

ESTTA Tracking number: **ESTTA1015287**

Filing date: **11/13/2019**

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	Triumph International, Inc.
Granted to Date of previous extension	11/13/2019
Address	1801 CENTURY PARK WEST Ziffren Brittenham LLP c/o John Branca LOS ANGELES, CA 90067 UNITED STATES

Attorney information	Joel R. Feldman Greenberg Traurig, LLP 3333 Piedmont Road NE, Suite 2500 Atlanta, GA 30305 UNITED STATES joel@gtlaw.com, holta@gtlaw.com, vayners@gtlaw.com, smithj@gtlaw.com, atl-trademark@gtlaw.com 6785534778
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Applicant Information

Application No	79255591	Publication date	07/16/2019
Opposition Filing Date	11/13/2019	Opposition Period Ends	11/13/2019
International Registration No.	1458901	International Registration Date	12/14/2018
Applicant	MAJESTY GOLF Co., Ltd. 7FL Meijiseimeikan, 2-1-1, Marunouchi, Chiyoda-ku Tokyo 10 JAPAN		


Goods/Services Affected by Opposition

Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Purses; travelling bags; valises; travelling trunks; bags for sport; umbrellas; parasols; walking sticks
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Sports shoes, other than horse-riding boots; shoes, other than horse-riding boots; socks; sweat-absorbent underclothing; waterproof jackets and pants; sport shirts; sports jackets; sports pants; sports vests; golf cap; cap visor

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. Registration No.	5607371	Application Date	04/03/2015
Registration Date	11/13/2018	Foreign Priority Date	NONE
Word Mark	MJ		
Design Mark			
Description of Mark	The mark consists of the capital letters "M" and "J" with the letter "J" overlapping the letter "M". A crown appears above the letter "J".		
Goods/Services	Class 025. First use: First Use: 2018/06/12 First Use In Commerce: 2018/06/12 Shirts, sweatshirts; headwear		

Attachments	86586734#TMSN.png(bytes) Majesty Golf Notice of Opposition with Exhibit.pdf(552460 bytes)
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Signature	/jrf/
Name	Joel R. Feldman
Date	11/13/2019

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



In the Matter of Application Serial No. 79/255,591:
Published in the *Official Gazette* on July 16, 2019

_____)	
TRIUMPH)	
INTERNATIONAL, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
MAJESTY GOLF CO., LTD.,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer, Triumph International, Inc. (“Triumph”), opposes Majesty Golf Co., Ltd.’s Application Serial No. 79/255,591 (the “Application”) because Triumph will be damaged by the registration of this Application.

The grounds for opposition are:

BACKGROUND

1. Applicant seeks to register the following stylized mark in International Class 18 for purses; travelling bags; valises; travelling trunks; bags for sport; umbrellas; parasols; walking sticks (the “Class 18 Goods”) and in International Class 25 for sports shoes, other than horse-riding boots; shoes, other than horse-riding boots; socks; sweat-absorbent underclothing; waterproof jackets and pants; sport shirts; sports jackets; sports pants; sports vests; golf cap; cap visor (the “Class 25 Goods”):



2. Applicant filed the Application on December 14, 2018 as an extension of International Registration No. 1458901.

OPPOSER'S BACKGROUND

3. Michael Jackson is an internationally-known musician and performer.

4. Michael Jackson began his career in 1969 as a member of The Jackson 5 and in 1979, began his highly-successful 35-year solo career.

5. Triumph, a California corporation, is the Michael Jackson Estate's wholly-owned company, and owns various trademark registrations and license agreements related to Michael Jackson and his brands.

MICHAEL JACKSON'S "KING OF POP" TITLE

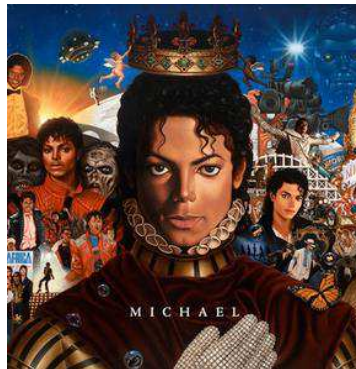
6. As a result of Michael Jackson's commercial success as a pop music superstar, in or around 1989, Elizabeth Taylor referred to Michael Jackson as the "King of Pop, Rock, and Soul" at the Soul Train Awards.

7. Thereafter, the title was shortened to King of Pop and that title was used by others to identify exclusively Michael Jackson. For example, newspaper headlines identified Michael Jackson as the King of Pop, and MTV referenced the King of Pop title when introducing Michael Jackson's music videos.

8. Michael Jackson's King of Pop title has appeared on the pages of almost every printed publication in the United States, along with almost every notable news and entertainment website.

9. Michael Jackson’s King of Pop title is commonly reflected through images of Michael Jackson wearing a crown or sitting in a throne chair incorporating a crown.

10. Michael Jackson is seen wearing a crown in the album cover artwork for the album “Michael”:



11. Despite his death in 2009, Michael Jackson continues to be identified as the King of Pop.

12. Triumph owns U.S. Reg. No. 4,688,888 for KING OF POP in International Class 25 for shirts, socks, and scarves.

THE MJ & CROWN TRADEMARK

13. Michael Jackson, through his company Triumph, used the initials “MJ” to promote his sound recordings, entertainment services, and merchandise.

14. Triumph, through a licensee, has used several logos on souvenir merchandise that incorporate MJ and a crown, including the following items:



15. Triumph owns U.S. Trademark Registration No. 5,607,371 for the following stylized mark (“MJ Crown Design”) in International Class 25 for shirts, sweatshirts; headwear (TSDR records attached as Exhibit 1):



16. Triumph filed its application for the MJ Crown Design on April 3, 2015, and thus has priority in the MJ Crown Design as of April 3, 2015 based on constructive use.

