

ESTTA Tracking number: **ESTTA1008683**

Filing date: **10/14/2019**

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	San Francisco Giants Baseball Club LLC
Granted to Date of previous extension	10/13/2019
Address	AT&T PARK 24 WILLIE MAYS PLAZA SAN FRANCISCO, CA 94107 UNITED STATES

Attorney information	MARY L. KEVLIN/ JEFFREY CHERY COWAN, LIEBOWITZ & LATMAN P.C. 114 W 47TH ST. NEW YORK, NY 10036 UNITED STATES trademark@cll.com, mlk@cll.com, jyc@cll.com, las@cll.com 2127909200
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Applicant Information

Application No	87881813	Publication date	04/16/2019
Opposition Filing Date	10/14/2019	Opposition Period Ends	10/13/2019
Applicant	Twin Imports LLC P.O. Box 1543 Lakewood, NJ 08701 UNITED STATES		

Goods/Services Affected by Opposition


Class 028. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Toys and playthings, namely, parlor games, checkers games, Chinese checkers games, stacking toys, chess games, board games, and equipment sold as a unit for playing a board game or parlor game with pieces; all of the aforementioned goods excluding online games, electronic games, computer games and game software


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Common law priority and likelihood of confusion

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1010059	Application Date	01/03/1974
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Registration Date	05/06/1975	Foreign Priority Date	NONE
Word Mark	GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1957/00/00 First Use In Commerce: 1957/00/00 ENTERTAINMENT SERVICES IN THE NATURE OF BASEBALL GAMES AND EXHIBITIONS RENDERED LIVE AND THROUGH THE MEDIA OF RADIO AND TELEVISION BROADCASTS		

U.S. Registration No.	1314552	Application Date	10/12/1983
Registration Date	01/15/1985	Foreign Priority Date	NONE
Word Mark	GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1983/03/00 First Use In Commerce: 1983/03/00 Posters [and Cloth Calendars] Class 020. First use: First Use: 1983/05/00 First Use In Commerce: 1983/05/00		

	Seat Cushions Class 024. First use: First Use: 1983/03/00 First Use In Commerce: 1983/03/00 Cloth Pennants and Towels Class 034. First use: First Use: 1983/03/00 First Use In Commerce: 1983/03/00 Cigarette Lighters
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U.S. Registration No.	1340707	Application Date	08/29/1983
Registration Date	06/11/1985	Foreign Priority Date	NONE

Word Mark	GIANTS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 018. First use: First Use: 1983/04/14 First Use In Commerce: 1983/04/14 [Wallets] Class 021. First use: First Use: 1983/02/10 First Use In Commerce: 1983/02/10 Drinking Cups Made of Plastic and Wastebaskets, for Domestic Use Class 025. First use: First Use: 1982/12/28 First Use In Commerce: 1983/12/28 T-Shirts, Sweatshirts, and Athletic Shorts Class 028. First use: First Use: 1983/02/10 First Use In Commerce: 1983/02/10 Baseball Bats and Toy Vehicles
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U.S. Registration No.	1522132	Application Date	07/20/1987
Registration Date	01/24/1989	Foreign Priority Date	NONE


Word Mark	SAN FRANCISCO GIANTS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 1958/00/00 First Use In Commerce: 1958/00/00 ENTERTAINMENT SERVICES IN THE NATURE OF BASEBALL EXHIBITIONS
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U.S. Registration No.	1527781	Application Date	08/08/1988
Registration Date	03/07/1989	Foreign Priority	NONE


		Date	
Word Mark	GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 NOVELTY ITEMS, NAMELY, KEYRINGS Class 009. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [THERMOMETERS] Class 014. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 JEWELRY, NAMELY, LAPEL PINS AND WALLCLOCKS		


U.S. Registration No.	1531352	Application Date	08/08/1988
Registration Date	03/21/1989	Foreign Priority Date	NONE
Word Mark	SAN JOSE GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1988/04/08 First Use In Commerce: 1988/04/08 ENTERTAINMENT SERVICES IN THE NATURE OFBASEBALL EXHIBITIONS		


U.S. Registration No.	1532656	Application Date	08/08/1988
Registration Date	04/04/1989	Foreign Priority Date	NONE
Word Mark	GIANTS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 NOVELTY ITEMS, NAMELY, KEYCHAINS Class 021. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 BEVERAGE CONTAINERS, NAMELY, MUGS AND GLASSES Class 028. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [TOYS AND SPORTING GOODS, NAMELY, DOLLS AND STUFFED ANIMALS]

U.S. Registration No.	1544375	Application Date	04/04/1988
Registration Date	06/20/1989	Foreign Priority Date	NONE


