

ESTTA Tracking number: **ESTTA1144997**

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

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	Twentieth Century Fox Film Corporation
Granted to Date of previous extension	07/07/2021
Address	10201 WEST PICO BOULEVARD LOS ANGELES, CA 90035 UNITED STATES
Attorney information	JASON M. JOYAL KELLY IP, LLP 1300 19TH STREET, NW, SUITE 300 WASHINGTON, DC 20036 UNITED STATES Primary Email: jason.joyal@kelly-ip.com Secondary Email(s): david.kelly@kelly-ip.com, linda.mcleod@kelly-ip.com, lit-docketing@kelly-ip.com No phone number provided.
Docket Number	

Applicant Information

Application No.	90184889	Publication date	03/09/2021
Opposition Filing Date	07/07/2021	Opposition Period Ends	07/07/2021
Applicant	Trent E Bush 425 TERRACE AVE. BOULDER, CO 80304 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: Anoraks; Baseball caps; Belts; Denim pants; Down jackets; Footwear for men; Footwear for women; Gloves for apparel; Hats; Headwear; Hiking boots; Rainwear; Running shoes; Shoes; Short trousers; Shorts; Ski gloves; Ski wear; Snowboard gloves; Snowboard jackets; Snowboard trousers; Sports jackets; Sports bras; Sweat pants; Sweat shirts; Sweatpants; Sweatshirts; T-shirts; Under garments; Underclothing; Underwear; Wind resistant jackets; Wind-jackets; Woollen socks
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Grounds for Opposition

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

U.S. Registration No.	3952154	Application Date	02/25/2010
Registration Date	04/26/2011	Foreign Priority Date	NONE
Word Mark	THE A-TEAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1983/01/23 First Use In Commerce: 1983/01/23 [Entertainment services in the nature of a television series featuring action, adventure and drama;] providing on-line information in the field of motion picture film and video entertainment featuring action, adventure and drama via the Internet; entertainment services in the nature of non-downloadable videos and images featuring motion picture film and entertainment transmitted via the Internet and wireless communication networks		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	THE A-TEAM		
Goods/Services	Entertainment services; providing on-line information in the field of motion picture film and video entertainment featuring action, adventure and drama via the Internet; entertainment services in the nature of non-downloadable videos and images featuring motion picture film and entertainment transmitted via the Internet and wireless communication networks; films; DVDs; comic books; toys and toy action figures; apparel and clothing; and all other goods and services identified in the Notice of Opposition.		

Attachments	77945477#TMSN.png(bytes) ATEAM Notice of Opposition.pdf(3070893 bytes)
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Signature	/Jason M. Joyal/
Name	JASON M. JOYAL
Date	07/07/2021

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

<p>TWENTIETH CENTURY FOX FILM CORP.,</p> <p style="text-align: right;">Opposer</p> <p style="text-align: center;">v.</p> <p>TRENT E. BUSH,</p> <p style="text-align: right;">Applicant.</p>	<p>Opposition No.:</p> <p>Mark: ATEAM App. No.: 90184889 Filed: Sep. 16, 2020</p>
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NOTICE OF OPPOSITION

Opposer Twentieth Century Fox Film Corporation (“Opposer” or “Fox”) is a corporation of the State of Delaware having a principal place of business at 10201 West Pico Boulevard, Los Angeles, California 90035. Opposer believes that it is being damaged, and will be damaged, by the registration of the ATEAM mark shown in Application Serial No. 90184889 filed by Trent E. Bush (“Applicant”) and hereby opposes the same. As grounds for opposition, Opposer alleges that, upon actual knowledge with respect to Opposer’s own acts, and upon information and belief as to other matters:

Opposer and Its THE A-TEAM Mark

1. Opposer, through itself and its related companies, is one of the world’s leading and largest entertainment and media companies. Opposer routinely offers and sells a wide variety of entertainment products and services, including motion pictures and television series and a wide range of merchandise associated with such motion pictures and television series.

