

ESTTA Tracking number: **ESTTA894424**

Filing date: **05/04/2018**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Yeti LLC
Granted to Date of previous extension	05/05/2018
Address	1963 Massachusetts Ave. NE St. Petersburg, FL 33703 UNITED STATES
Attorney information	Nancy Kim Lange, Thomas & Associates LLP 6849 Old Dominion Drive, Suite 225 McLean, VA 22101 UNITED STATES Email: nancy@langethomas.com, george@langethomas.com Phone: 7035061260

Applicant Information

Application No	87649993	Publication date	03/06/2018
Opposition Filing Date	05/04/2018	Opposition Period Ends	05/05/2018
Applicant	Jacksonville Jaguars LLC One EverBank Field Drive Jacksonville, FL 32202 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2017/09/01 First Use In Commerce: 2017/09/01 All goods and services in the class are opposed, namely: shirts
Class 041. First Use: 2017/09/01 First Use In Commerce: 2017/09/01 All goods and services in the class are opposed, namely: entertainment services in the nature of professional football games and exhibitions; providing football entertainment information via a global computer network or a commercial on-line computer service or by cable, satellite, television and radio

Grounds for Opposition

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

U.S. Application No.	87906218	Application Date	
Registration Date	NONE	Foreign Priority	NONE

		Date	
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	Notice of opposition filed.pdf(178080 bytes)
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Signature	/nancymkim/
Name	Nancy Kim
Date	05/04/2018

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

In re Application Serial No.: 87649993

Yeti, LLC)	
)	
v.)	Opposition No. _____
)	
Jacksonville Jaguars LLC)	

NOTICE OF OPPOSITION

Yeti, LLC respectfully submits the following notice of opposition to Application for the mark “#Sacksonville” filed by Jacksonville Jaguars LLC on October 18, 2017 (Serial No. 87649993), and in support of its complaint, alleges and avers the following:

1. Yeti, LLC is a limited liability company incorporated in Michigan, with its principal place of business at 1963 Massachusetts Ave., N.E., St. Petersburg, FL 33703. Dan Skuta is the sole member of Yeti LLC.

2. Mr. Skuta was a professional football player in the National Football League (“NFL”) with the Jacksonville Jaguars LLC (“Jacksonville”) from 2015 to 2016.

3. Mr. Skuta is represented by Wynn Media LLC. In consultation with Wynn Media, in July 2015, Mr. Skuta created the “Sacksonville” name in reference to the defense of Jacksonville. The name “Sacksonville” is a play on the term “sack” for tackling the opposing quarterback for a loss and the name “Jacksonville.”

4. To further efforts to develop exposure of the mark, Mr. Skuta created an Instagram account: @sacksonville. The account has posted continually since July 30, 2015 and the account has more than one thousand (1,000) followers.

5. Mr. Skuta also created an account on twitter.com: @DefendDuval, which uses the Sacksonville name.

6. Mr. Skuta also developed a logo for “Sacksonville.” This was done by retaining a third party company at a cost of approximately \$1,500. The logo has been continuously used for branding social media and merchandise sold online.

7. At the time, Jacksonville Jaguars was aware that Mr. Skuta had developed this logo and intended to use the mark “Sacksonville” to sell merchandise on behalf of his “sack lunch campaign” to donate school lunches to children in need.

8. Although Jacksonville was aware of Mr. Skuta’s effort to market the “Sacksonville” brand, Jacksonville Jaguars never opposed or objected to his use of the mark “Sacksonville.” Instead, Jacksonville Jaguars repeatedly “tagged” his posts and “liked” “Sacksonville” on the Instagram account.

9. Dating back to September 2015, Jacksonville Jaguars have actively supported Mr. Skuta’s effort to pursue his commercial use of the mark “Sacksonville” using Jacksonville Jaguar’s social media account to alert their fans to Sacksonville’s website at www.sacksonville.org.

10. In addition to running a social media account dedicated to the Sacksonville brand, Yeti LLC launched an on-line store where customers can purchase various merchandise with the mark “Sacksonville.” The website can be found at <https://sacksonville-store.myshopify.com/>.

11. The merchandise that Yeti LLC has sold on the Sacksonville Store website include branded t-shirts, tank tops, hats, children’s toys and branded shields, all featuring the Sacksonville name or logo. The amount of revenue that the Sacksonville Store has generated to date is \$3,043.89.

12. In addition to the continuous use of the Sacksonville mark and logo in commerce, Yeti LLC created a charitable foundation that has donated a percentage of the revenue earned from the Sacksonville merchandise in an effort to fight hunger in Jacksonville, Florida.

13. Yeti LLC believes that it will be damaged by registration of the proposed mark “#Sacksonville,” because it will likely cause confusion with regard to the source of the merchandise that is sold and marketed on its on-line Sacksonville Store.

14. Jacksonville Jaguars currently markets its merchandise on its on-line store at www.shop.jaguars.com. Some of the merchandise sold on Jacksonville Jaguar’s website include t-shirts that have the mark “#Sacksonville” printed on them.
<http://shop.jaguars.com/search/sacksonville>.

15. Jacksonville Jaguar’s use of the mark “#Sacksonville” has caused consumers to be confused regarding the source of the merchandise and diverted traffic away from the Sacksonville online store and resulted in a decrease in sales of merchandise. As a result, Yeti LLC has been damaged in lost sales revenue.

16. Yeti LLC also sought to partner with a marketing firm, who was prepared to provide significant resources that will allow the company to grow and market the “Sacksonville” brand. The potential marketing partner, however, expressed hesitation moving forward because of the “#Sacksonville” mark and concern that it might cause confusion with the “Sacksonville” mark and brand.

17. Jacksonville Jaguar’s trademark application states that its first date of use in commerce for the mark “#Sacksonville” was September 1, 2017.

18. Yeti LLC first developed and used the mark “Sacksonville” in July 2015 when it opened the @Sacksonville Instagram account. Yeti LLC first used the mark “Sacksonville” in commerce in August 4, 2015 when it launched the on-line store.

19. Yeti LLC possesses common law rights to the mark “Sacksonville” based upon priority of use.

20. Yeti LLC filed an application with the U.S. Patent and Trademark Office to trademark “Sacksonville” on May 13, 2015 based upon “intent to use.” That application was abandoned for some unknown reason. The mark “Sacksonville” however has been in continuous use in commerce since August 4, 2015.

21. Yeti LLC recently refiled its application to trademark the “Sacksonville” mark with the U.S. Patent and Trademark Office on May 3, 2018. The Serial Number for this application is 87906218.

WHEREFORE, Yeti LLC requests that the Trademark Trial and Appeal Board deny the application for “#Sacksonville” (Serial Number 87649993) by Jacksonville Jaguars and grant Yeti’s application for “Sacksonville” (Serial Number 87906218).

Respectfully submitted,

/nancymkim/

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Counsel for Yeti LLC

Dated: May 4, 2018