Word Mark	SAN FRANCISCO GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1983/02/00 First Use In Commerce: 1983/02/00 [TRADING CARDS,] STICKERS, [POSTERS,] DECALS, [LABELS, SCORE CARDS, PROGRAMS, SCOREBOOKS, YEARBOOKS AND POSTCARDS] Class 021. First use: First Use: 1983/04/00 First Use In Commerce: 1983/04/00 [PLASTIC COFFEE MUGS] Class 024. First use: First Use: 1983/02/00 First Use In Commerce: 1983/02/00 CLOTH PENNANTS Class 025. First use: First Use: 1983/05/00 First Use In Commerce: 1983/05/00 CLOTHING - NAMELY, T-SHIRTS, [SWEATSHIRTS, JACKETS, SWEATERS, SUN VISORS, HATSAND CAPS]		

U.S. Registration No.	1544379	Application Date	04/08/1988
Registration Date	06/20/1989	Foreign Priority Date	NONE
Word Mark	GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1983/04/00 First Use In Commerce: 1983/04/00 TRADING CARDS, STICKERS, POSTERS, DECALS, [LABELS,] SCORE CARDS, PROGRAMS, SCOREBOOKS, YEARBOOKS [AND POSTCARDS]</p> <p>Class 024. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 CLOTH PENNANTS</p> <p>Class 025. First use: First Use: 1986/07/31 First Use In Commerce: 1986/07/31 CLOTHING - NAMELY, T-SHIRTS, SWEATSHIRTS, JACKETS, [SWEATERS,] SUN VISORS, HAT AND CAPS</p>		


U.S. Registration No.	1547331	Application Date	08/08/1988
Registration Date	07/11/1989	Foreign Priority Date	NONE
Word Mark	SAN JOSE GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1988/04/14 First Use In Commerce: 1988/04/14 [PAPER GOODS AND PRINTED MATTER, NAMELY, SOUVENIR PROGRAMS AND SCORECARDS]</p> <p>Class 020. First use: First Use: 1988/04/14 First Use In Commerce: 1988/04/14 [ORNAMENTAL NOVELTY ITEMS, NAMELY, BUTTONS]</p> <p>Class 024. First use: First Use: 1988/04/14 First Use In Commerce: 1988/04/14 [FABRICS, NAMELY, CLOTH PENNANTS]</p> <p>Class 025. First use: First Use: 1988/04/14 First Use In Commerce: 1988/04/14 CLOTHING, NAMELY, SWEATSHIRTS, T-SHIRTS AND ATHLETIC SHIRTS</p>		

U.S. Registration No.	1661650	Application Date	11/09/1989
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Registration Date	10/22/1991	Foreign Priority Date	NONE
Word Mark	GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1952/00/00 First Use In Commerce: 1952/00/00 PAPER GOODS AND PRINTED MATTER; NAMELY, BUMPER STICKERS, [LAMINATED SIGNS,] DECALS, POSTERS, BASEBALL CARDS, PROGRAM-SAND MAGAZINES RELATING TO BASEBALL, BOOKS RELATING TO BASEBALL, CALENDARS, [BOOK COVERS, COLORING BOOKS,] PLAYING CARDS, BOOKLETS RELATING TO BASEBALL, AND POSTCARDS; PAPER WEIGHTS, PENS, PADS, [LETTER OPENERS,] [PAPER CLIPS,] NOTE PAPER, ERASERS, [PENCIL SHARPENERS,] [UNGRADUATED RULERS,] [FOLDERS AND MARKERS FOR USE IN THE PROMOTION OF A PROFESSIONAL BASEBALL TEAM] * NONE OF THE FOREGOING RELATING TO FOOTBALL OR A FOOTBALL TEAM *</p> <p>Class 025. First use: First Use: 1883/00/00 First Use In Commerce: 1883/00/00 CLOTHING; NAMELY, SHIRTS, SHORTS, [DRESSES, SKIRTS, JOGGING SUITS,] SOCKS, UNDERWEAR, JACKETS, SWEATERS, VESTS, PANTS, PONCHOS, VISORS, [RAINCOATS,] CAPS, BIBS, INFANTWEAR; NAMELY, TWO-PIECE DIAPER SETS; BABY PANTS; BABY BOOTIES; AND SHORT SETS, [COATS,] TIES, [MEN'S AND WOMEN'S FORMALWEAR,] PAJAMAS, SWEATSHIRTS, [MITTENS,] [GLOVES,] KNITTED HEADWEAR, [SCARVES,] HOSIERY, WRISTBANDS, [HEADBANDS, ROBES,] APRONS, [AND SHOES] * NONE OF THE FOREGOING RELATING TO FOOTBALL OR A FOOTBALL TEAM *</p>		