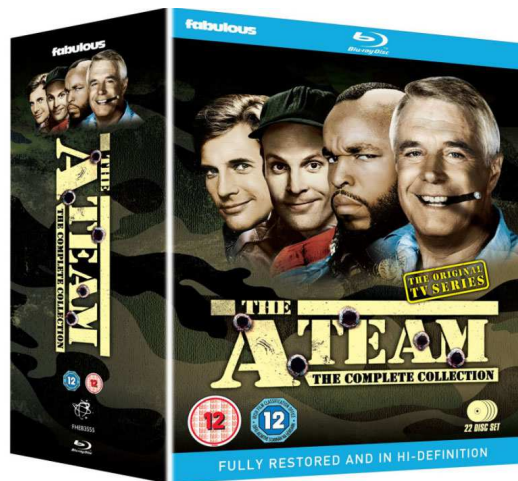
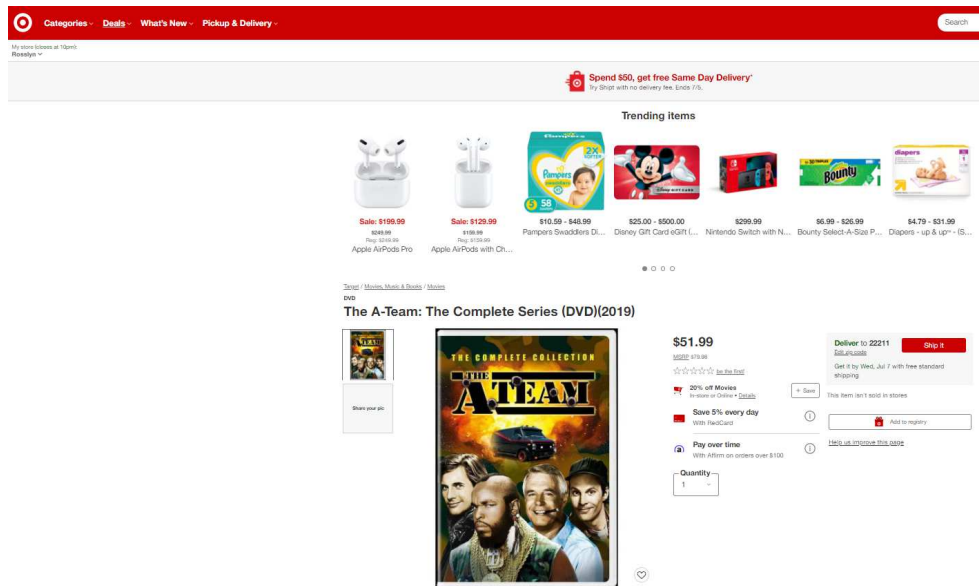
2. Since long before the filing date of the opposed application and any date of first use that may be proven by Applicant, Opposer has used its mark THE A-TEAM, including the stylized versions shown below (collectively, “THE A-TEAM Mark”), in connection with its well-known and successful THE A-TEAM entertainment franchise.



