

ESTTA Tracking number: **ESTTA1138658**

Filing date: **06/07/2021**

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	Gravy Keg, LLC
Granted to Date of previous extension	06/05/2021
Address	2511 ESSEX PLACE SUITE 129 CINCINNATI, OH 45206 UNITED STATES
Attorney information	JOHN LOUIS GUELTZOW BECKMAN WEIL SHEPARDSON LLC 895 CENTRAL AVE SUITE 300 CINCINNATI, OH 45202 UNITED STATES Primary Email: trademark@beckman-weil.com Secondary Email(s): jgueltzow@beckman-weil.com 5136212100
Docket Number	

Applicant Information

Application No.	90230757	Publication date	04/06/2021
Opposition Filing Date	06/07/2021	Opposition Period Ends	06/05/2021
Applicant	SPORTS LOGOS INTERNATIONAL LLC STE 200 701 S CARSON ST CARSON CITY, NV 89701 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Hats; Shirts; Shoes; Shorts; Socks; Hoodies; Jackets; Sports jerseys; Sweat jackets; Sweat pants; Sweat shirts; Sweat suits; Track suits

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.	90758198	Application Date	
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	Opposition Filing and Receipt.pdf(1061237 bytes)
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Signature	/John L Gueltzow/
Name	JOHN L GUELTZOW
Date	06/07/2021

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

GRAVY KEG, LLC,)	
)	Opposition No.: _____
Opposer,)	
)	
v.)	Serial No.: 90230757
)	
SPORTS LOGOS INTERNATIONAL LLC,)	Mark: N.J. AMERICANS
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Gravy Keg, LLC, an Ohio limited liability company d/b/a Cincy Shirts and d/b/a Old School Shirts, located and doing business at 2511 Essex Place #129, Cincinnati, Ohio 45206, (“Opposer”), believes that it will be damaged by U.S. Trademark Application Serial No. 90230757



for the mark N.J. AMERICANS (“Applicant’s Application”), submitted by Sports Logos International, LLC (“Applicant”), and therefore opposes same.

As grounds for opposition, it is alleged:

1. By the Applicant’s Application filed on October 1, 2020, Applicant seeks to obtain



registration on the Principal Register of the trademark N.J. AMERICANS (the “Mark”) for “Hats; Shirts; Shoes; Shorts; Socks; Hoodies; Jackets; Sports jerseys; Sweat jackets; Sweat pants; Sweat shirts; Sweat suits; Track suits” in International Class 25.

2. The Applicant’s Application was filed on October 1, 2020 as a 1B Intent to Use Application.

3. Since at least 2011, long before the filing date of the Applicant’s Application, Opposer has been, and still is, engaged in the sale of apparel and promotion of its brands.

4. Opposer has used the identical Mark in commerce since at least September 12, 2019.

5. Opposer has filed its own U.S. Trademark Application, Serial No. 90758198 for registration of the Mark for “Hats; Pants; Scarves; Shirts; Shorts; Socks; Sweatpants; Sweatshirts; Vests; Baby bodysuits; Cloth bibs; Jackets; T-shirts; Tank tops” in International Class 25 (“Opposer’s Application”). A true and correct copy of the Filing Receipt issued by the PTO with the specifics of the Opposer’s Application is attached hereto and made of record. Such information will soon be available in the TSDR database.

6. As shown in Opposer’s Application, since at least September 12, 2019, before the filing date of the Applicant’s Application, Opposer has continuously used and promoted the Mark in interstate commerce in connection with its goods.

7. In addition to the protection Opposer seeks by its federal trademark application, Opposer has common law rights in the Mark throughout the United States, having widely sold and distributed goods bearing the Mark. Opposer relies on its common law trademark rights in the Mark.

8. The Mark is distinctive and has secondary meaning.

9. The Mark for which Applicant seeks registration in Applicant’s Application is identical to the Mark for which Opposer has common law rights and seeks registration in Opposer’s Application.

10. The list of goods identified in Opposer’s Application and with which Opposer has been using the Mark in commerce since at least September 12, 2019, is substantially the same as the list of goods identified in the Applicant’s Application.

11. Opposer’s established use of the Mark in commerce that predates Applicant’s Intent to Use Application, Opposer’s continuous use of the Mark, and Opposer’s Application constitute conclusive evidence of the validity of Opposer’s claim of ownership of the Mark and priority of rights to the Mark.

12. Opposer will be damaged by the registration of the Applicant’s Application in that Opposer has priority rights in the Mark when used on or in connection with the goods as they are identified in the Applicant’s Application.

13. Registration of the Mark pursuant to Applicant’s Application would certainly cause confusion with Opposer’s use of the Mark.

14. In view of Opposer's prior rights in the Mark, Applicant is not entitled to federal registration of the Mark.

WHEREFORE, Opposer prays that Applicant's U.S. Trademark Application Serial No. 90230757 be rejected and stricken, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,
BECKMAN WEIL SHEPARDSON LLC

Dated: June 7, 2021

By: 

Kristen M. Myers
John L. Gueltzow
895 Central Ave., Suite 300
Cincinnati, OH 45202
(513) 621-2100
trademark@beckman-weil.com
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing NOTICE OF OPPOSITION upon Applicant's attorney of record by depositing one copy thereof in the U.S. Mail, first-class postage prepaid, on June 7, 2021, addressed as follows:

Ben Natter
Haug Partners LLP
745 Fifth Avenue
New York, NY 10151



John L. Gueltzow

Filing Receipt for Trademark/Service Mark Application for Registration on the Principal Register and Next Steps in the Application Process

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

1. Your mark. N.J. AMERICANS (stylized and/or with design, MRK706118190-110608872_-_06072021_NJ_Americans_Mark.jpg)

The literal element of the mark consists of N.J. AMERICANS. The applicant is not claiming color as a feature of the mark. The mark consists of Striped banner with a basketball and stars on it with a banner on top that says "N.J. Americans".