U.S. Registration No.	2529743	Application Date	03/13/2001
Registration Date	01/15/2002	Foreign Priority Date	NONE
Word Mark	GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 CLOTHING, NAMELY, CAPS, HATS, HEADWEAR, SHIRTS, T-SHIRTS, SWEATERS, [TURTLENECKS,] VESTS, SHORTS, BASEBALL UNIFORMS, JERSEYS, SWEATSHIRTS, BOXER SHORTS, SLEEPWEAR, JACKETS, CLOTH BIBS, INFANT WEAR, CLOTH DIAPER SETS WITH UNDERSHIRT</p>		

	AND DIAPER COVER, [ROMPERS,] FOOTWEAR, SOCKS
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U.S. Registration No.	2600709	Application Date	03/20/2001
Registration Date	07/30/2002	Foreign Priority Date	NONE
Word Mark	GIANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 PAPER GOODS AND PRINTED MATTER, NAMELY, TRADING CARDS, [PLAYING CARDS,] POSTERS, STICKERS, DECALS, TEMPORARY TATTOOS, BUMPER STICKERS, SCOREBOOKS, SCORECARDS, GAME PROGRAMS, MAGAZINES AND BOOKS FEATURING BASEBALL, STATIONERY FOLDERS, [PREPRINTED AGENDA ORGANIZERS, AUTOGRAPH BOOKS, BOOK COVERS,] CALENDARS, GREETINGCARDS, BANK CHECKS, [CREDIT CARDS WITHOUT MAGNETIC CODING,] GIFT WRAPPING PAPER, PAPER GIFT AND PARTY BAGS, [PAPER COASTERS, PAPER NAPKINS, PAPER TABLECLOTHS,] LITHOGRAPHS, PAPERWEIGHTS, [LETTEROPENERS,] PENS, PENCILS, [NON-ELECTRICERASERS, AND UNGRADUATED RULERS]</p>		

U.S. Registration No.	2688009	Application Date	04/12/2001
Registration Date	02/18/2003	Foreign Priority Date	NONE
Word Mark	GIANTS		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 041. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 Entertainment services, namely, baseball games, competitions and exhibitions rendered live, through broadcast media including television and radio and via a global computer network or a commercial on-line service; providing and disseminating information in the field of sports, entertainment and related topics, [providing multi-user interactive computer games, all via a global computer network ora commercial on-line service;] education services in the nature of baseball skills programs, seminars and clinics offered live [and through on-line instruction]</p>

U.S. Registration No.	3313920	Application Date	10/10/2005
Registration Date	10/16/2007	Foreign Priority Date	NONE
Word Mark	GIANTS		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 018. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 Athletic bags, overnight bags, backpacks, duffel bags, tote bags, beach bags, lunch totes, knapsacks, [attachÃ© cases, briefcases,] purses, handbags, wal-lets,billfolds, [fanny packs, waist packs,] cosmetic cases sold empty, toiletry cases sold empty, business card cases, luggage, luggage tags, suitcases, um-brellas, dog collars, and dog leashes

U.S. Registration No.	3313921	Application Date	10/10/2005
Registration Date	10/16/2007	Foreign Priority Date	NONE


Word Mark	GIANTS
Design Mark	

Description of Mark	NONE
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Goods/Services	Class 028. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00 Toys and sporting goods, namely, stuffed toys, plush toys, foam toys, foam nov-eltly items, namely, foam fingers, balloons, checker sets, [chess sets, domin-oes,] board games, [card games, playing cards,] dart boards and dart board accessories, namely, darts, dart shafts and dart flights, toy cars and trucks,[toy mobiles,] jigsaw and manipulative puzzles,[yo-yo's,] toy banks, toy figures, toy vehicles, dolls and doll accessories, bobbing head dolls, inflatable baseball bats, decorative wind socks, miniature baseball bats, [mini batting helmet replicas, toy necklaces, miniature toy baseballs,] baseballs, holders for baseballs, auto-graphed baseballs, playground balls,[rubber action balls,] golf balls, golf club head covers, golf club bags, golf putters, billiard accessories, namely,cues, bil-liard balls[baseball bases,] baseball bats, catcher's masks, [batting gloves,] baseball gloves, inflatable toys; costume masks; Christmas tree ornaments, ex-cluding confectionery and illumination articles, and Christmas stockings
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U.S. Registration No.	3320531	Application Date	10/10/2005
Registration Date	10/23/2007	Foreign Priority Date	NONE