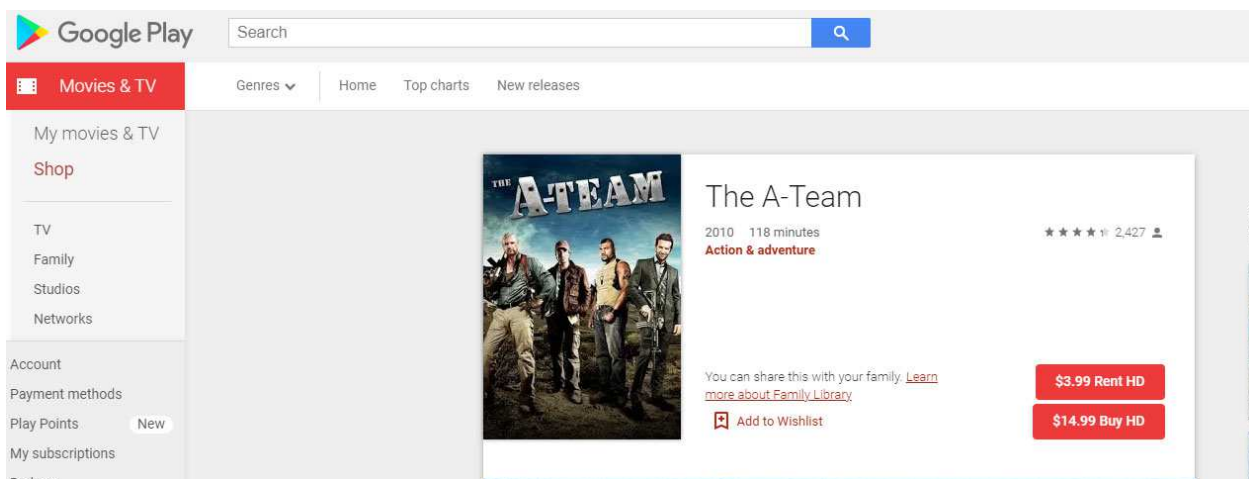
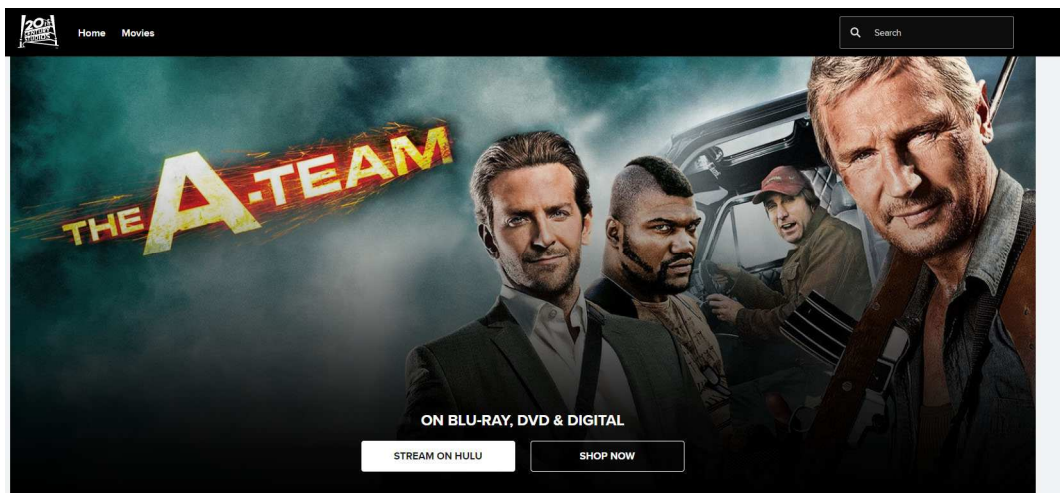
3. Opposer’s THE A-TEAM Mark was first used in 1983 in connection with Opposer’s hit television series *THE A-TEAM*, as pictured below. Starring George Peppard as *John "Hannibal" Smith*, Dirk Benedict as *Lieutenant Templeton "Faceman" Peck*, Dwight Schultz as *Captain H.M. "Howling Mad" Murdock*, and Mr. T as *Sergeant First Class Bosco "B.A."/ "Bad Attitude", Baracus*, *THE A-TEAM* follows four Vietnam War veterans who escaped from a military prison and began working as soldiers of fortune in Los Angeles.



4. *THE A-TEAM* television series was a critically acclaimed success and has enjoyed widespread popularity for many years. It was broadcast during primetime on NBC for five seasons and 98 episodes from 1983 to 1987. During that time it was one of television's highest rated television series and was nominated for three Emmy Awards. *THE A-TEAM* television series continues to be broadcast in syndication on major cable and satellite networks today, and the complete series is available for purchase on DVD and Blu-Ray at national retailers such as Target and for viewing by instant streaming on amazon.com and other sources, as shown in the examples below.



5. Following the success of *THE A-TEAM* television series, in 2010, Opposer released the feature film *THE A-TEAM* based on the hit *THE A-TEAM* television series. *THE A-TEAM* film starred Academy Award-nominated actors Liam Neeson as Hannibal and Bradley Cooper as Faceman, and featured Quinton Jackson as B.A. Baracus, and Sharlto Copley as Murdock, as shown below. The 2010 film grossed tens of millions of dollars in North America alone and is available on DVD and Blu-Ray at national retailers such as Best Buy, and for viewing by instant streaming on Hulu, amazon.com, Google Play, and other sources, as shown in the examples below.



