN ANTONIO TX , 78254
UNITED STATES

Correspondent e-mail: rben@aol.com , notifications@trademarkengine.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CASINO RAIDERS	Abandoned - After Inter-Partes Decision	87255141	

Plaintiff(s)

Name: The Oakland Raiders, NFL Properties LLC

Correspondent Address: KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW ATTN TMSU
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , jennifer.evans@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739964	3725246
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
RAIDERS	REGISTERED AND RENEWED	72109506	731309
RAIDERS	REGISTERED AND RENEWED	72436581	974730
RAIDERS	REGISTERED AND RENEWED	72436589	975685
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739988	3725247
OAKLAND RAIDERS	REGISTERED AND RENEWED	74490242	1919846
OAKLAND RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739982	3843713
OAKLAND RAIDERS	REGISTERED AND RENEWED	78440367	3037735

LOS ANGELES RAIDERS	REGISTERED AND RENEWED	74310195	1891012
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	73484614	1322621
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
THE RAIDER IMAGE	REGISTERED AND RENEWED	78628589	3085421

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 16, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 16, 2017	Sep 25, 2017
3	PENDING, INSTITUTED	Aug 16, 2017	
4	NOTICE OF DEFAULT	Oct 05, 2017	
5	BD DECISION: SUSTAINED	Nov 27, 2017	
6	TERMINATED	Nov 27, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91235664](#)

Filing Date: Jul 19, 2017

Status: Terminated

Status Date: Nov 06, 2017

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: Scott Keene

Correspondent Address: SCOTT KEENE
1624 DIXIE TRAIL
RALEIGH NC , 27607
UNITED STATES

Correspondent e-mail: scottkeene@boddienoell.com , carreradm@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDERS BABY, RAIDERS	Abandoned - After Inter-Partes Decision	87213212	

Plaintiff(s)

Name: NFL Properties LLC and The Oakland Raiders

Correspondent Address: KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW ATTN TMSU
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , jennifer.evans@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739964	3725246
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
RAIDERS	REGISTERED AND RENEWED	72109506	731309
RAIDERS	REGISTERED AND RENEWED	72436581	974730
RAIDERS	REGISTERED AND RENEWED	72436589	975685
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739988	3725247
OAKLAND RAIDERS	REGISTERED AND RENEWED	74490242	1919846
OAKLAND RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739982	3843713
OAKLAND RAIDERS	REGISTERED AND RENEWED	78440367	3037735
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	74310195	1891012
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	73484614	1322621
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616

THE RAIDER IMAGE

REGISTERED AND RENEWED

[78628589](#)[3085421](#)

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 19, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 19, 2017	Aug 28, 2017
3	PENDING, INSTITUTED	Jul 19, 2017	
4	NOTICE OF DEFAULT	Sep 07, 2017	
5	BD DECISION: SUSTAINED	Nov 06, 2017	
6	TERMINATED	Nov 06, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91230143](#)

Filing Date: Sep 19, 2016

Status: Terminated

Status Date: Jan 14, 2017

Interlocutory Attorney: MIKE WEBSTER

Defendant

Name: Ahmal Bre'haut

Correspondent Address: AHMAL BRE'HAUT
11133 W ASHBROOK PLACE
AVONDALE AZ , 85392
UNITED STATES

Correspondent e-mail: ajprod09@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ONE NATION BC	Abandoned - After Inter-Partes Decision	86440644	

Plaintiff(s)

Name: The Oakland Raiders, NFL Properties LLC

Correspondent Address: KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW , ATTN: TMSU
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , felicia.gordon@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739988	3725247
RAIDERS	REGISTERED AND RENEWED	72436589	975685
AL	Section 8 and 15 - Accepted and Acknowledged	85505822	4256485
RAIDERS	REGISTERED AND RENEWED	72436581	974730
	REGISTERED AND RENEWED	78450529	2992455
	REGISTERED AND RENEWED	72109507	731310

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 19, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 19, 2016	Oct 29, 2016
3	PENDING, INSTITUTED	Sep 19, 2016	
4	D REQ TO W/DRAW AS ATTORNEY	Sep 23, 2016	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 07, 2016	Nov 06, 2016
6	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 23, 2016	Dec 23, 2016
7	BD DECISION: SUSTAINED	Jan 14, 2017	

Type of Proceeding: Opposition**Proceeding Number:** [91191741](#)**Filing Date:** Sep 01, 2009**Status:** Terminated**Status Date:** Aug 28, 2014**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** Super Bakery, Incorporated**Correspondent Address:** DAVID G OBERDICK
MEYER UNKOVIC & SCOTT LLP
535 SMITHFIELD STREET, SUITE 1300
PITTSBURGH PA , 15222
UNITED STATES**Correspondent e-mail:** dgo@muslaw.com , tma@muslaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RAIDERADE	Registered	77383853	4724002

Plaintiff(s)**Name:** Oakland Raiders, and NFL Properties LLC**Correspondent Address:** KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW, ATTN TMSU
WASHINGTON DC , 20004
UNITED STATES**Correspondent e-mail:** trademarks@morganlewis.com , kaltoff@morganlewis.com , chowell@morganlewis.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RAIDERS	REGISTERED AND RENEWED	72109506	731309
RAIDERS	REGISTERED AND RENEWED	72436581	974730
RAIDERS	REGISTERED AND RENEWED	72436589	975685
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
OAKLAND RAIDERS	REGISTERED AND RENEWED	74490242	1919846
OAKLAND RAIDERS	REGISTERED AND RENEWED	78440367	3037735
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
THE RAIDER IMAGE	REGISTERED AND RENEWED	78628589	3085421

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 01, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 01, 2009	Oct 11, 2009
3	PENDING, INSTITUTED	Sep 01, 2009	
4	ANSWER	Oct 07, 2009	
5	P'S MOTION TO CONSOLIDATE	Nov 09, 2009	
6	CONSOL W/ 91187874 ET AL; TRIAL DATES RESET	Dec 22, 2009	
7	CHANGE OF CORRESPONDENCE ADDRESS	Feb 01, 2010	
8	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 23, 2014	Aug 15, 2014
9	BD DECISION: DISMISSED W/O PREJ	Jul 16, 2014	
10	TERMINATED	Aug 28, 2014	

Generated on: This page was generated by TSDR on 2019-04-13 00:44:24 EDT

Mark: RAIDER NATION

RAIDER NATION

US Serial Number: 76195179

Application Filing Date: Jan. 17, 2001

US Registration Number: 2902616

Registration Date: Nov. 16, 2004

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Jun. 05, 2015

Publication Date: Aug. 24, 2004

Mark Information

Mark Literal Elements: RAIDER NATION

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: ON LINE RETAIL STORE FEATURING SPORTS MEMORABILIA, CLOTHING AND SOUVENIRS ON A GLOBAL COMPUTER NETWORK

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 1995

Use in Commerce: Jun. 01, 1995

For: PROVIDING STATISTICAL INFORMATION IN THE FIELD OF SPORTS VIA A GLOBAL COMPUTER NETWORK

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 1995

Use in Commerce: Jun. 01, 1995

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: OAKLAND RAIDERS

Owner Address: 1220 HARBOR BAY PARKWAY
ALAMEDA, CALIFORNIA 94502
UNITED STATES

Legal Entity Type: LIMITED PARTNERSHIP

State or Country CALIFORNIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anastasia Danias

Docket Number: 1766.3

Attorney Primary Email Address: trademarkmatters@nfl.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Anastasia Danias
National Football League
345 Park Avenue
NEW YORK, NEW YORK 10154
UNITED STATES

Phone: 212-450-2000

Fax: 212-697-7463

Correspondent e-mail: trademarkmatters@nfl.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Jun. 05, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77315
Jun. 05, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	77315
Jun. 03, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
May 15, 2015	TEAS SECTION 8 & 9 RECEIVED	
May 02, 2011	REGISTERED - SEC. 15 ACKNOWLEDGED	77315
Feb. 16, 2011	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Oct. 18, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED	77315
Oct. 07, 2010	REGISTERED - SEC. 8 (6-YR) FILED	77315
Oct. 18, 2010	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	77315
Oct. 08, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Oct. 07, 2010	TEAS SECTION 8 & 15 RECEIVED	
Nov. 16, 2004	REGISTERED-PRINCIPAL REGISTER	
Aug. 24, 2004	PUBLISHED FOR OPPOSITION	
Aug. 04, 2004	NOTICE OF PUBLICATION	
Jul. 28, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 21, 2003	CASE FILE IN TICRS	
Jul. 28, 2003	PAPER RECEIVED	
Jul. 13, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 10, 2003	ASSIGNED TO EXAMINER	76745
Dec. 24, 2002	LETTER OF SUSPENSION MAILED	
Dec. 09, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 10, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 10, 2002	PAPER RECEIVED	
Oct. 17, 2002	ASSIGNED TO EXAMINER	76832
Apr. 09, 2002	NON-FINAL ACTION MAILED	
Dec. 11, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 26, 2001	NON-FINAL ACTION MAILED	
Jun. 23, 2001	ASSIGNED TO EXAMINER	78439

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 16, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 05, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: OAKLAND RAIDERS

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2605/0120](#)

Pages: 3

Date Recorded: Sep. 19, 2002

Supporting Documents: [assignment-tm-2605-0120.pdf](#)

Assignor

Name: [HUDSON, JAMES B.](#)

Execution Date: Aug. 29, 2002

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee

Name: [OAKLAND RAIDERS](#)

Legal Entity Type: A CALIFORNIA LIMITED PARTNERSHIP

State or Country Where Organized: No Place Where Organized Found

Address: 1220 HARBOR BAY PARKWAY
ALAMEDA, CALIFORNIA 94502

Correspondent

Correspondent Name: ANASTASIA DANIAS, ESQ.

Correspondent Address: NFL PROPERTIES LLC
280 PARK AVENUE
NEW YORK, NY 10017

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 6

Type of Proceeding: Opposition

Proceeding Number: [91246374](#)

Filing Date: Feb 12, 2019

Status: Pending

Status Date: Feb 12, 2019

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Dailey, Sean P, Dailey, Donna J.