2. Your serial number. Your application was assigned serial number '90758198'. You must refer to your serial number in all communications about your application.

3. What happens next—legal examination. Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

4. Keep your addresses current in USPTO records. We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

5. Check your application status in our database every three to four months. To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

6. Warning about private companies offering trademark-related services. Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

7. Questions? Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

8. Application data. If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

9. Provide feedback. How can we improve your filing experience? [Let us know in this brief survey](#).

The information submitted in the application appears below:

PTO- 1478

Approved for use through 05/31/2021. OMB 0651-0009

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Trademark/Service Mark Application, Principal Register

TEAS Plus Application

NOTE: Data fields with the * are mandatory. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	MRK706118190-110608872_-_06072021_NJ_Americans_Mar k.jpg
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	N.J. AMERICANS
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of Striped banner with a basketball and stars on it with a banner on top that says "N.J. Americans".
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	250 x 250
APPLICANT INFORMATION	
*OWNER OF MARK	Gravy Keg, LLC
*MAILING ADDRESS	2511 Essex Place Suite 129
*CITY	Cincinnati
*STATE (Required for U.S. applicants)	Ohio
*COUNTRY/REGION/JURISDICTION/U. S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	45206
PHONE	513-621-2100
*EMAIL ADDRESS	josh@cincyshirts.com
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Ohio
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	025
*IDENTIFICATION	Hats; Pants; Scarves; Shirts; Shorts; Socks; Sweatpants; Sweatshirts; Vests; Baby bodysuits; Cloth bibs; Jackets; T-shirts; Tank tops
*FILING BASIS	SECTION 1(a)

FIRST USE ANYWHERE DATE	At least as early as 09/12/2019
FIRST USE IN COMMERCE DATE	At least as early as 09/12/2019
SPECIMEN FILE NAME(S)	SPE0-706118190-2021060711 0608872754_-_NJ_American s _Shirt.jpg
SPECIMEN DESCRIPTION	Mark on t-shirt taken from screen capture of retail website
WEBPAGE URL	oldschoolshirts.com
WEBPAGE DATE OF ACCESS	06/04/2021
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	John L Gueltzow
ATTORNEY BAR MEMBERSHIP NUMBER	99544
YEAR OF ADMISSION	2020
U.S. STATE/ COMMONWEALTH/ TERRITORY	Ohio
FIRM NAME	Beckman Weil Shepardson LLC
STREET	895 Central Ave. Suite 300
CITY	Cincinnati
STATE	Ohio
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	45202
PHONE	513-621-2100
FAX	513-621-0106
EMAIL ADDRESS	jgueltzow@beckman-weil.com
OTHER APPOINTED ATTORNEY	Kristen M Myers
CORRESPONDENCE INFORMATION	

NAME	John L Gueltzow
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	jgueltzow@beckman-weil.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	trademark@beckman-weil.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	250
*TOTAL FEES DUE	250
*TOTAL FEES PAID	250
SIGNATURE INFORMATION	
* SIGNATURE	/John L Gueltzow/
* SIGNATORY'S NAME	John L Gueltzow
* SIGNATORY'S POSITION	Attorney of Record
SIGNATORY'S PHONE NUMBER	513-621-2100
* DATE SIGNED	06/07/2021
SIGNATURE METHOD	Signed directly within the form

PTO- 1478

Approved for use through 05/31/2021. OMB 0651-0009

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 90758198

Filing Date: 06/07/2021

To the Commissioner for Trademarks:

The applicant, Gravy Keg, LLC, a limited liability company legally organized under the laws of Ohio, having an address of
2511 Essex Place Suite 129
Cincinnati, Ohio 45206
United States
513-621-2100(phone)
josh@cincyshirts.com

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: Hats; Pants; Scarves; Shirts; Shorts; Socks; Sweatpants; Sweatshirts; Vests; Baby bodysuits; Cloth bibs; Jackets; T-shirts; Tank tops

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 09/12/2019, and first used in commerce at least as early as 09/12/2019, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Mark on t-shirt taken from screen capture of retail website.

Specimen-1 [SPE0-706118190-2021060711 0608872754_-_NJ_Americans _Shirt.jpg]

Webpage URL: oldschooishirts.com

Webpage Date of Access: 06/04/2021

The owner's/holder's proposed attorney information: John L Gueltzow. Other appointed attorneys are Kristen M Myers. John L Gueltzow of Beckman Weil Shepardson LLC, is a member of the Ohio bar, admitted to the bar in 2020, bar membership no. 99544, and the attorney(s) is located at

895 Central Ave. Suite 300

Cincinnati, Ohio 45202

United States

513-621-2100(phone)

513-621-0106(fax)

jgueltzow@beckman-weil.com

John L Gueltzow submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

John L Gueltzow

PRIMARY EMAIL FOR CORRESPONDENCE: jgueltzow@beckman-weil.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): trademark@beckman-weil.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$250 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 and was in use in commerce as of the filing date of the application 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 was used on or in connection with the goods/services in the application as of the application filing date; 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 and had a bona fide intention to use the mark in commerce as of the application filing date 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: /John L Gueltzow/ Date: 06/07/2021

Signatory's Name: John L Gueltzow

Signatory's Position: Attorney of Record

Signatory's Phone Number: 513-621-2100

Signature method: Signed directly within the form

Thank you,

The TEAS support team

Mon Jun 07 12:08:23 ET 2021

STAMP: USPTO/FTK-70.61.181.90-20210607120823493819-90758198-

7808dc1797eba354b70d67f4fc9f567d6f9f692d6fcea4416dc86482b779af2834d-CC-08222231-20210607120615940294