The A-Team [Blu-ray] [2010]
 SKU: 6167108 Release Date: 06/03/2010 Rating: PG-13
 ★★★★★ 4.4 (542 Reviews)

UNRATED EXTENDED CUT
 INCLUDES 2 VERSIONS: UNRATED & THEATRICAL

THE A-TEAM

"THE BEST ACTION FILM IN YEARS!"

Price Match Guarantee
\$9.99

15-DAY FREE & EASY RETURNS
 You get 15 days to return or exchange this item. Learn more.

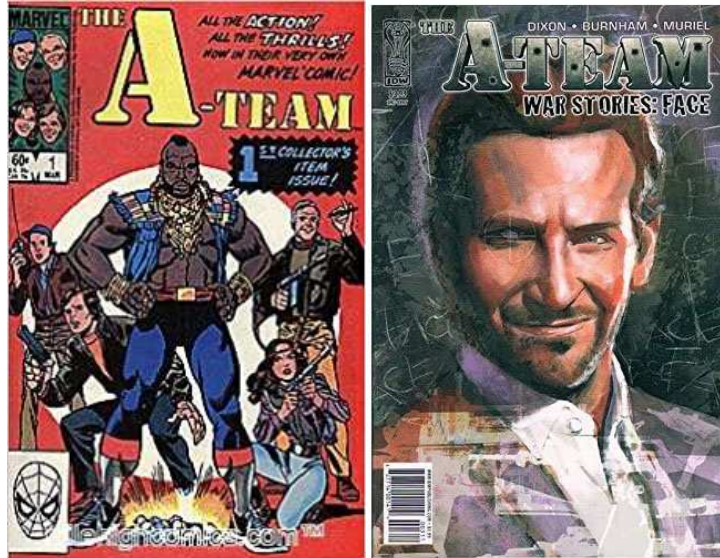
Format:
 Blu-ray

Sold Out

Compare Save

Cardmember Offers
 Get rewards

6. Opposer, including through its affiliates and licensees, has also used THE A-TEAM Mark in connection with a series of comic books that accompanied the release of *THE A-TEAM* television series in 1983, and with the 2010 *THE A-TEAM* film, as shown in the examples below. These comic books are still available for purchase today as collector items, including in comic book stores and online.



7. Consistent with Opposer's long history of widely using and licensing its television and film properties, since before the filing date of the opposed application and any date of first use that may be proven by Applicant, Opposer has used and/or licensed THE A-TEAM mark for a variety of merchandise including, but not limited to, apparel and toy action figures, as shown in the examples below.

Retro A-Team Shirt

Product Sku: ATM006



80sTV > A Team > Mr T

Maybe You Can Hire The A-Team Shirt

Product Sku: ATM005





8. In addition to its longstanding common law rights, Opposer owns the following United States trademark registration for THE A-TEAM Mark (a printout from the USPTO TESS/TSDR database is attached as Exhibit A).

Mark	Reg. No. Reg. Date	Goods (First Use in Commerce)
THE A-TEAM	3952154 Apr. 26, 2011	Providing on-line information in the field of motion picture film and video entertainment featuring action, adventure and drama via the Internet; entertainment services in the nature of non-downloadable videos and images featuring motion picture film and entertainment transmitted via the Internet and wireless communication networks in Cl. 41 First Use in Commerce: 01-23-1983

The registration above is valid, subsisting, and incontestable and thus constitutes conclusive evidence of Opposer’s ownership of and exclusive rights to use THE A-TEAM Mark in connection with the services recited in the registration.

9. The goods and services described in Paragraphs 2-8 above are collectively referred to as the “Opposer’s Goods and Services.”

10. Through its long use of THE A-TEAM Mark, great commercial success under that mark, substantial advertising and promotion under that mark, and extensive media attention and publicity under that mark, Opposer has developed valuable goodwill in its THE A-TEAM Mark, and it has long been well-known.