Correspondent Address: Steven L. Baron
Mandell Menkes LLC
1 North Franklin Street Suite 3600
Chicago IL , 60606
UNITED STATES

Correspondent e- sbaron@mandellmenkes.com

mail: _____

Associated marks

Mark	Application Status	Serial Number	Registration Number
LAS VEGAS RAIDER NATION	Opposition Pending	87979204	

Plaintiff(s)

Name: The Oakland Raiders, NFL Properties LLC

Correspondent Kristin H. Altoff

Address: Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave. NW; Attn: TMSU
Washington DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , michelle.raynes@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
OAKLAND RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739982	3843713
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	74310195	1891012
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739964	3725246
RAIDERS	REGISTERED AND RENEWED	72109506	731309
RAIDERS	REGISTERED AND RENEWED	72436581	974730
RAIDERS	REGISTERED AND RENEWED	72436589	975685
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739988	3725247
OAKLAND RAIDERS	REGISTERED AND RENEWED	74490242	1919846
OAKLAND RAIDERS	REGISTERED AND RENEWED	78440367	3037735
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	73484614	1322621
THE RAIDER IMAGE	REGISTERED AND RENEWED	78628589	3085421
RAIDERETTES	REGISTERED AND RENEWED	73165576	1132390

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2019	Mar 24, 2019
3	PENDING, INSTITUTED	Feb 12, 2019	
4	D CHANGE OF CORRESP ADDRESS	Mar 20, 2019	
5	D MOT FOR EXT W/ CONSENT	Mar 20, 2019	
6	EXTENSION OF TIME GRANTED	Mar 20, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91238874](#)

Filing Date: Jan 10, 2018

Status: Pending

Status Date: Jan 10, 2018

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Joseph Hong

Correspondent JOSEPH HONG

Address: 10781 W TWAIN AVENUE
LAS VEGAS NV , 89135
UNITED STATES

Correspondent e-mail: Yosuphonglaw@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Plaintiff(s)**Name:** NFL Properties LLC and The Oakland Raiders**Correspondent Address:** KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW
WASHINGTON DC , 20004
UNITED STATES**Correspondent e-mail:** trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , michelle.raynes@morganlewis.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
SILVER & BLACK CLUB	REGISTERED AND RENEWED	76357896	2822131
SILVER & BLACK SHOW	REGISTERED AND RENEWED	76368318	2683107

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 10, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 10, 2018	Feb 19, 2018
3	PENDING, INSTITUTED	Jan 10, 2018	
4	ANSWER	Feb 20, 2018	
5	P MOT FOR EXT W/ CONSENT	Apr 18, 2018	
6	EXTENSION OF TIME GRANTED	Apr 18, 2018	
7	P MOT FOR EXT W/ CONSENT	Jun 14, 2018	
8	EXTENSION OF TIME GRANTED	Jun 14, 2018	
9	P MOT FOR EXT W/ CONSENT	Jan 14, 2019	
10	EXTENSION OF TIME GRANTED	Jan 15, 2019	
11	P MOT FOR EXT W/ CONSENT	Feb 06, 2019	
12	EXTENSION OF TIME GRANTED	Feb 07, 2019	
13	P MOT FOR EXT W/ CONSENT	Mar 18, 2019	
14	EXTENSION OF TIME GRANTED	Mar 22, 2019	

Type of Proceeding: Opposition**Proceeding Number:** [91236161](#)**Filing Date:** Aug 16, 2017**Status:** Terminated**Status Date:** Nov 27, 2017**Interlocutory Attorney:** MARY B MYLES**Defendant****Name:** Robert Bender**Correspondent Address:** ROBERT BENDER
10422 STONEWIND PLACE
SAN ANTONIO TX , 78254
UNITED STATES**Correspondent e-mail:** rben@aol.com , notifications@trademarkengine.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CASINO RAIDERS	Abandoned - After Inter-Partes Decision	87255141	

Plaintiff(s)**Name:** The Oakland Raiders, NFL Properties LLC**Correspondent Address:** KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW ATTN TMSU
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , jennifer.evans@morganlewis.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739964	3725246
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
RAIDERS	REGISTERED AND RENEWED	72109506	731309
RAIDERS	REGISTERED AND RENEWED	72436581	974730
RAIDERS	REGISTERED AND RENEWED	72436589	975685
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739988	3725247
OAKLAND RAIDERS	REGISTERED AND RENEWED	74490242	1919846
OAKLAND RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739982	3843713
OAKLAND RAIDERS	REGISTERED AND RENEWED	78440367	3037735
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	74310195	1891012
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	73484614	1322621
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
THE RAIDER IMAGE	REGISTERED AND RENEWED	78628589	3085421

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 16, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 16, 2017	Sep 25, 2017
3	PENDING, INSTITUTED	Aug 16, 2017	
4	NOTICE OF DEFAULT	Oct 05, 2017	
5	BD DECISION: SUSTAINED	Nov 27, 2017	
6	TERMINATED	Nov 27, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91235664](#)

Filing Date: Jul 19, 2017

Status: Terminated

Status Date: Nov 06, 2017

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: Scott Keene

Correspondent Address: SCOTT KEENE
1624 DIXIE TRAIL
RALEIGH NC , 27607
UNITED STATES

Correspondent e-mail: scottkeene@boddienoell.com , carreradm@yahoo.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
RAIDERS BABY, RAIDERS	Abandoned - After Inter-Partes Decision	87213212	

Plaintiff(s)

Name: NFL Properties LLC and The Oakland Raiders

Correspondent Address: KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW ATTN TMSU
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , jennifer.evans@morganlewis.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number

RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739964	3725246
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
RAIDERS	REGISTERED AND RENEWED	72109506	731309
RAIDERS	REGISTERED AND RENEWED	72436581	974730
RAIDERS	REGISTERED AND RENEWED	72436589	975685
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739988	3725247
OAKLAND RAIDERS	REGISTERED AND RENEWED	74490242	1919846
OAKLAND RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739982	3843713
OAKLAND RAIDERS	REGISTERED AND RENEWED	78440367	3037735
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	74310195	1891012
LOS ANGELES RAIDERS	REGISTERED AND RENEWED	73484614	1322621
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
THE RAIDER IMAGE	REGISTERED AND RENEWED	78628589	3085421

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 19, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 19, 2017	Aug 28, 2017
3	PENDING, INSTITUTED	Jul 19, 2017	
4	NOTICE OF DEFAULT	Sep 07, 2017	
5	BD DECISION: SUSTAINED	Nov 06, 2017	
6	TERMINATED	Nov 06, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91230143](#)

Filing Date: Sep 19, 2016

Status: Terminated

Status Date: Jan 14, 2017

Interlocutory Attorney: MIKE WEBSTER

Defendant

Name: Ahmal Bre'haut

Correspondent Address: AHMAL BRE'HAUT
11133 W ASHBROOK PLACE
AVONDALE AZ , 85392
UNITED STATES

Correspondent e-mail: ajprod09@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ONE NATION BC	Abandoned - After Inter-Partes Decision	86440644	

Plaintiff(s)

Name: The Oakland Raiders, NFL Properties LLC

Correspondent Address: KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW , ATTN: TMSU
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , felicia.gordon@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
RAIDERS	Section 8 and 15 - Accepted and Acknowledged	77739988	3725247
RAIDERS	REGISTERED AND RENEWED	72436589	975685

AL	Section 8 and 15 - Accepted and Acknowledged	85505822	4256485
RAIDERS	REGISTERED AND RENEWED	72436581	974730
	REGISTERED AND RENEWED	78450529	2992455
	REGISTERED AND RENEWED	72109507	731310

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 19, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 19, 2016	Oct 29, 2016
3	PENDING, INSTITUTED	Sep 19, 2016	
4	D REQ TO W/DRAW AS ATTORNEY	Sep 23, 2016	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 07, 2016	Nov 06, 2016
6	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 23, 2016	Dec 23, 2016
7	BD DECISION: SUSTAINED	Jan 14, 2017	
8	TERMINATED	Jan 14, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91191741](#)

Filing Date: Sep 01, 2009

Status: Terminated

Status Date: Aug 28, 2014

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Super Bakery, Incorporated

Correspondent Address: DAVID G OBERDICK

MEYER UNKOVIC & SCOTT LLP
535 SMITHFIELD STREET, SUITE 1300
PITTSBURGH PA , 15222
UNITED STATES

Correspondent e-mail: dgo@muslaw.com , tma@muslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDERADE	Registered	77383853	4724002

Plaintiff(s)

Name: Oakland Raiders, and NFL Properties LLC

Correspondent Address: KRISTIN H ALTOFF

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW, ATTN TMSU
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kaltoff@morganlewis.com , chowell@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDERS	REGISTERED AND RENEWED	72109506	731309
RAIDERS	REGISTERED AND RENEWED	72436581	974730
RAIDERS	REGISTERED AND RENEWED	72436589	975685
RAIDERS	REGISTERED AND RENEWED	74252823	1771383
OAKLAND RAIDERS	REGISTERED AND RENEWED	74490242	1919846
OAKLAND RAIDERS	REGISTERED AND RENEWED	78440367	3037735
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
THE RAIDER IMAGE	REGISTERED AND RENEWED	78628589	3085421

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 01, 2009	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 01, 2009	Oct 11, 2009
3	PENDING, INSTITUTED	Sep 01, 2009	
4	ANSWER	Oct 07, 2009	
5	P'S MOTION TO CONSOLIDATE	Nov 09, 2009	
6	CONSOL W/ 91187874 ET AL; TRIAL DATES RESET	Dec 22, 2009	
7	CHANGE OF CORRESPONDENCE ADDRESS	Feb 01, 2010	
8	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 23, 2014	Aug 15, 2014
9	BD DECISION: DISMISSED W/O PREJ	Jul 16, 2014	
10	TERMINATED	Aug 28, 2014	

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Mark: SILVER & BLACK CLUB

SILVER & BLACK CLUB

US Serial Number: 76357896

Application Filing Date: Jan. 11, 2002

US Registration Number: 2822131

Registration Date: Mar. 16, 2004

Register: Principal

Mark Type: Trademark, Service Mark

Status: The registration has been renewed.

