

ESTTA Tracking number: **ESTTA1096122**

Filing date: **11/18/2020**

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	LBJ Trademarks, LLC
Granted to Date of previous extension	11/18/2020
Address	SUITE 360 3800 EMBASSY PARKWAY AKRON, OH 44333 UNITED STATES
Attorney information	HOWARD J. SHIRE TROUTMAN PEPPER LLP THE NEW YORK TIMES BUILDING 620 EIGHTH AVENUE NEW YORK, NY 10018 UNITED STATES Primary Email: Howard.Shire@troutman.com Secondary Email(s): Vincent.Martell@troutman.com, Lisa.lore@troutman.com, Lori.harrison@troutman.com, nytmdocket@troutman.com 2128082722
Docket Number	

Applicant Information

Application No.	88588812	Publication date	07/21/2020
Opposition Filing Date	11/18/2020	Opposition Period Ends	11/18/2020
International Registration No.	NONE	International Registration Date	NONE
Applicant	Carnival plc 100 HARBOUR PARADE SOUTHAMPTON, HAMPSHIRE, SO151ST UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 Opposed goods and services in the class: sport bags, gym bags, sports bags gymnastic and sporting articles
Class 041. First Use: 0 First Use In Commerce: 0 Opposed goods and services in the class: Providing sports facilities; organizing of sports competitions and sports events; providing facilities for recreational activities; providing facilities for recreation

Grounds for Opposition

False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)
Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act Section 2(c)

Attachments	KJ Carn Opp.pdf(4949608 bytes)
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Signature	/howard j. shire/
Name	HOWARD J. SHIRE
Date	11/18/2020

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

In the Matter of Trademark Application:

Serial No. : 88/588,812
Applicant : Carnival plc
Filed : August 22, 2019
Mark : KING JAMES

LBJ Trademarks, LLC

Opposer,

LeBron James,

Opposer,

v.

Carnival plc,

Applicant.

Opposition No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

LBJ Trademarks, LLC, a Delaware limited liability company with a place of business of 3800 Embassy Parkway, Suite 360, Akron, Ohio 44333 (“LBJ”) and LeBron James, an individual (“LeBron James” or “Opposer”, together with “LBJ”, “Opposers”), believe that they would be damaged by the registration of the mark KING JAMES, U.S. Trademark Application Serial No. 88/588,812 as to the following items listed in the Class 35 identification: “sport bags, gym bags, sports bags, . . . gymnastics and sporting articles

. . .”; and as to the following Class 41 services: “providing sports facilities; organizing of sports competitions and sports events; providing facilities for recreational activities; . . . providing facilities for recreation” (hereinafter collectively referred to as the “Opposed Services”) and hereby oppose the Opposed Services of this application.

As grounds for the United States Patent and Trademark Office (“USPTO”) to refuse registration of the Opposed Services in Application Serial No. 88/588,812 for the mark KING JAMES, Opposers hereby allege:

1. Applicant is a public limited company with a place of business at 100 Harbour Parade Southampton, Hampshire, United Kingdom SO151ST.

2. On August 22, 2019, Applicant filed an application, based on Section 44(d), for the mark KING JAMES, U.S. Trademark Application Serial No. 88/588,812.

3. Said application was published for opposition on July 21, 2020 for various services in Class 35, Class 39, Class 41, Class 43, and Class 44, including the Opposed Services.

4. Opposer LeBron James is the famous professional basketball legend, who is a key star player of the Los Angeles Lakers basketball team, which plays in the National Basketball Association (“NBA”). LeBron James is considered one of the best basketball players in the world and has many achievements to his name.

5. LeBron James has numerous accomplishments, some of which include four NBA championships, four NBA Most Valuable Player Awards, four NBA Finals MVP Awards, and two Olympic gold medals. LeBron James has appeared in fifteen NBA All-Star Games and been named NBA All-Star Most Valuable Player three

times. He has won the 2008 NBA scoring title, is the all-time NBA playoffs scoring leader, and is fourth in all-time career points scored. He has been voted onto the All-NBA First Team twelve times and the All-Defensive First Team five times.

6. LBJ is authorized by LeBron James to own intellectual property, including trademarks associated with LeBron James.

7. Apart from being a world class athlete, LeBron James also is a philanthropist and a businessman. As a businessman, LeBron James has made many lucrative endorsement deals concerning, for example, the use of his name, image, and likeness.

8. Moreover, LeBron James has surpassed almost every other athlete, at least in the United States, in terms of endorsements. LeBron James has utilized his popularity, fame and reputation to its fullest extent by using his name as a trademark and profiting from it through the sale of numerous goods/services.

9. “King James” has been a well-known nickname of LeBron James for many years, well preceding the date Applicant filed its application. The media and basketball fans consistently refer to LeBron James as “King James”, and LeBron James’ Twitter handle is actually @KingJames. King James has therefore become a popular nickname of LeBron James, and is used interchangeably with LeBron James.

10. LeBron James has had a very impressive career and in light of his significant impressive professional success and achievements, he has been extensively covered in various publications and media outlets all over the world, many of which refer to him as “King James”. As a result of this fame and reputation, consumers and the

general public have come to associate the nickname “King James” with LeBron James, and “King James” has come to identify LeBron James.

11. Applicant’s filing of Applicant Serial No. 88/588,812 for KING JAMES in connection with the Opposed Services is without license, authorization or permission from Opposers.