17. The MJ Crown Design incorporates the letters MJ, for Michael Jackson, along with a crown design, which represents Michael Jackson’s King of Pop persona.

PRIORITY AND LIKELIHOOD OF CONFUSION

18. Triumph's rights in the MJ Crown Design predate Applicant's filing date for the Application.

19. The applied-for mark is confusingly similar in sight, sound, and commercial impression to Triumph's MJ Crown Design because both designs incorporate the letters M and J in an interlocking position, and both designs incorporate a crown over the interlocking letters. In addition, the applied-for mark and the MJ Crown Design will be pronounced the same.

20. The Class 18 Goods identified in the application – purses; travelling bags; valises; travelling trunks; bags for sport; umbrellas; parasols; walking sticks – are closely related to the goods identified in U.S. Reg. No. 5,607,371 (shirts, sweatshirts; headwear) because clothing and the Class 18 Goods are complementary goods often sold in the same locations.

21. The Class 25 Goods identified in the Application – sports shoes, other than horse-riding boots; shoes, other than horse-riding boots; socks; sweat-absorbent underclothing; waterproof jackets and pants; sport shirts; sports jackets; sports pants; sports vests; golf cap; cap visor – are legally identical or closely related to the goods identified in U.S. Reg. No. 5,607,371.

22. Applicant's use and registration of the applied-for mark is likely to cause confusion, mistake, and deception regarding the source and origin of Applicant's products within the meaning of 15 U.S.C. §§ 1114 and 1125(a).

23. Applicant's use and registration of the applied-for mark will injure and damage the goodwill symbolized by Triumph's MJ Crown Design mark within the meaning of 15 U.S.C. § 1063(a).

24. Based on the similarity between Applicant's and Triumph's mark and the identity and/or relatedness of Applicant's and Triumph's goods, the public is likely to incorrectly believe

that Applicant's goods branded with the applied-for mark are in some way connected to Triumph. This confusion will cause irreparable damage to Triumph.

25. The Application should not be allowed under 15 U.S.C. § 1052(d), because the applied-for mark resembles a mark previously used in the United States by Triumph and is likely to cause confusion, mistake, or to deceive.

CONCLUSION

26. Opposer requests that this opposition be sustained and registration of Application Serial No. 79/255,591 be refused.

Date: November 13, 2019

Respectfully submitted,
GREENBERG TRAUERIG LLP



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*Attorneys for Opposer
Triumph International, Inc.*

Exhibit 1

BULK DATA: Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

INTERMITTENT SYSTEM ISSUES: Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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Generated on: This page was generated by TSDR on 2019-11-12 20:59:07 EST

Mark: MJ



US Serial Number: 86586734

Application Filing Date: Apr. 03, 2015

US Registration Number: 5607371

Registration Date: Nov. 13, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 13, 2018

Publication Date: Jul. 28, 2015

Notice of Allowance Date: Sep. 22, 2015

Mark Information

Mark Literal Elements: MJ

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the capital letters "M" and "J" with the letter "J" overlapping the letter "M". A crown appears above the letter "J".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.11.02 - Crowns open at the top

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: Shirts, sweatshirts; headwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 12, 2018

Use in Commerce: Jun. 12, 2018

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes
Filed ITU: Yes	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: Triumph International, Inc.

Owner Address: Ziffren Brittenham LLP (c/o John Branca)
1801 Century Park West
Los Angeles, CALIFORNIA UNITED STATES 90067

Legal Entity Type: CORPORATION **State or Country Where Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joel R. Feldman **Docket Number:** 121077.03000

Attorney Primary Email Address: atttrademark@gtlaw.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: JOEL R. FELDMAN
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3333 PIEDMONT RD NE STE 2500
ATLANTA, GEORGIA UNITED STATES 30305-1780

Phone: 678 553 2100 **Fax:** 678 553 2212

Correspondent e-mail: atttrademark@gtlaw.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Oct. 06, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 05, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 22, 2018	STATEMENT OF USE PROCESSING COMPLETE	71034
Sep. 19, 2018	USE AMENDMENT FILED	71034
Sep. 19, 2018	TEAS STATEMENT OF USE RECEIVED	
Feb. 24, 2018	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 23, 2018	EXTENSION 5 GRANTED	71034
Feb. 20, 2018	EXTENSION 5 FILED	71034
Feb. 20, 2018	TEAS EXTENSION RECEIVED	
Sep. 09, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 07, 2017	EXTENSION 4 GRANTED	98765
Sep. 07, 2017	EXTENSION 4 FILED	98765
Sep. 07, 2017	TEAS EXTENSION RECEIVED	
Feb. 28, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 24, 2017	EXTENSION 3 GRANTED	98765
Feb. 24, 2017	EXTENSION 3 FILED	98765
Feb. 24, 2017	TEAS EXTENSION RECEIVED	
Sep. 13, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Sep. 12, 2016	EXTENSION 2 GRANTED	71034
Aug. 15, 2016	EXTENSION 2 FILED	71034
Sep. 09, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Aug. 15, 2016	TEAS EXTENSION RECEIVED	
Mar. 03, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 01, 2016	EXTENSION 1 GRANTED	98765
Mar. 01, 2016	EXTENSION 1 FILED	98765
Mar. 01, 2016	TEAS EXTENSION RECEIVED	
Sep. 22, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 28, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 28, 2015	PUBLISHED FOR OPPOSITION	
Jul. 08, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 20, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jun. 15, 2015	ASSIGNED TO LIE	70633
May 27, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 26, 2015	ASSIGNED TO EXAMINER	76076
Apr. 14, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Apr. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 07, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 05, 2018

Assignment Abstract Of Title Information - None recorded

Proceedings - Click to Load