Status Date: Mar. 26, 2015

Publication Date: Dec. 23, 2003

Mark Information

Mark Literal Elements: SILVER & BLACK CLUB

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: [Ornamental lapel pins, pendants, necklaces, earrings, charms, watches, rings; belt buckles of precious metal, for clothing]

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Aug. 2001

Use in Commerce: Aug. 2001

For: Paper, cardboard and goods made from these materials; namely, [banners, books concerning football, posters,] [playing cards, trading cards,] [booklets concerning football, program guides, catalogues concerning football, notebooks,] pencils, [pens,] stationery, [photo albums, book covers, memo boards,] [subject folders,] [pencil sharpeners, erasers, pencil boxes,] memo pads, [theme books concerning football, stationery-type portfolios, 3-ring binders, calendars, poster cards, paper place mats, paper gift boxes, pennants, paper napkins, paper plates,] paper stickers, [crossword puzzles, bumper stickers,] [greeting cards,] [magazines concerning football, post cards, wrapping paper, paper gift boxes, paper towels, paper party hats]

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2001

Use in Commerce: Aug. 2001

For: [Men's women's and children's [footwear, headwear and] clothing, namely, shirts, t-shirts, [tank tops, maternity tops,] jackets, [warm-up suits, down jackets, jeans, coats,] sweatshirts, [sweatpants, football jerseys, shorts, pull-over jackets, robes, pajamas, knickers, aprons, skirts, knit tops, scarves, long john, snow suits, dresses, jogging suits, bib overalls, polo shirts, sweaters, slacks, turtlenecks, fleece pullovers, jersey pants, shorts, neck gaiters, thermal shirts, gloves, parkas, stadium coats,] wind resistant jackets, [wraps, bathing suits, raincoats, ponchos, night shirts, leather jackets, leg warmers, leotards, cardigans, boxer shorts, neckties, suspenders, belts, rompers, mittens, wristbands, underwear, sneakers, socks, coaches' caps, wool and knit hats, beanies, visor, head gaiters, knit face masks, baseball caps, headbands, ear muffs painter's caps bandanas]]

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Aug. 2001

Use in Commerce: Aug. 2001

For: Entertainment services in the nature of live football games; production of radio and television programs featuring live football games

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2001

Use in Commerce: Aug. 2001

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: The Oakland Raiders

Composed of: A.D. Football, Inc., a California corporation

Owner Address: 1220 Harbor Bay Parkway
Alameda, CALIFORNIA 94502
UNITED STATES

Legal Entity Type: LIMITED PARTNERSHIP

State or Country CALIFORNIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anastasia Danias

Attorney Primary trademarkmatters@nfl.com
Email Address:

Attorney Email No
Authorized:

Correspondent

Correspondent The Oakland Raiders
Name/Address: 1220 Harbor Bay Parkway
Alameda, CALIFORNIA 94502
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 26, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 - MAILED	
Mar. 26, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Mar. 26, 2015	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	67603
Mar. 26, 2015	REGISTERED - PARTIAL SEC. 8 (10-YR) ACCEPTED	67603
Mar. 24, 2015	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Sep. 24, 2014	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	67603
Sep. 24, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Sep. 15, 2014	TEAS SECTION 8 & 9 RECEIVED	
Sep. 15, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 30, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
Mar. 30, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Mar. 17, 2010	TEAS SECTION 8 & 15 RECEIVED	

Jan. 22, 2009	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 22, 2009	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 16, 2004	REGISTERED-PRINCIPAL REGISTER	
Dec. 23, 2003	PUBLISHED FOR OPPOSITION	
Dec. 03, 2003	NOTICE OF PUBLICATION	
Oct. 17, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 02, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 25, 2003	CASE FILE IN TIGRS	
Sep. 02, 2003	PAPER RECEIVED	
Aug. 05, 2003	FINAL REFUSAL MAILED	
Nov. 05, 2002	LETTER OF SUSPENSION MAILED	
Oct. 10, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 10, 2002	PAPER RECEIVED	
Apr. 23, 2002	NON-FINAL ACTION MAILED	
Apr. 16, 2002	ASSIGNED TO EXAMINER	60219
Apr. 12, 2002	ASSIGNED TO EXAMINER	76508
Feb. 06, 2002	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	
Feb. 06, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 16, 2014

Change in Registration: Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 108

Date in Location: Mar. 26, 2015

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91238874](#)

Filing Date: Jan 10, 2018

Status: Pending

Status Date: Jan 10, 2018

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Joseph Hong

Correspondent Address: JOSEPH HONG
10781 W TWAIN AVENUE
LAS VEGAS NV , 89135
UNITED STATES

Correspondent e-mail: Yosuphonglaw@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SILVER & BLACK NATION	Opposition Pending	87439181	

Plaintiff(s)**Name:** NFL Properties LLC and The Oakland Raiders**Correspondent Address:** KRISTIN H ALTOFF
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW
WASHINGTON DC , 20004
UNITED STATES**Correspondent e-mail:** trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , michelle.raynes@morganlewis.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
SILVER & BLACK CLUB	REGISTERED AND RENEWED	76357896	2822131
SILVER & BLACK SHOW	REGISTERED AND RENEWED	76368318	2683107

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 10, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 10, 2018	Feb 19, 2018
3	PENDING, INSTITUTED	Jan 10, 2018	
4	ANSWER	Feb 20, 2018	
5	P MOT FOR EXT W/ CONSENT	Apr 18, 2018	
6	EXTENSION OF TIME GRANTED	Apr 18, 2018	
7	P MOT FOR EXT W/ CONSENT	Jun 14, 2018	
8	EXTENSION OF TIME GRANTED	Jun 14, 2018	
9	P MOT FOR EXT W/ CONSENT	Jan 14, 2019	
10	EXTENSION OF TIME GRANTED	Jan 15, 2019	
11	P MOT FOR EXT W/ CONSENT	Feb 06, 2019	
12	EXTENSION OF TIME GRANTED	Feb 07, 2019	
13	P MOT FOR EXT W/ CONSENT	Mar 18, 2019	
14	EXTENSION OF TIME GRANTED	Mar 22, 2019	

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Mark: SILVER & BLACK SHOW

SILVER & BLACK SHOW

US Serial Number: 76368318

Application Filing Date: Feb. 06, 2002

US Registration Number: 2683107

Registration Date: Feb. 04, 2003

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 23, 2013

Publication Date: Nov. 12, 2002

Mark Information

Mark Literal Elements: SILVER & BLACK SHOW

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "SHOW"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: ENTERTAINMENT SERVICES, NAMELY, PROVIDING A SYNDICATED TALK SHOW PROGRAM FEATURING PERSPECTIVES AND ANALYSIS OF THE OAKLAND RAIDERS FOOTBALL TEAM, RENDERED THROUGH THE MEDIUM OF [RADIO,] TELEVISION AND THE INTERNET

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 2000

Use in Commerce: Jul. 2000

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Oakland Raiders, The

Composed of: THE GENERAL PARTNER IS A.D. FOOTBALL, INC. A CALIFORNIA CORPORATION

Owner Address: 1220 Harbor Bay Parkway
Alameda, CALIFORNIA UNITED STATES 94502

Legal Entity Type: LIMITED PARTNERSHIP

State or Country CALIFORNIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anastasia Danias

Docket Number: Silver & Bla

Attorney Primary trademarkmatters@nfl.com

Attorney Email No

Email Address:

Authorized:

Correspondent

Correspondent Anastasia Danias

Name/Address: NFL PROPERTIES LLC
345 Park Ave, FL 7
NEW YORK, NEW YORK UNITED STATES 10154

Phone: 212-450-2000

Correspondent e-mail: trademarkmatters@nfl.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 23, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Feb. 23, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Feb. 23, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Feb. 23, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Feb. 07, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jan. 31, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67603
Jan. 29, 2009	ASSIGNED TO PARALEGAL	67603
Jan. 21, 2009	TEAS SECTION 8 & 15 RECEIVED	
Jan. 16, 2009	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 16, 2009	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 16, 2008	CASE FILE IN TICRS	
Feb. 04, 2003	REGISTERED-PRINCIPAL REGISTER	
Nov. 12, 2002	PUBLISHED FOR OPPOSITION	
Oct. 23, 2002	NOTICE OF PUBLICATION	
Sep. 13, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 26, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 26, 2002	PAPER RECEIVED	
May 24, 2002	NON-FINAL ACTION MAILED	
May 16, 2002	ASSIGNED TO EXAMINER	60219
May 09, 2002	ASSIGNED TO EXAMINER	76833

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 04, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Proceedings

Summary

Number of 1
Proceedings:

Type of Proceeding: Opposition

Proceeding [91238874](#)
Number:

Filing Date: Jan 10, 2018

Status: Pending

Status Date: Jan 10, 2018

Interlocutory KATIE W MCKNIGHT
Attorney:

Defendant

Name: Joseph Hong

Correspondent JOSEPH HONG
Address: 10781 W TWAIN AVENUE
LAS VEGAS NV UNITED STATES , 89135

Correspondent e-mail: Yosuphonglaw@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SILVER & BLACK NATION	Opposition Pending	87439181	

Plaintiff(s)

Name: NFL Properties LLC and The Oakland Raiders

Correspondent KRISTIN H ALTOFF
Address: MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW
WASHINGTON DC UNITED STATES , 20004

Correspondent e-mail: trademarks@morganlewis.com , kristin.altoff@morganlewis.com , seth.rappaport@morganlewis.com , michelle.raynes@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RAIDER NATION	REGISTERED AND RENEWED	76035172	2716923
RAIDER NATION	REGISTERED AND RENEWED	76195179	2902616
SILVER & BLACK CLUB	REGISTERED AND RENEWED	76357896	2822131
SILVER & BLACK SHOW	REGISTERED AND RENEWED	76368318	2683107

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 10, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 10, 2018	Feb 19, 2018
3	PENDING, INSTITUTED	Jan 10, 2018	
4	ANSWER	Feb 20, 2018	
5	P MOT FOR EXT W/ CONSENT	Apr 18, 2018	
6	EXTENSION OF TIME GRANTED	Apr 18, 2018	
7	P MOT FOR EXT W/ CONSENT	Jun 14, 2018	
8	EXTENSION OF TIME GRANTED	Jun 14, 2018	
9	P MOT FOR EXT W/ CONSENT	Jan 14, 2019	
10	EXTENSION OF TIME GRANTED	Jan 15, 2019	
11	P MOT FOR EXT W/ CONSENT	Feb 06, 2019	
12	EXTENSION OF TIME GRANTED	Feb 07, 2019	
13	P MOT FOR EXT W/ CONSENT	Mar 18, 2019	
14	EXTENSION OF TIME GRANTED	Mar 22, 2019	