Word Mark	GIANTS
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Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 1984/10/09 First Use In Commerce: 1984/10/09 Electrical and scientific apparatus, namely, [radios; pre-recorded videotapes relating to baseball,] pre-recorded videodiscs relating to baseball; [pre-recorded audio discs relating to baseball; compact disc cases; cases for personal digital assistants,] cell phone accessories, namely, cases and face plate covers; [binoculars; calculators; photographic cameras;] electric switch plate covers; luminous signs, neon signs; sunglasses; decorative magnets; [protective helmets, baseball batting helmets, catcher's helmets;] video and computer game cartridges, video and computer game discs, [video and computer game cassettes and video game controllers;] computer accessories, namely, mouse pads and computer game programs</p>

U.S. Registration No.	3797622	Application Date	10/10/2005
Registration Date	06/01/2010	Foreign Priority Date	NONE
Word Mark	GIANTS		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 014. First use: First Use: 1999/01/00 First Use In Commerce: 1999/01/00 Jewelry, namely, bracelets, charms, earrings, rings, necklaces, pendants, watches, costume jewelry, rubber and silicone bracelets and wristbands in the nature of bracelets, medallions, ornamental metal pins, lapel pins, [tie clips, tie fasteners,] cuff links, metal belt buckles of precious metal, [tie tacks, tie pins,] money clips of precious metal, keychains of precious metal, key rings of precious metal, clocks, wall clocks, alarm clocks, [fob watches, clocks incorporated into key chains,] and non-monetary coins of precious metal</p>

U.S. Registration No.	5091843	Application Date	02/10/2015
Registration Date	11/29/2016	Foreign Priority Date	NONE
Word Mark	GIGANTES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 (Based on Use in Commerce) Entertainment services, namely, baseball games, baseball exhibitions; Organizing and conducting an array of athletic events rendered live and recorded for distribution through broadcast media; Production of on-going television programs, internet and radio programs in the field of sports; Providing news, information, podcasts, web casts, online newsletters, and online journals, namely, blogs, all of the foregoing in the field of sports; Organizing community sporting and cultural events; Festivals featuring a variety of sports and entertainment activities; Organizing, arranging, and conducting athlet-</p>		

	ic events; entertainment services in the nature of organizing and conducting community festivals featuring a variety of activities, namely, tailgating events, concerts, sporting events; (Based on Intent to Use) Educational services in the nature of baseball camps, seminars and clinics; Entertainment services, namely, conducting contests, sweepstakes in the field of sports; Entertainment in the nature of live performances by costumed mascots, dance groups, and sports celebrities; Fanclubs
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U.S. Registration No.	5147174	Application Date	02/10/2015
Registration Date	02/21/2017	Foreign Priority Date	NONE
Word Mark	GIGANTES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 Clothing, namely, shirts, athletic uniforms, jerseys; Headwear, bottoms, sleepwear, jackets, infant wear, footwear, socks, hosiery, scarves, gloves		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	The names or marks GIANTS, GIANT and GIGANTES, alone or with other word, letter and/or design elements		
Goods/Services	Baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, toys and sporting goods, including, but not limited to, stuffed toys, plush toys, foam toys, balloons, checker sets, board games, dart boards and dart board accessories, jigsaw and manipulative puzzles, toy banks, toy figures, toy vehicles, dolls and doll accessories, bobbing head dolls, inflatable baseball bats, decorative wind socks, miniature baseball bats, baseballs, holders for baseballs, autographed baseballs, playground balls, golf balls, golf club head covers, golf club bags, golf putters, billiard accessories, baseball bats, catcher's masks, baseball gloves, and inflatable toys; computer games; apparel; paper goods and printed matter; and novelty items		

Attachments	73010057#TMSN.png(bytes) 73447713#TMSN.png(bytes) 73441504#TMSN.png(bytes) 73744790#TMSN.png(bytes) 73744860#TMSN.png(bytes)
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Signature	/Jeffrey Chery/
Name	MARY L. KEVLIN/ JEFFREY CHERY
Date	10/14/2019



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Jeffrey Chery
(212) 790-9263
jyc@cl.com

October 14, 2019

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: San Francisco Giants Baseball Club LLC
Notice of Opposition Against Twin Imports LLC
Application to register
GIANTVILLE
Ref. No. 21307.023

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial No. 87881813 published in the Official Gazette on April 16, 2019. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$400 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Jeffrey Chery/
Jeffrey Chery

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)

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

In re Application Serial No. 87/881,813
Filed: April 18, 2018
For Mark: GIANTVILLE
Published in the Official Gazette: April 16, 2019