Applicant and Its ATEAM Mark

11. Applicant is an individual with an address of 425 Terrace Ave, Boulder, Colorado 80304.

12. Applicant is the listed owner of Application Serial No. 90184889 (the "Application"), filed on September 16, 2020, under Section 1(b), 15 U.S.C. § 1051(b), for the mark ATEAM ("Applicant's Mark") for "Anoraks; Baseball caps; Belts; Denim pants; Down jackets; Footwear for men; Footwear for women; Gloves for apparel; Hats; Headwear; Hiking boots; Rainwear; Running shoes; Shoes; Short trousers; Shorts; Ski gloves; Ski wear; Snowboard gloves; Snowboard jackets; Snowboard trousers; Sports jackets; Sports bras; Sweat pants; Sweat shirts; Sweatpants; Sweatshirts; T-shirts; Under garments; Underclothing; Underwear; Wind resistant jackets; Wind-jackets; Woollen socks" in Class 25 ("Applicant's Goods").

Likelihood of Confusion, 15 U.S.C. § 1052(d)

13. Opposer repeats and realleges each and every allegation set forth above.

14. Opposer has priority based on its on its pleaded valid and subsisting prior-issued registration for THE A-TEAM Mark and on its prior use in commerce of Opposer's THE A-TEAM Mark in connection with Opposer's Goods and Services before the filing date of the Application, and any date of first use that may be proved by Applicant.

15. Applicant's Mark is virtually identical in sound, appearance, connotation,

and overall commercial impression to Opposer's THE A-TEAM Mark.

16. Applicant's Goods are identical or related to Opposer's Goods and Services.

17. Applicant's Mark so resembles Opposer's THE A-TEAM Mark as to be likely, when registered and used in connection with Applicant's Goods, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it will be damaged by the registration of the mark shown in Application Serial No. 90184889, and requests that the opposition be sustained on all grounds, and that registration to Applicant be refused.

A filing fee has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 506154.

Respectfully submitted,

Dated: July 7, 2021

By: /Jason M. Joyal/

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Attorneys for Opposer

Twentieth Century Fox Film Corporation

EXHIBIT A

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Mark: THE A-TEAM

THE A-TEAM

US Serial Number: 77945477

Application Filing Date: Feb. 25, 2010

US Registration Number: 3952154

Registration Date: Apr. 26, 2011

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 02, 2017

Publication Date: Jul. 13, 2010

Notice of Allowance Date: Sep. 07, 2010

Mark Information

Mark Literal Elements: THE A-TEAM

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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: [Entertainment services in the nature of a television series featuring action, adventure and drama;] providing on-line information in the field of motion picture film and video entertainment featuring action, adventure and drama via the Internet; entertainment services in the nature of non-downloadable videos and images featuring motion picture film and entertainment transmitted via the Internet and wireless communication networks

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 23, 1983

Use in Commerce: Jan. 23, 1983

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: Twentieth Century Fox Film Corporation

Owner Address: 10201 West Pico Boulevard
Los Angeles, CALIFORNIA UNITED STATES 90035

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Scott L. Whiteleather
Attorney Primary Email Address: trademarks@disney.com
Docket Number: 81077622-US
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Scott L. Whiteleather
The Walt Disney Company
500 South Buena Vista Street
IP Department - Trademark Group
Burbank, CALIFORNIA UNITED STATES 91521
Phone: 818-560-1000
Correspondent e-mail: trademarks@disney.com
Fax: 818-848-6424
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 20, 2021	TEAS SECTION 8 & 9 RECEIVED	
Apr. 26, 2020	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 02, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 02, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76873
Jun. 02, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Apr. 18, 2017	TEAS SECTION 8 & 15 RECEIVED	
Apr. 18, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 26, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Apr. 26, 2011	REGISTERED-PRINCIPAL REGISTER	
Mar. 22, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 20, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
Mar. 18, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 25, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 24, 2011	STATEMENT OF USE PROCESSING COMPLETE	61813
Feb. 04, 2011	USE AMENDMENT FILED	61813
Feb. 24, 2011	EXTENSION 1 GRANTED	61813
Feb. 04, 2011	EXTENSION 1 FILED	61813
Feb. 24, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Feb. 04, 2011	TEAS EXTENSION RECEIVED	
Feb. 04, 2011	TEAS STATEMENT OF USE RECEIVED	
Sep. 07, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 13, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 13, 2010	PUBLISHED FOR OPPOSITION	
Jun. 05, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Jun. 05, 2010	ASSIGNED TO LIE	74221
May 21, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 13, 2010	ASSIGNED TO EXAMINER	72156
Mar. 03, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 01, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location: Jun. 02, 2017