Declaration of Kathryn A. Feiereisel

EXHIBIT 2

Trademark/Service Mark Application, Principal Register

Serial Number: 87439181

Filing Date: 05/05/2017

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87439181
MARK INFORMATION	
*MARK	SILVER & BLACK NATION
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SILVER & BLACK NATION
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Joseph Hong
*STREET	10781 W. Twain Ave.
*CITY	Las Vegas
*STATE (Required for U.S. applicants)	Nevada
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	89135
LEGAL ENTITY INFORMATION	
TYPE	individual
COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	025
*IDENTIFICATION	Clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts.
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	W. West Allen
FIRM NAME	Howard & Howard Attorneys PLLC
STREET	450 West Fourth Street
CITY	Royal Oak

STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48067
PHONE	702-257-1483
FAX	702-567-1568
EMAIL ADDRESS	ipdocket@h2law.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Stephanie S. Buntin, Melinda B. Buurma, Jeffrey A. Sadowski, Daniel H. Bliss, Scott M. Levin, Samuel J. Haidle, Robert A. Reid, and Kaela J. Joyner
CORRESPONDENCE INFORMATION	
NAME	W. West Allen
FIRM NAME	Howard & Howard Attorneys PLLC
STREET	450 West Fourth Street
CITY	Royal Oak
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48067
PHONE	702-257-1483
FAX	702-567-1568
*EMAIL ADDRESS	ipdocket@h2law.com; wwa@h2law.com; ssb@h2law.com; sl2@h2law.com; kj@h2law.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEE DUE	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
SIGNATURE	/W. West Allen/
SIGNATORY'S NAME	W. West Allen
SIGNATORY'S POSITION	Attorney of Record, Nevada bar member
SIGNATORY'S PHONE NUMBER	702-257-1483
DATE SIGNED	05/05/2017

Trademark/Service Mark Application, Principal Register

Serial Number: 87439181

Filing Date: 05/05/2017

To the Commissioner for Trademarks:

MARK: SILVER & BLACK NATION (Standard Characters, see [mark](#))

The literal element of the mark consists of SILVER & BLACK NATION.

The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Joseph Hong, a citizen of United States, having an address of
10781 W. Twain Ave.
Las Vegas, Nevada 89135
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 025: Clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

The applicant's current Attorney Information:

W. West Allen and Stephanie S. Buntin, Melinda B. Buurma, Jeffrey A. Sadowski, Daniel H. Bliss, Scott M. Levin, Samuel J. Haidle, Robert A. Reid, and Kaela J. Joyner of Howard & Howard Attorneys PLLC 450 West Fourth Street
Royal Oak, Michigan 48067
United States
702-257-1483(phone)
702-567-1568(fax)
ipdocket@h2law.com (authorized)

The applicant's current Correspondence Information:

W. West Allen
Howard & Howard Attorneys PLLC
450 West Fourth Street
Royal Oak, Michigan 48067
702-257-1483(phone)
702-567-1568(fax)
ipdocket@h2law.com;wwa@h2law.com; ssb@h2law.com; sl2@h2law.com; kj@h2law.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /W. West Allen/ Date: 05/05/2017

Signatory's Name: W. West Allen

Signatory's Position: Attorney of Record, Nevada bar member

Payment Sale Number: 87439181

Payment Accounting Date: 05/08/2017

Serial Number: 87439181

Internet Transmission Date: Fri May 05 18:35:59 EDT 2017

TEAS Stamp: USPTO/BAS-XX.XXX.XX.XXX-2017050518355986

6103-87439181-5901c921d12d2667de3faabd25

0b61ec28bd8b35a24f28aabc3fe8d3b527f49454

-DA-4876-20170505175523052449

SILVER & BLACK NATION

Declaration of Kathryn A. Feiereisel

EXHIBIT 3

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

THE OAKLAND RAIDERS and NFL
PROPERTIES LLC,

Opposers,

v.

JOSEPH HONG,

Applicant.

In re Application Serial No. 87/439,181
Mark: SILVER & BLACK NATION

Published: September 12, 2017
Opposition No. 91238874

OPPOSERS' FIRST SET OF INTERROGATORIES

Opposers the Oakland Raiders (“The Raiders”) and NFL Properties LLC (“NFLP,” and together with The Raiders, “Opposers”), by and through counsel and pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, request that Applicant, Joseph Hong (“Applicant”), provide responses to the following interrogatories within thirty (30) days of the date hereof.

The following Definitions and Instructions apply to each Interrogatory:

DEFINITIONS AND INSTRUCTIONS

A. Definitions

1. **Document.** The term “document” shall be construed as broadly as it appears in Federal Rule of Civil Procedure 34(a) and includes, but is not limited to, all of the following matter in Applicant’s actual or constructive possession, custody, or control: all written, typed, printed, digitally or electronically recorded, graphic or photographic matter, software, source code, object code, communications including, intra-company or inter-company communications and correspondence, electronic mail, telegrams, and telefaxes, however produced or reproduced, any notes or drafts, and all copies on which any mark, alteration, writing, or any other change from the original has been made. The term “document” includes, by way of example and not by way of limitation, patents, patent applications, reports, compilations, data, diaries, work papers, graphs,

charts, drawings, sketches, directions, instruction books, books and booklets, texts, memoranda, letters and other correspondence, sales and promotional literature, brochures, press releases, forms, written offers for purchase or sale, written contracts, licenses, and sales agreements, ledgers, archive records, minutes or records of meetings, conferences, or telephone conversations including, lists of persons attending the meetings or conferences, legal pleadings or filings, expired files, and information that have been electronically stored or recorded including, voice mail and electronic mail.

2. **Describe.** The term “describe” means to set forth fully and clearly every relevant fact and/or event including, particulars of time, place and manner.

3. **Refer or Relate to.** The phrase “refer or relate to” means pertaining to, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning, or referring to, whether directly or indirectly.

4. **Person.** The term “person” means any natural person or individual, public and/or private corporation, partnership, proprietorship, joint venture, group, division, department, unit, organization, union, federation, government of any kind or type, governmental agency, and any other kind of business, legal or governmental entity or association.

5. **Parties.** The terms “Applicant” “Hong” and “You” shall mean Joseph Hong. “Opposers” shall mean the Oakland Raiders and NFL Properties LLC.

6. **The Raiders.** The term “The Raiders” shall mean the Oakland Raiders professional football club.

7. **Third Parties.** The term “third parties” shall mean all persons, individuals, corporations, partnerships and other entities of any kind which are not parties to this proceeding, including, without limitation, competitors, customers and investors, as well as all persons acting on behalf of such third parties, including, without limitation, their officers, agents, employees and attorneys.

8. **PTO.** The term “PTO” shall mean the United States Patent and Trademark Office.

9. **Applicant's Designation.** The phrase "Applicant's Designation" shall mean the designation identified in Applicant's application for federal registration, Serial. No. 87/439,181 (SILVER & BLACK NATION), and any variation thereof, alone or in combination with other words and/or design elements.

10. **"Opposers' SILVER & BLACK and RAIDER NATION Marks" and Registrations.** Unless otherwise indicated, the phrase "Opposers' SILVER & BLACK and RAIDER NATION Marks" shall mean the family of marks for and containing the phrases SILVER & BLACK and/or RAIDER NATION, including, but not limited to, the marks depicted in U.S. Trademark Registration Nos. 2,716,923, 2,902,616, 2,822,131 and 2,683,107. These registrations are referred to as the "Opposers' SILVER & BLACK and RAIDER NATION Registrations."

11. **Use.** The term "use" refers to actual use in commerce as defined in 15 U.S.C. § 1127.

12. **Advertisement.** The term "advertisement" includes brochures, pamphlets, newspaper advertisements, magazine advertisements, television advertisements, digitized or electronic advertising including, World Wide Web pages, radio advertisements, direct mailings, newsletters, promotional materials and all other forms of advertising, promotion or marketing in any and all media.

13. **Thing.** The term "thing" is used in the most comprehensive and inclusive sense permitted by Rule 34 of the Federal Rules of Civil Procedure and includes, but is not limited to, prototypes, models, specimens, or other devices, and commercially manufactured items.

14. **Communications.** The term "communications" means any transmission, conveyance or exchange of information, whether written, oral or by other means.

15. **Identify.** The term "identify" means a detailed description of the person, place, thing or information requested.

16. **Identify (With Respect to Persons).** When referring to a person, “to identify” means to give, to the extent known:

- (a) In the case of a natural person or individual, state:
 - i. the full name of the person;
 - ii. the person’s present business address and business telephone number, or the last known business or current home address and telephone numbers if the present business addresses and telephone numbers are unknown;
 - iii. the person’s current and last known employer or business affiliation; and
 - iv. the person’s current occupation and business position held; and
- (b) In the case of a person that is an entity, state:
 - i. the entity’s full name;
 - ii. the entity’s present business address and telephone number, or the last known such address and telephone number if the present address and telephone number are unknown; and
 - iii. the services it offers and/or the products it manufactures, distributes or sells.

Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

16. **Identify (With Respect to Documents).** When referring to documents, “to identify” means to give, to the extent known:

- (a) the type of document (e.g., letter, photograph, etc.);
- (b) its author(s) or originator(s) including, but not limited to, the names of each and every person who wrote, signed, initialed or otherwise participated in the creation of the document;
- (c) its addressee(s), recipient(s), and any other person(s) to whom it was directed;
- (d) the date it was made;

- (e) its exact language or text (to the best that it can be recalled), subject matter, substance, and content;
- (f) its present location and the identity of the person(s) having possession, custody, or control thereof; and
- (g) if it is no longer in existence or in the party's control, the disposition that was made of it, the circumstances surrounding such disposition and its present location or the location of any copies known to the party.

17. **Identify (With Respect to a Geographic Area).** When referring to a geographic area, the term “identify” means to indicate the state, county, municipality, township, village, or other governmental unit that provides the most specific identification for the geographic area.

18. **State the factual basis.** The phrase “state the factual basis” means identify and describe with particularity the facts and circumstances upon which you rely.

B. Rules of Construction

1. **And/Or.** The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

2. **Plural/Singular.** The plural of a word shall include the singular and the singular of a word shall include the plural.

3. **Verb tense.** The past tense of a verb shall include the present, and the present tense of a verb shall include the past.

C. Instructions

1. No part of an Interrogatory shall be left unanswered merely because an objection is interposed to another part of the request.

2. If any of the Interrogatories cannot be responded to in full, please respond to the extent possible and state with particularity the reason(s) why a more complete response cannot be provided.

3. In answering these Interrogatories, you are required not only to furnish such information as you know of on your own personal knowledge, but also information which is in the possession of your attorneys, investigators, or anyone acting on your behalf or their behalf. If, after having consulted all the aforementioned persons, you are unable to fully answer any interrogatory or portion thereof, describe in detail your efforts to obtain the information sought by the interrogatory or portion thereof.