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SAN FRANCISCO GIANTS BASEBALL CLUB :
LLC, :
 :
Opposer, :
 :
v. : **NOTICE OF OPPOSITION**
 :
TWIN IMPORTS LLC, :
 :
Applicant. :
-----X

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, San Francisco Giants Baseball Club LLC, a Delaware limited liability company with offices at AT&T Park, 24 Willie Mays Plaza, San Francisco, California 94107 (“Opposer”) believes that it will be damaged by registration of the standard character word mark GIANTVILLE (“Applicant’s Mark”) for “Toys and playthings, namely, parlor games, checkers games, Chinese checkers games, stacking toys, chess games, board games, and equipment sold as a unit for playing a board game or parlor game with pieces; all of the aforementioned goods excluding online games, electronic games, computer games and game software” in International Class 28 as shown in Application Serial No. 87/881,813 (the “Application”), and having been granted extensions of time to oppose up to and including, October 13, 2019, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned SAN FRANCISCO GIANTS MAJOR LEAGUE BASEBALL club.

2. Since prior to April 18, 2018, Applicant's constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names or marks GIANTS, GIANT and GIGANTES, alone or with other word, letter and/or design elements (the "GIANTS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, toys and sporting goods, including, but not limited to, stuffed toys, plush toys, foam toys, balloons, checker sets, board games, dart boards and dart board accessories, jigsaw and manipulative puzzles, toy banks, toy figures, toy vehicles, dolls and doll accessories, bobbing head dolls, inflatable baseball bats, decorative wind socks, miniature baseball bats, baseballs, holders for baseballs, autographed baseballs, playground balls, golf balls, golf club head covers, golf club bags, golf putters, billiard accessories, baseball bats, catcher's masks, baseball gloves, and inflatable toys; computer games; apparel; paper goods and printed matter; and novelty items.

3. Opposer owns U.S. federal registrations for the GIANTS Marks covering goods and services in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 28, 34 and 41; namely, Registration Nos. 1010059; 1314552; 1340707; 1522132; 1527781; 1531352; 1532656; 1544375; 1544379; 1547331; 1661650; 2529743; 2600709; 2688009; 3313920; 3313921; 3320531; 3797622; 5091843 and 5147174. Registration Nos. 1010059; 1314552; 1340707; 1522132; 1527781; 1531352; 1532656; 1544375; 1544379; 1547331; 1661650; 2600709; 2688009; 3313920; 3313921; 3320531 and 3797622 are incontestable.

4. Since prior to April 18, 2018, Applicant's earliest claimed first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have

promoted and advertised the sale and distribution of goods and services bearing or offered in connection with the GIANTS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, toys and sporting goods, including, but not limited to, stuffed toys, plush toys, foam toys, balloons, checker sets, board games, dart boards and dart board accessories, jigsaw and manipulative puzzles, toy banks, toy figures, toy vehicles, dolls and doll accessories, bobbing head dolls, inflatable baseball bats, decorative wind socks, miniature baseball bats, baseballs, holders for baseballs, autographed baseballs, playground balls, golf balls, golf club head covers, golf club bags, golf putters, billiard accessories, baseball bats, catcher's masks, baseball gloves, and inflatable toys; computer games; apparel; paper goods and printed matter; and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of goods and services bearing or offered in connection with the GIANTS Marks, Opposer has built up highly valuable goodwill in the GIANTS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On April 18, 2018, Applicant filed the Application with the United States Patent and Trademark Office (“USPTO”) for Applicant’s Mark for “Toys and playthings, namely, parlor games, checkers games, Chinese checkers games, stacking toys, chess games, board games, and equipment sold as a unit for playing a board game or parlor game with pieces; all of the aforementioned goods excluding online games, electronic games, computer games and game software” in International Class 28, based on intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered by the Application in United States commerce prior to its constructive first use date of April 18, 2018.

8. Applicant's Mark contains the term GIANT, which is identical to certain of Opposer's GIANTS Marks.

9. Applicant's Mark contains the suffix VILLE, which when combined to form Applicant's Mark, GIANTVILLE, could be understood by Opposer's fans to refer to a real or metaphorical place associated with Opposer and its goods and services.

10. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered by Opposer in connection with Opposer's GIANTS Marks.

11. Applicant's Mark so resembles Opposer's GIANTS Marks, as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Jeffrey Chery (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
October 14, 2019

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

By: /Jeffrey Chery/
Mary L. Kevlin NY Bar #1938224, Admitted
1984
Richard S. Mandel
Jeffrey Chery NY Bar #4693701, Admitted
2009

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