FIRST GROUNDS FOR OPPOSITION
(FALSE SUGGESTION OF CONNECTION WITH LEBRON JAMES)

12. Opposers re-allege the allegations contained in Paragraphs 1 through 11 of this Notice of Opposition.

13. Applicant’s mark is identical to LeBron James’s well-known nickname, “King James”.

14. Because LeBron James is a public figure who is a world famous basketball player, and because “King James” is a well-known nickname for LeBron James, when KING JAMES is used in connection with the Opposed Services, relevant consumers would recognize the mark KING JAMES as unmistakably referring to LeBron James.

15. Opposers are not connected with Applicant or the Opposed Services.

16. LeBron James’s reputation as a world famous basketball player, and the use of “King James” as an identification of LeBron James, are so well known, that when Applicant’s mark is used on the Opposed Services, a connection or association with LeBron James would be presumed by consumers.

17. Opposers will be damaged by Applicant’s registration of the KING JAMES mark as set forth in Application Serial No. 88/588,812 in connection with the

Opposed Services, because that registration would falsely suggest a connection with LeBron James.

18. Applicant's registration of its alleged KING JAMES mark in connection with the Opposed Services would be contrary to 15 U.S.C. § 1052(a) as it may falsely suggest a connection with LeBron James.

SECOND GROUNDS FOR OPPOSITION
(TRADEMARK CONSISTS OF A NAME IDENTIFYING A LIVING
INDIVIDUAL)

19. Opposers re-allege the allegations contained in Paragraphs 1 through 18 of this Notice of Opposition.

20. Applicant's KING JAMES mark consists of a name identifying LeBron James, who is a living individual, and therefore cannot be registered without his written consent.

21. LeBron James is widely known by his nickname KING JAMES, so that when the mark KING JAMES is used in connection with the Opposed Services, purchasers of the Opposed Services would believe that there is a connection or association between LeBron James and the Opposed Services.

22. Moreover, LeBron James has commercially endorsed numerous products and services. Therefore, LeBron James is publicly connected with the Opposed Services.

23. Opposers will be damaged by damaged by Applicant's registration of the KING JAMES mark in connection with the Opposed Services set forth in Application Serial No. 88/588,812, because the alleged mark KING JAMES is a

nickname identifying LeBron James, and any such registration would be without his written consent.

24. Applicant's registration of its KING JAMES mark in connection with the Opposed Services would be contrary to 15 U.S.C. § 1052(c), because it would consist of a name identifying LeBron James, who is a living individual, and would be without his written consent.

25. Opposers are timely filing this Notice of Opposition within the prescribed statutory period.

WHEREFORE, Opposers requests that Application Serial No. 88/588,812 be rejected and refused as to the Opposed Services, that no registration in connection with the Opposed Services be issued to Applicant, and that this opposition be sustained in favor of Opposers.

Respectfully submitted,

Date: November ____, 2020

By: _____
Howard J. Shire, Esq.
Lori E. Harrison, Esq.
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*Counsel for Opposers
LBJ Trademarks, LLC
LeBron James*

CERTIFICATE OF SERVICE

I, Lori E. Harrison, hereby certify that on November ____, 2020, a true and correct copy of the foregoing Notice of Opposition was served via electronic mail, upon the following:

Jeffrey A. Smith, Esq.
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Boulevard
Suite 1400
Arlington, Virginia 22201
Email: smithj@mwzb.com

Attorney for Applicant

By: _____
Lori E. Harrison, Esq.

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24. Applicant's registration of its KING JAMES mark in connection with the Opposed Services would be contrary to 15 U.S.C. § 1052(c), because it would consist of a name identifying LeBron James, who is a living individual, and would be without his written consent.

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Respectfully submitted,

Date: November 18, 2020

By: Howard J. Shire
Howard J. Shire, Esq.
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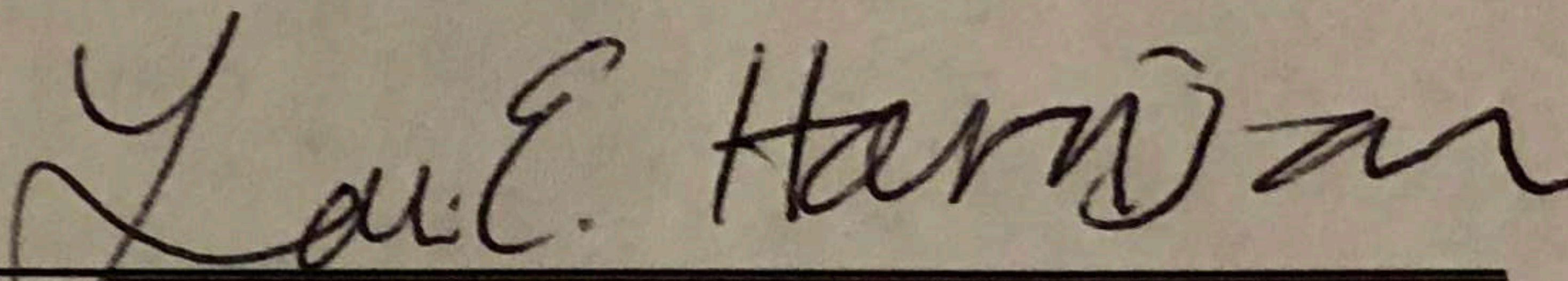
Counsel for Opposers
LBJ Trademarks, LLC
LeBron James

CERTIFICATE OF SERVICE

I, Lori E. Harrison, hereby certify that on November 18, 2020, a true and correct copy of the foregoing Notice of Opposition was served via electronic mail, upon the following:

Jeffrey A. Smith, Esq.
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Attorney for Applicant

By: 
Lori E. Harrison, Esq.