4. Where an objection is made to any Interrogatory or sub-part thereof, the objection shall state with specificity all grounds on which the objection is based.

5. Where a claim of privilege is asserted in objecting to any Interrogatory or subpart thereof, and a response is not provided on the basis of such assertion:

(a) the attorney asserting the privilege shall, in the objection to the Interrogatory, or sub-part thereof, identify the nature of the privilege (including work product) which is being claimed and if the privilege is being asserted in connection with a claim or defense governed by state law, indicate the state privilege rule being invoked;

(b) the following information shall be provided in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:

i. for documents: (1) the type of document including, the manner of recording or reproduction; (2) the subject matter of the document; (3) the date of the document; (4) the author of the document; (5) the addressee of the document, and, where not apparent, the relationship of the author and addressee to each other; (6) to whom indicated or blind copies of the document are addressed; (7) the number of pages, attachments, or appendices of the document; (8) all persons to whom the document was distributed, shown, or explained; (9) the present custodian of the document; and (10) such other information as is sufficient to identify the document for a subpoena duces tecum; and

ii. for oral communications: (1) the name of the person making the communication and the names of persons present while the communication was made and, where not apparent, the relationship of the persons present to the person making the communication; (2) the date and place of communication; and (3) the subject matter of the communication.

6. Whenever a party answers any interrogatory by reference to records from which the answer may be derived or ascertained:

(a) The specification of documents to be produced shall be in sufficient detail to permit the interrogating party to locate and identify the records and to ascertain the answer as readily as could the party from whom discovery is sought;

(b) The Applicant shall make available any computerized information or summaries thereof that it either has, or can adduce by a relatively simple procedure, unless these materials are privileged or otherwise immune from discovery;

(c) The Applicant shall provide any relevant compilations, abstracts or summaries in its custody or readily obtainable by it, unless these materials are privileged or otherwise immune from discovery; and

d) The documents shall be made available for inspection and copying within five (5) days after service of the answers to interrogatories or at a date agreed upon by the parties.

7. These Interrogatories shall be deemed to be continuing so that any additional documents or things responsive to these Interrogatories which you may acquire, or which may become known to you, shall be furnished to Applicant as required by Federal Rule of Civil Procedure 26(e). Such supplemental information is to be supplied promptly with a designation as the Interrogatory to which it is responsive.

INTERROGATORIES

INTERROGATORY NO. 1: Describe each product or service offered or planned to be offered by Applicant under Applicant's Designation.

INTERROGATORY NO. 2: Describe in detail the process by which Applicant selected and cleared Applicant's Designation for use on clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts.

INTERROGATORY NO. 3: Describe in detail the meaning that Applicant intends to convey to consumers with Applicant's Designation.

INTERROGATORY NO. 4: Describe in detail the basis for the statement in the Application that You had a *bona fide* intent to use Applicant's Designation in commerce with the goods listed in the Application as of the application filing date and identify all documents evidencing Your *bona fide* intent.

INTERROGATORY NO. 5: Describe how and when You first became aware of The Raiders' use of the Opposers' SILVER & BLACK and RAIDER NATION Marks and Registrations.

INTERROGATORY NO. 6: Describe in detail all plans to use Applicant's Designation in the U.S.

INTERROGATORY NO. 7: Describe the geographic locations in the United States where the goods and services marketed and/or sold under Applicants' Designation are or are intended to be offered and sold.

INTERROGATORY NO. 8: Describe in detail the trade channels for each and any of Applicant's goods or services offered or intended to be offered in the U.S. using Applicant's Designation.

INTERROGATORY NO. 9: Describe Applicant's efforts to advertise Applicant's goods or services offered in the U.S. using Applicant's Designation, including all media, whether written or electronic and from whatever source, where Applicant has advertised each and any of Applicant's goods and services in the U.S. using Applicant's Designation.

INTERROGATORY NO. 10: Identify all agreements (including, but not limited to, oral and written licenses, assignments, coexistence agreements, and consents) entered into by Applicant, and/or contemplated or negotiated by Applicant but not consummated, regarding or relating to Applicant's Designation or the goods and services intended to be offered and/or sold using Applicant's Designation.

INTERROGATORY NO. 11: Describe all inquiries to Applicant regarding whether Applicant has any relationship or connection to Opposers, or other reference to similarities with Opposers' SILVER & BLACK and RAIDER NATION Marks, including without limitation all instances of actual consumer confusion or mistake known to Applicant between (1) the source of Applicant's products and services marketed under Applicant's Designation and (2) the source of products and services marketed under Opposers' SILVER & BLACK and RAIDER NATION Marks, or between (1) the affiliation, sponsorship, or association between Applicant, Applicant's Designation, or the goods and services sold or offered for sale using Applicant's Designation and (2) Opposers, Opposers' SILVER & BLACK and RAIDER NATION Marks, or the goods and services offered or sold in connection with Opposers' SILVER & BLACK and RAIDER NATION Marks.

INTERROGATORY NO. 12: Explain in detail all of the reasons why you believe there will be no likelihood of consumer confusion created by the concurrent use of Opposers' SILVER & BLACK and RAIDER NATION Marks and Applicant's Designation.

INTERROGATORY NO. 13: Explain in detail all of the reasons why you believe there will be no dilution created by the concurrent use of the Opposers' SILVER & BLACK and RAIDER NATION Marks and Applicant's Designation.

INTERROGATORY NO. 14: Explain in detail when you first learned that The Raiders intend to move from Oakland, California to Las Vegas, Nevada.

INTERROGATORY NO. 15: State whether your primary business address is located in Las Vegas, Nevada and if it is, state how long your primary business address has been located in Las Vegas, Nevada.

INTERROGATORY NO. 16: Identify each person whom Applicant expects to call as a witness at the trial of this matter and as to each such witness, state the subject matter on which the witness is expected to testify and the substance of the facts as to which the witness is expected to testify. For each witness you expect to call to offer evidence of the kind admissible under Fed. Rules of Evidence 701, 702, 703 and 705, include in your description of the subject matter on which each witness is expected to testify, the substance of the facts to which each such witness is expected to testify, the substance of any opinions to which each such witness is expected to testify, and a summary of the grounds for each such opinion.

Dated: December 3, 2018

Respectfully submitted,

By: /Kristin H. Altoff/
Kristin H. Altoff
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Tel: (202) 739-3000
Fax: (202) 739-3001

Attorneys for Opposers
THE OAKLAND RAIDERS and NFL
PROPERTIES LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposers' First Set of Interrogatories has been sent via email, with consent, on this 3rd day of December, 2018 to:

Joseph Hong
10781 W Twain Avenue
Las Vegas, NV 89135
United States
Yosuphonglaw@gmail.com

/Kristin H. Altoff/

Declaration of Kathryn A. Feiereisel

EXHIBIT 4

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

THE OAKLAND RAIDERS and NFL
PROPERTIES LLC,

Opposers,

v.

JOSEPH HONG,

Applicant.

In re Application Serial No. 87/439,181
Mark: SILVER & BLACK NATION

Published: September 12, 2017
Opposition No. 91238874

OPPOSERS' FIRST SET OF REQUESTS FOR PRODUCTION

Opposers The Oakland Raiders (“The Raiders”) and NFL Properties LLC (“NFLP,” and together with The Raiders, “Opposers”), by and through counsel and pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, request that Applicant, Joseph Hong (“Applicant”), produce for inspection and copying the below-identified documents and things in Applicant’s possession, custody, or control. Production should be made within thirty (30) days of service hereof to the office of Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue, N.W., Washington D.C. 20004, or to such other place as may be mutually agreed upon.

The following Definitions and Instructions apply to each request:

DEFINITIONS AND INSTRUCTIONS

A. Definitions

1. **Document.** The term “document” shall be construed as broadly as it appears in Federal Rule of Civil Procedure 34(a) and includes, but is not limited to, all of the following matter in Applicant’s actual or constructive possession, custody, or control: all written, typed, printed, digitally or electronically recorded, graphic or photographic matter, software, source code, object code, communications including, intra-company or inter-company communications and correspondence, electronic mail, telegrams, and telefaxes, however produced or reproduced,

any notes or drafts, and all copies on which any mark, alteration, writing, or any other change from the original has been made. The term “document” includes, by way of example and not by way of limitation, patents, patent applications, reports, compilations, data, diaries, work papers, graphs, charts, drawings, sketches, directions, instruction books, books and booklets, texts, memoranda, letters and other correspondence, sales and promotional literature, brochures, press releases, forms, written offers for purchase or sale, written contracts, licenses, and sales agreements, ledgers, archive records, minutes or records of meetings, conferences, or telephone conversations including, lists of persons attending the meetings or conferences, legal pleadings or filings, expired files, and information that have been electronically stored or recorded including, voice mail and electronic mail.

2. **Describe.** The term “describe” means to set forth fully and clearly every relevant fact and/or event including, particulars of time, place and manner.

3. **Refer or Relate to.** The phrase “refer or relate to” means pertaining to, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning, or referring to, whether directly or indirectly.

4. **Person.** The term “person” means any natural person or individual, public and/or private corporation, partnership, proprietorship, joint venture, group, division, department, unit, organization, union, federation, government of any kind or type, governmental agency, and any other kind of business, legal or governmental entity or association.

5. **Parties.** The terms “Applicant” “Hong” and “You” shall mean Joseph Hong. “Opposers” shall mean The Oakland Raiders and NFL Properties LLC.

6. **The Raiders.** The term “The Raiders” shall mean the Oakland Raiders professional football club.

7. **Third Parties.** The term “third parties” shall mean all persons, individuals, corporations, partnerships and other entities of any kind which are not parties to this proceeding, including, without limitation, competitors, customers and investors, as well as all persons acting

on behalf of such third parties, including, without limitation, their officers, agents, employees and attorneys.

8. **PTO.** The term “PTO” shall mean the United States Patent and Trademark Office.

9. **Applicant’s Designation.** The phrase “Applicant’s Designation” shall mean the designation identified in Applicant’s application for federal registration, Serial. No. 87/439,181 (SILVER & BLACK NATION), and any variation thereof, alone or in combination with other words and/or design elements.

10. **“Opposers’ SILVER & BLACK and RAIDER NATION Marks” and Registrations.** Unless otherwise indicated, the phrase “Opposers’ SILVER & BLACK and RAIDER NATION Marks” shall mean the family of marks for and containing the phrases SILVER & BLACK and/or RAIDER NATION, including, but not limited to, the marks depicted in U.S. Trademark Registration Nos. 2,716,923, 2,902,616, 2,822,131 and 2,683,107. These registrations are referred to as the “Opposers’ SILVER & BLACK and RAIDER NATION Registrations.”

11. **Use.** The term “use” refers to actual use in commerce as defined in 15 U.S.C. § 1127.

12. **Advertisement.** The term “advertisement” includes brochures, pamphlets, newspaper advertisements, magazine advertisements, television advertisements, digitized or electronic advertising including, World Wide Web pages, radio advertisements, direct mailings, newsletters, promotional materials and all other forms of advertising, promotion or marketing in any and all media.

13. **Thing.** The term “thing” is used in the most comprehensive and inclusive sense permitted by Rule 34 of the Federal Rules of Civil Procedure and includes, but is not limited to, prototypes, models, specimens, or other devices, and commercially manufactured items.

14. **Communications.** The term “communications” means any transmission, conveyance or exchange of information, whether written, oral or by other means.

15. **Identify.** The term “identify” means a detailed description of the person, place, thing or information requested.

16. **Identify (With Respect to Persons).** When referring to a person, “to identify” means to give, to the extent known:

- (a) In the case of a natural person or individual, state:
 - i. the full name of the person;
 - ii. the person’s present business address and business telephone number, or the last known business or current home address and telephone numbers if the present business addresses and telephone numbers are unknown;
 - iii. the person’s current and last known employer or business affiliation; and
 - iv. the person’s current occupation and business position held; and
- (b) In the case of a person that is an entity, state:
 - i. the entity’s full name;
 - ii. the entity’s present business address and telephone number, or the last known such address and telephone number if the present address and telephone number are unknown; and
 - iii. the services it offers and/or the products it manufactures, distributes or sells.

Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

16. **Identify (With Respect to Documents).** When referring to documents, “to identify” means to give, to the extent known:

- (a) the type of document (e.g., letter, photograph, etc.);

(b) its author(s) or originator(s) including, but not limited to, the names of each and every person who wrote, signed, initialed or otherwise participated in the creation of the document;

(c) its addressee(s), recipient(s), and any other person(s) to whom it was directed;

(d) the date it was made;

(e) its exact language or text (to the best that it can be recalled), subject matter, substance, and content;

(f) its present location and the identity of the person(s) having possession, custody, or control thereof; and

(g) if it is no longer in existence or in the party's control, the disposition that was made of it, the circumstances surrounding such disposition and its present location or the location of any copies known to the party.

17. **Identify (With Respect to a Geographic Area).** When referring to a geographic area, the term "identify" means to indicate the state, county, municipality, township, village, or other governmental unit that provides the most specific identification for the geographic area.

18. **State the factual basis.** The phrase "state the factual basis" means identify and describe with particularity the facts and circumstances upon which you rely.

B. Rules of Construction

1. **And/Or.** The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

2. **Plural/Singular.** The plural of a word shall include the singular and the singular of a word shall include the plural.

3. **Verb tense.** The past tense of a verb shall include the present, and the present tense of a verb shall include the past.

C. Instructions

1. No part of a request shall be left unanswered merely because an objection is interposed to another part of the request.

2. If any of the requests cannot be responded to in full, please respond to the extent possible and state with particularity the reason(s) why a more complete response cannot be provided.

3. In answering these requests, you are required not only to furnish such documents and things as you have in your own personal possession, custody or control, but also documents and things which are in the possession, custody or control of your attorneys, investigators, or anyone acting on your behalf or their behalf. If, after having consulted all the aforementioned persons, you are unable to fully respond to any request or portion thereof, describe in detail your efforts to obtain the documents or things sought by the request or portion thereof.

4. Where an objection is made to any request or sub-part thereof, the objection shall state with specificity all grounds on which the objection is based.

5. Where a claim of privilege is asserted in objecting to any request or subpart thereof, and a response is not provided on the basis of such assertion:

(a) the attorney asserting the privilege shall, in the objection to the request, or sub-part thereof, identify the nature of the privilege (including work product) which is being claimed and if the privilege is being asserted in connection with a claim or defense governed by state law, indicate the state privilege rule being invoked;

(b) the following information shall be provided in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:

i. for documents: (1) the type of document including, the manner of recording or reproduction; (2) the subject matter of the document; (3) the date of the document; (4) the author of the document; (5) the addressee of the document, and, where not apparent, the relationship of the author and

addressee to each other; (6) to whom indicated or blind copies of the document are addressed; (7) the number of pages, attachments, or appendices of the document; (8) all persons to whom the document was distributed, shown, or explained; (9) the present custodian of the document; and (10) such other information as is sufficient to identify the document for a subpoena duces tecum; and

ii. for oral communications: (1) the name of the person making the communication and the names of persons present while the communication was made and, where not apparent, the relationship of the persons present to the person making the communication; (2) the date and place of communication; and (3) the subject matter of the communication.

6. In the event that any document called for by these requests has been destroyed in the past three years, that document is to be identified as follows: form (e.g., memorandum, letter), nature (e.g., writing, recording), manner of recording or reproduction, author or preparer or addressor, addressee or recipient, indicated or blind copies, date, subject matter, number of pages, attachments and appendices, all persons to whom distributed, shown or explained, date of destruction, manner of destruction, reason for destruction, person who authorized destruction, person who destroyed the document, and custodian of the document on the date and time of destruction.

7. These requests shall be deemed to be continuing so that any additional documents or things responsive to these requests which you may acquire, or which may become known to you, shall be furnished to Applicant as required by Federal Rule of Civil Procedure 26(e). Such supplemental documents or things are to be supplied promptly with a designation as the request to which it is responsive.

DOCUMENTS AND THINGS TO BE PRODUCED

REQUEST NO. 1: All Documents that refer or relate to Your selection, conception, and/or development of Applicant's Designation, including all documents concerning the reasons Applicant selected Applicant's Designation.

REQUEST NO. 2: All Documents that support Your claim in the Application for Applicant's Designation that You had a *bona fide* intent to use Applicant's Designation in commerce as of the Application filing date for the goods listed in the Application.

REQUEST NO. 3: All Documents relating to your prior sales of "clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts" products.

REQUEST NO. 4: All Documents regarding your ability to manufacture and/or sell "clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts" products.

REQUEST NO. 5: All business plans related to the offering for sale and sale of "clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts" products using Applicant's Designation.

REQUEST NO. 6: Documents sufficient to show all prototypes and mock-ups of packaging and labeling for "clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts" products using Applicant's Designation.

REQUEST NO. 7: All Documents that relate to Your use of Applicant's Designation.

REQUEST NO. 8: All Documents that relate to Your plans to use Applicant's Designation.

REQUEST NO. 9: All Documents that relate to Your plans to offer "clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts" in connection with Applicant's Designation.

REQUEST NO. 10: All Documents that relate to Your plans to advertise or promote the goods identified in the Application in connection with Applicant's Designation.

REQUEST NO. 11: All Documents concerning your awareness of Opposers.

REQUEST NO. 12: All Documents concerning Opposers' SILVER & BLACK and RAIDER NATION Marks and your awareness of Opposers' SILVER & BLACK and RAIDER NATION Marks.

REQUEST NO. 13: All Documents concerning Opposers' SILVER & BLACK and RAIDER NATION Registrations and your awareness of Opposers' SILVER & BLACK and RAIDER NATION Registrations.

REQUEST NO. 14: All Documents concerning Your communications with Opposers relating to Applicant's Designation or "clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts" products.

REQUEST NO. 15: All Documents referring to Opposers.

REQUEST NO. 16: All Documents referencing or relating to any actual confusion between Applicant's Designation and Opposers' SILVER & BLACK and RAIDER NATION Marks.

REQUEST NO. 17: All Documents referencing or relating to any actual confusion between Applicant and Opposers.

REQUEST NO. 18: All Documents that refer or relate to any trademark searches or investigations of any records, including but not limited to, PTO records, state trademark records, trademark or trade publications, business directories, the internet, or the records of any trademark service organization, conducted by or behalf of Applicant in connection with Applicant's Designation.

REQUEST NO. 19: All Documents that refer or relate to the attempted registration of Applicant's Designation.

REQUEST NO. 20: If You intend to rely on a defense of advice of counsel regarding the adoption of the Applicant's Designations, any Documents referring to opinions or advice on the availability of Applicant's Designation for use or registration on "clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts."

REQUEST NO. 21: Any surveys, polls, research, or studies relating to Applicant's Designation or Opposers' SILVER & BLACK and RAIDER NATION Marks.

REQUEST NO. 22: Any surveys, polls, research, or studies regarding likelihood of confusion between Applicant's Designation and any of Opposers' SILVER & BLACK and RAIDER NATION Marks.

REQUEST NO. 23: All Documents that refer or relate to Applicant's intended meaning or the significance of Applicant's Designation.

REQUEST NO. 24: Documents sufficient to show any arrangement or relationship with any other party, proposed or established, for the advertising and distribution of any and all products intended to be sold or distributed in connection with Applicant's Designation.

REQUEST NO. 25: Documents sufficient to identify the channels of trade within which Applicant intends to sell products bearing Applicant's Designation.

REQUEST NO. 26: Documents sufficient to identify the geographic area in which the products bearing Applicant's Designation are intended to be sold.

REQUEST NO. 27: Documents sufficient to identify the demographic of consumers to whom Applicant intends to sell goods bearing Applicant's Designation.

REQUEST NO. 28: Documents sufficient to show Applicant's expenditures to date and planned future expenditures for the advertising or promotion of the goods and services offered or intended to be offered under Applicant's Designation.

REQUEST NO. 29: Documents sufficient to show Applicant's sales, revenues, and profits for all products and services offered in connection with Applicant's Designation.

REQUEST NO. 30: All Documents that reference Opposers' SILVER & BLACK and RAIDER NATION Marks.

REQUEST NO. 31: All documents concerning any contracts, consents, permissions, agreements, assignments, licenses or other transfer of title, or other interest to or from Applicant of any right in or otherwise concerning Applicant's Designation or similar names or marks.

REQUEST NO. 32: All documents sent to or received from any third party (i.e., any person other than Applicant or Opposers) concerning the use by Applicant of Applicant's Designation.

REQUEST NO. 33: All documents concerning comparison between any products or services offered under Opposers' SILVER & BLACK and RAIDER NATION Marks and any products or services offered by Applicant under Applicant's Designation, including, but not limited to, comparisons of artwork, promotional, marketing, or informational material, and signage.

REQUEST NO. 34: All documents concerning any objection, litigation, proceeding or other disputes respecting Applicant's use of, or application for registration of, Applicant's Designation.

REQUEST NO. 35: All documents concerning Your awareness that The Raiders intend to move from Oakland, California to Las Vegas, Nevada.

REQUEST NO. 36: For any expert whose opinions may be presented by Applicant during this proceeding, documents sufficient to show: (i) all opinions that may be presented; (ii) the reasons

and/or bases for any such opinions; (iii) all data or information considered by the witness in forming the opinions; (iv) any exhibits used in support of or summarizing the opinions; (v) the qualifications of the witness including all publications; (vi) the compensation being paid to the witness; and (vii) any cases within the last ten (10) years in which the witness has testified at trial or by deposition in a civil or administrative proceeding.

REQUEST NO. 37: Documents that are identified in response to Opposers' First Set of Interrogatories or that support, refer or relate to Applicant's responses to Opposers' First Set of Interrogatories.

REQUEST NO. 38: All documents Applicant intends to introduce at the time of trial in this matter.

Dated: December 3, 2018

Respectfully submitted,

By: /Kristin H. Altoff/
Kristin H. Altoff
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Tel: (202) 739-3000
Fax: (202) 739-3001

Attorneys for Opposers
THE OAKLAND RAIDERS and NFL
PROPERTIES LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposers' First Set of Requests for Production has been sent via email, with consent, on this 3rd day of December, 2018 to:

Joseph Hong
10781 W Twain Avenue
Las Vegas, NV 89135
United States
Yosuphonglaw@gmail.com

/Kristin H. Altoff/

Declaration of Kathryn A. Feiereisel

EXHIBIT 5

1 JOSEPH Y. HONG, ESQ.
2 Nevada Bar No. 5995
3 HONG & HONG, A Professional Law Corporation
4 1980 Festival Plaza Dr., Suite 650
5 Las Vegas, Nevada 89135
6 Tel: (702) 870-1777
7 Fax: (702) 870-0500
8 Email: Yosuphonglaw@gmail.com

9 Attorney for Joseph Hong

10 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

11 **BEFORE THE TRIAL AND APPEAL BOARD**

12 THE OAKLAND RAIDERS and NFL
13 PROPERTIES, LLC.,

14 Opposers,

15 vs.

16 JOSEPH HONG,

17 Applicant..

)
)
) In re Application Serial No. 87/439,81
) Mark: SILVER & BLACK NATION

)
)
) Published: September 12, 2017
) Opposition No. 91238874
)

18 **APPLICANT'S ANSWERS TO OPPOSERS' FIRST SET OF INTERROGATORIES**

19 TO: The Oakland Raiders and NFL Properties, LLC.; and

20 TO: Kristin H. Altoff, Esq., attorney for the Oakland Raiders and NFL Properties, LLC..

21 COMES NOW Joseph Hong ("Hong"), by and through is attorney of record, JOSEPH Y.
22 HONG, ESQ., pursuant to the applicable rules of the Federal Rules of Civil Procedure, and
23 Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby submits his Answers to
24 Opposers' First Set of Interrogatories as follows:

25 **GENERAL OBJECTIONS**

26 Hong objects to these Interrogatories on the basis that the definition,
27 explanatory note and instructions are so complex, numerous and burdensome that they create an
28 unreasonable and undue burden upon Hong. In addition, the definition, explanatory notes and
instructions cause the Interrogatory to reach on objectionable breadth, ambiguity,
complexity and vagueness, and call for answers which is attorney-client privilege or attorney
work product doctrine, and beyond the permissible scope of discovery.

1 Hong further objects to any answer protected by the attorney-client privilege,
2 or the attorney work product doctrine.

3 Hong further objects to any answer irrelevant to the subject matter of this
4 action and not reasonably calculated to lead to the discovery of admissible evidence.

5 No answer, nor subsequent answer, constitutes a waiver of any other
6 objection pursuant to these Interrogatories, or to other similar Interrogatories that may be
7 propounded at a later time.

8 Subject to the general objections above, Hong submits his answers to each
9 Interrogatory as follows:

10 1.

11 Clothing and legal services.

12 2.

13 Hong has always liked the colors of silver and black. Also, the State of Nevada is called the
14 Silver state.

15 3.

16 Consumers who like the colors of silver and black, and also those that seek legal representation
in Nevada.

17 4.

18 To sell clothing to consumers who like the silver and black colors, and provide legal services to
19 those in need of legal representation in Nevada.

20 5.

21 Hong was never aware that Raiders and/or Opposers used the mark Silver & Black. AS to the
Raider Nation mark, Hong was aware of the use since approximately 20 years ago.

22 6.

23 Same as Answer 4.

24 7.

25 Clothing in the United States and legal services in Nevada.

26 8.

27 Retail stores for the clothing and advertisements, paper and/or internet, for legal services.
28

1 9.
2 None.
3 10.
4 None.
5 11.
6 None.
7 12.
8 Silver and Black Nation is in reference to the colors of silver and black only wherein anyone who
9 likes the colors will not be confused with or believe it is affiliated with the Raider Nation mark.
10 For example, there are many sports teams, like the NBA Spurs, that use the colors silver and
11 black.
12 13.
13 Same as Answer 12.
14 14.
15 Mid to late 2018.
16 15.
17 1980 Festival Plaza Dr., Suite 650, Las Vegas, Nevada 89135 since May of 2018.
18 16.
19 Hong.
20 Hong reserves the right to amend and/or supplement the foregoing answers
21 as discovery continues.
22 DATED this 30th day of January, 2019.
23 Respectfully submitted:
24 /s/ Joseph Y. Hong, Esq.
25 JOSEPH Y. HONG, ESQ.
26 Nevada Bar No. 5995
27 1980 Festival Plaza Dr., Suite 650
28 Las Vegas, Nevada 89135
Attorney for Joseph Hong

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Kristin H. Altoff, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Kristin.altoff@morganlewis.com

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Declaration of Kathryn A. Feiereisel

EXHIBIT 6

1 JOSEPH Y. HONG, ESQ.
2 Nevada Bar No. 5995
3 HONG & HONG, A Professional Law Corporation
4 1980 Festival Plaza Dr., Suite 650
5 Las Vegas, Nevada 89135
6 Tel: (702) 870-1777
7 Fax: (702) 870-0500
8 Email: Yosuphonglaw@gmail.com

9 Attorney for Joseph Hong

10 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

11 **BEFORE THE TRIAL AND APPEAL BOARD**

12 THE OAKLAND RAIDERS and NFL
13 PROPERTIES, LLC.,)

14 Opposers,)

15 vs.)

16 JOSEPH HONG,)

17 Applicant..)

In re Application Serial No. 87/439,81
Mark: SILVER & BLACK NATION

Published: September 12, 2017
Opposition No. 91238874

18 **APPLICANT'S RESPONSES TO OPPOSERS' FIRST SET OF REQUESTS FOR**
19 **PRODUCTION**

20 TO: The Oakland Raiders and NFL Properties, LLC.; and

21 TO: Kristin H. Altoff, Esq., attorney for the Oakland Raiders and NFL Properties, LLC..

22 COMES NOW Joseph Hong ("Hong"), by and through is attorney of record, JOSEPH Y.
23 HONG, ESQ., pursuant to the applicable rules of the Federal Rules of Civil Procedure, and
24 Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby submits his Responses to
25 Opposers' First Set of Requests for Production as follows:

26 **GENERAL OBJECTIONS**

27 Hong objects to these Requests on the basis that the definition,
28 explanatory note and instructions are so complex, numerous and burdensome that they create an
unreasonable and undue burden upon Hong. In addition, the definition, explanatory notes and
instructions cause the Requests to reach on objectionable breadth, ambiguity,
complexity and vagueness, and call for responses which is attorney-client privilege or attorney
work product doctrine, and beyond the permissible scope of discovery.

1 Hong further objects to any response protected by the attorney-client privilege,
2 or the attorney work product doctrine.

3 Hong further objects to any Request irrelevant to the subject matter of this
4 action and not reasonably calculated to lead to the discovery of admissible evidence.
5

6 No response, nor subsequent response, constitutes a waive of any other
7 objection pursuant to these Requests, or to other similar Requests that may be
8 propounded at a later time.

9 Subject to the general objections above, Hong submits his responses to each
10 Request as follows:

11 1.
12 None.

13 2.
14 None.

15 3.
16 None.

17 4.
18 None.

19 5.
20 None.

21 6.
22 None.

23 7.
24 None.

25 8.
26 None.

27 9.
28 None.

1 10.
2 None.
3 11.
4 None.
5 12.
6 None.
7 13.
8 None.
9 14.
10 None.
11 15.
12 None.
13 16.
14 None.
15 17.
16 None.
17 18.
18 Hong is not in possession of any such documents. Rather, Hong's counsel who prepared and
19 submitted the Application is in possession of any such documents.
20 19.
21 Same as Response 18.
22 20.
23 None.
24 21.
25 None.
26 22.
27 None.
28 23.

1 None.
2 24.
3 None.
4 25.
5 None.
6 26.
7 None.
8 27.
9 None.
10 28.
11 None other than the expenditures related to the Application, which are in the possession of
12 Hong's counsel that prepared submitted the Application.
13 29.
14 None.
15 30.
16 None.
17 31.
18 None.
19 32.
20 None.
21 33.
22 None.
23 34.
24 None other than any documents that may be in possession of Hong's counsel's that prepared and
25 submitted the Application.
26 35.
27 None.
28 36.

1 None.

2 37.

3 None.

4 38.

5 None.

6 Hong reserves the right to amend and/or supplement the foregoing responses
7 as discovery continues.

8 DATED this 30th day of January, 2019.

9 Respectfully submitted:

10 */s/ Joseph Y. Hong, Esq.*
11 JOSEPH Y. HONG, ESQ.
12 Nevada Bar No. 5995
13 1980 Festival Plaza Dr., Suite 650
14 Las Vegas, Nevada 89135
15 Attorney for Joseph Hong

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on this 30th day of January, 2018, I served a true copy of the
18 foregoing Responses to Opposers' First Set of Requests for Production by electronic mail, with
19 consent to:

20 Kristin H. Altoff, Esq.
21 Morgan, Lewis & Bockius LLP
22 1111 Pennsylvania Ave., N.W.
23 Washington, D.C. 20004
24 Kristin.altoff@morganlewis.com

25 */s/ Joseph Y. Hong, Esq.*
26 Joseph Y. Hong, Esq.
27
28

EXHIBIT B

Amended Notice of Opposition

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

THE OAKLAND RAIDERS and NFL
PROPERTIES LLC,

Opposers,

v.

JOSEPH HONG,

Applicant.

In re Application Serial No. 87/439,181
Mark: SILVER & BLACK NATION

Published: September 12, 2017
Opposition No. 91238874

AMENDED NOTICE OF OPPOSITION

Opposers The Oakland Raiders and NFL Properties LLC (“Opposers”) believe they will be damaged by registration of the designation SILVER & BLACK NATION shown in Application Serial No. 87/439,181 (“Applicant’s SILVER & BLACK NATION Designation”), filed by Joseph Hong (“Applicant”), a Nevada resident, for use in connection with “Clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts” in Class 25. Opposers hereby oppose registration of Applicant’s SILVER & BLACK NATION Designation under the provisions of Sections 2(d), 13, and 43(c) of the Trademark Act of July 5, 1946 (the “Lanham Act”), 15 U.S.C. §§ 1052(d), 1063, and 1125(c).

As grounds for opposition, Opposers allege that:

1. Opposer The Oakland Raiders (the “Raiders” or “Raiders Club”) is a California partnership, composed of General Partner-A.D. Football Inc., a California corporation, with its principal place of business at 1220 Harbor Bay Parkway, Alameda, California 94502. The Raiders Club owns and operates a professional football team and provides entertainment services to the public in the form of competitive professional football games. The Raiders Club is one of the thirty-two member clubs (the “Member Clubs”) of the National Football League (“NFL”).

2. Opposer NFL Properties LLC (“NFLP”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 345 Park Avenue, New York, New York, 10154. NFLP represents the NFL and its thirty-two Member Clubs for the licensing and protection of their names, logos, symbols, and other identifying marks and is charged with protecting these marks and the rights of the NFL and the Member Clubs with respect thereto.

3. For many years, and long before the May 5, 2017, filing date of Applicant’s intent-to-use application, Opposers have used marks consisting of and containing the phrases SILVER & BLACK and RAIDER NATION (collectively, “Opposers’ SILVER & BLACK and RAIDER NATION Marks”) in connection with their business of organizing, conducting, and promoting the Raiders football franchise.

4. For many years, and long before the May 5, 2017, filing date of Applicant’s intent-to-use application, Opposers and their authorized business partners, sponsors, and/or licensees have used Opposers’ SILVER & BLACK and RAIDER NATION Marks on or in connection with the sale of a wide variety of goods and services related to the business of organizing, conducting, and promoting the Raiders football franchise.

5. Opposers have used and are currently using Opposers’ SILVER & BLACK and RAIDER NATION Marks, individually and together, in connection with apparel and the sale of such apparel online, including as shown below.

http://www.nflshop.com/Oakland_Raiders_T-Shirts/Womens_Oakland_Raiders_NFL_Pro_Line_Black_Hometown_Collecti... Raiders Majestic Safety Blitz Tee Men's Oakland Raiders NFL Pro... Women's Oakland Raiders NF...


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Women's Oakland Raiders NFL Pro Line Black Hometown Collection V-Neck T-Shirt
In Stock - Ready to Ship

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\$29.99



Women's Oakland Raiders Black Red Zone Script V-Neck T-Shirt
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Home > Misc > Raider Image Exclusives > Raiders Majestic Raider Nation IV Tee



Raiders Majestic Raider Nation IV Tee

Product ID: 1001176601

EXCLUSIVE ITEM

\$24.99

SIZE:

SM MD LG XL 2X 3X 4X 5X 6X

SIZE GUIDE

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https://www.raiderimage.com/1001173003.html Raiders Majestic Safety Blitz Tee

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Search for your Raiders gear here...



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Home > Misc > Raider Image Exclusives > Raiders Majestic Raider Nation IV Tee



Raiders Majestic Safety Blitz Tee

Product ID: 1001173003

\$27.99

SIZE:

MD LG XL 2X 3X 4X 5X 6X

SIZE GUIDE

QTY: 1 **ADD TO CART**

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PRODUCT DETAILS SHIPPING RETURN INFO

Show off your Raider Nation pride on game day with the Raiders Majestic Safety Blitz Tee. This tee features distressed, screen printed Raiders' graphics on the chest. 50% cotton, 50% polyester.

Top Destination
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http://www.afshop.com/Oakland_Raiders_Gear/partnerId/143 Oakland Raiders Gear, Raid...

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Men's Oakland Raiders NFL Pro Line Heathered Gray Hometown Collection Long Sleeve T-Shirt
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Women's Oakland Raiders NFL Pro Line by Fanatics Branded Black Spirit Jersey Long Sleeve Lace Up T-Shirt
Your Price: \$69.99



Men's Oakland Raiders Hands High Black/Silver Player Full-Zip Hoodie
Your Price: \$69.99



Oakland Raiders The Northwest Company 46" x 60" 40-Yard Dash Micro Raschel Blanket
Your Price: \$29.99



Men's Oakland Raiders Line by Fanatics B Iconic Collection F Pullover Hoodie
Your Price: \$59



6. In addition to the common law rights in Opposers' SILVER & BLACK and RAIDER NATION Marks, the Raiders Club owns registrations and applications for many of Opposers' SILVER & BLACK and RAIDER NATION Marks used in connection with entertainment services in the form of football games and exhibitions and promotional and merchandising products and services, including, among others, the following registrations issued by the United States Patent and Trademark Office ("PTO"):

Registration Number	Mark	International Class	Date of First Use in Commerce
2,716,923	RAIDER NATION	25	06/01/1995
2,902,616	RAIDER NATION	35, 41	06/01/1995
2,822,131	SILVER & BLACK CLUB	16, 41	08/2001
2,683,107	SILVER & BLACK SHOW	41	07/2000

7. The registrations referenced above are valid and subsisting, in full force and effect, and constitute *prima facie* and/or conclusive evidence of the Raiders Club's exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations.

8. The registrations referenced above are incontestable pursuant to the provisions of Section 15 of the Lanham Act, 15 U.S.C. § 1065, and constitute conclusive evidence of the Raiders Club's exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations.

9. During the longstanding, widespread and continuous use of Opposers' SILVER & BLACK and RAIDER NATION Marks, Opposers and their authorized business partners, sponsors, and licensees have expended considerable time, effort, and money in advertising and

publicizing the sale of goods and services bearing the Opposers' SILVER & BLACK and RAIDER NATION Marks.

10. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing Opposers' SILVER & BLACK and RAIDER NATION Marks in a trading area of broad geographical scope encompassing the United States, including its territories.

11. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing Opposers' SILVER & BLACK and RAIDER NATION Marks in numerous channels of trade.

12. Opposers' SILVER & BLACK and RAIDER NATION Marks are symbolic of the extensive goodwill and consumer recognition that Opposers have established through substantial expenditures of time, effort and other resources in the advertising and promotion of the goods and services Opposers sell and offer for sale under Opposers' SILVER & BLACK and RAIDER NATION Marks.

13. As a result of Opposers' regular, extensive and well-publicized use, Opposers' SILVER & BLACK and RAIDER NATION Marks are famous in the United States and are associated exclusively with Opposers and their high quality goods and services.

14. On May 5, 2017, Applicant filed an intent-to-use application for federal registration of Applicant's SILVER & BLACK NATION Designation shown in Application Serial No. 87/439,181.

15. Applicant's SILVER & BLACK NATION Designation application covers "Clothing, namely, short-sleeved shirts, long-sleeved shirts, sweatshirts, jackets, pants and shorts" in Class 25.

16. Applicant's SILVER & BLACK NATION Designation, Application Serial No. 87/439,181, was published for opposition in the *Official Gazette* on September 12, 2017.

17. The Trademark Trial and Appeal Board extended the opposition period for Applicant's SILVER & BLACK NATION Designation by granting Opposers' timely requests for extensions. The opposition period for Application Serial No. 87/439,181 currently expires on January 10, 2018. Opposers timely file this opposition.

18. Opposers' rights in and to Opposers' SILVER & BLACK and RAIDER NATION Marks are superior to those of Applicant.

19. Opposers' SILVER & BLACK and RAIDER NATION Marks are famous and became famous before the Applicant's filing date or any use of Applicant's SILVER & BLACK NATION Designation.

20. Applicant's application for and any use of Applicant's SILVER & BLACK NATION Designation is without the consent, authorization, or license of Opposers.

21. Upon information and belief, Applicant intends to use Applicant's SILVER & BLACK NATION Designation to trade off of the substantial goodwill associated with Opposers' SILVER & BLACK and RAIDER NATION Marks.

22. The NFL has approved the Raiders Club to relocate from Oakland, California to Las Vegas, Nevada in 2019. Applicant resides in the city of Las Vegas, Nevada and, upon information and belief, intends to use Applicant's SILVER & BLACK NATION Designation in connection with clothing related to the Raiders Club and the team's move to Las Vegas.

23. Applicant did not have a *bona fide* intention to use the SILVER & BLACK NATION Designation in commerce on the specified goods when he filed his application Serial

No. 87/439,181 on May 5, 2017. Because Applicant did not possess a *bona fide* intention to use the SILVER & BLACK NATION Designation, the application is void *ab initio*.

24. Opposers believe they will be damaged by registration of Applicant's SILVER & BLACK NATION Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that the subject designation so resembles Opposers' SILVER & BLACK and RAIDER NATION Marks used by Opposers in the United States as to be likely, when used on or in connection with the goods identified in the application for Applicant's SILVER & BLACK NATION Designation, to cause confusion, mistake or to deceive consumers, with consequent injury to Opposers and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

25. Opposers believe they will be damaged by registration of Applicant's SILVER & BLACK NATION Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, because the use and registration of Applicant's SILVER & BLACK NATION Designation is likely to dilute the distinctive quality of Opposers' famous SILVER & BLACK and RAIDER NATION Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposers believe they will be damaged by registration of Applicant's SILVER & BLACK NATION Designation shown in Application Serial No. 87/439,181 and respectfully request that the registration sought by Applicant be refused.

Dated: April 15, 2019

Respectfully submitted,

By: /s/ Kristin H. Altoff
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