

ESTTA Tracking number: **ESTTA1181589**

Filing date: **12/29/2021**

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	Caesars License Company, LLC
Granted to date of previous extension	12/29/2021
Address	ONE CAESARS PALACE DRIVE LAS VEGAS, NV 89109 UNITED STATES
Attorney information	JEFFREY P. DUNNING GREENBERG TRAUIG, LLP 77 W. WACKER DRIVE SUITE 3100 CHICAGO, IL 60601 UNITED STATES Primary email: chiipmail@gtlaw.com Secondary email(s): dunningj@gtlaw.com, matthewsk@gtlaw.com, janetyler@caesars.com, brousseauj@gtlaw.com 312.456.8400
Docket no.	113932.01740

Applicant information

Application no.	90469655	Publication date	08/31/2021
Opposition filing date	12/29/2021	Opposition period ends	12/29/2021
Applicant	Caesar Apparel LLC 3940 LAUREL CANYON BLVD., #1497 STUDIO CITY, CA 91604 UNITED STATES		

Goods/services affected by opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Jewelry; Watches
Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Umbrellas; Handbags, purses and wallets
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Footwear; Headwear; Bottoms as clothing; Knit face masks being headwear; Tops as clothing

Grounds for opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
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False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Section 2(a)
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Marks cited by opposer as basis for opposition

U.S. registration no.	1527770	Application date	09/18/1987
Register	Principal		
Registration date	03/07/1989	Foreign priority date	NONE
Word mark	CAESARS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 006. First use: First Use: 1985/08/16 First Use In Commerce: 1985/08/16 KEY CHAINS OF METAL AND MONEY CLIPS</p> <p>Class 008. First use: First Use: 1987/03/02 First Use In Commerce: 1987/03/02 [POCKET KNIVES]</p> <p>Class 009. First use: First Use: 1986/03/12 First Use In Commerce: 1986/03/12 [SUNGLASSES]</p> <p>Class 014. First use: First Use: 1985/01/05 First Use In Commerce: 1985/01/05 [WATCHES, CLOCKS,] JEWELRY, NAMELY PINS</p> <p>Class 016. First use: First Use: 1987/02/28 First Use In Commerce: 1987/02/28 PLAYING CARDS, COMBINATION APPOINTMENT AND ADDRESS BOOKS</p> <p>Class 018. First use: First Use: 1984/07/23 First Use In Commerce: 1984/07/23 [SUIT BAGS,] TOTE BAGS, [ATTACHE CASES, PORTFOLIO CASES, WAL- LETS, PASSPORT CASES, CARD CASES,] HAND BAGS, AND TRAVEL TOI- LETRY CASES</p> <p>Class 021. First use: First Use: 1984/09/20 First Use In Commerce: 1984/09/20 MUGS, STEINS, [NON-PAPER COASTERS,] BOTTLE OPENERS, [SHOE HORNS,] DECANTERS, GLASSES [AND ICE BUCKETS]</p> <p>Class 024. First use: First Use: 1985/07/11 First Use In Commerce: 1985/07/11 BLANKETS AND TOWELS</p> <p>Class 025. First use: First Use: 1984/04/02 First Use In Commerce: 1984/04/02 CLOTHING, NAMELY VISORS, CAPS, SWEAT SHIRTS, T-SHIRTS, JACK- ETS, ROBES, [JEANS,] SHORTS, TOPS, FOOTWEAR, SWEATERS, [SKIRTS,] DRESSES, [JUMPSUITS,] WARM-UPSUITS, [SWIMWEAR, SCARVES, BELTS,] AND SOCKS</p> <p>Class 026. First use: First Use: 1985/12/03 First Use In Commerce: 1985/12/03 [BELT BUCKLES NOT MADE OF PRECIOUS METALS]</p> <p>Class 034. First use: First Use: 1986/08/19 First Use In Commerce: 1986/08/19 CIGARETTE LIGHTERS AND ASHTRAYS</p>		

U.S. registration no.	1527771	Application date	09/18/1987
Register	Principal		
Registration date	03/07/1989	Foreign priority date	NONE
Word mark	CAESARS		

Design mark	
Description of mark	NONE
Goods/services	<p>Class 006. First use: First Use: 1985/08/16 First Use In Commerce: 1985/08/16 KEY CHAINS OF METAL AND MONEY CLIPS</p> <p>Class 008. First use: First Use: 1987/02/03 First Use In Commerce: 1987/02/03 [POCKET KNIVES]</p> <p>Class 009. First use: First Use: 1986/03/12 First Use In Commerce: 1986/03/12 [SUNGLASSES]</p> <p>Class 014. First use: First Use: 1985/01/05 First Use In Commerce: 1985/01/05 [WATCHES, CLOCKS, AND] JEWELRY, NAMELY PINS</p> <p>Class 016. First use: First Use: 1987/02/28 First Use In Commerce: 1987/02/28 PLAYING CARDS [AND COMBINATION APPOINTMENT AND ADDRESS BOOKS]</p> <p>Class 018. First use: First Use: 1984/07/23 First Use In Commerce: 1984/07/23 [SUIT BAGS, TOTE BAGS, ATTACHE CASES, PORTFOLIO CASES, WAL-LETS, PASSPORT CASES, CARD CASES,] HAND BAGS AND TRAVEL TOILETRY * CASES *</p> <p>Class 021. First use: First Use: 1984/09/20 First Use In Commerce: 1984/09/20 MUGS, STEINS, [NON-PAPER COASTERS,] BOTTLE OPENERS, [SHOE HORNS,] DECANTERS, GLASSES, [AND ICE BUCKETS]</p> <p>Class 024. First use: First Use: 1985/07/11 First Use In Commerce: 1985/07/11 BLANKETS AND TOWELS</p> <p>Class 025. First use: First Use: 1984/04/02 First Use In Commerce: 1984/04/02 CLOTHING, NAMELY VISORS, CAPS, SWEAT SHIRTS, T-SHIRTS, JACKETS, ROBES, [JEANS,] SHORTS, TOPS, FOOTWEAR, SWEATERS, [SKIRTS,] DRESSES, [JUMPSUITS,] WARM-UPSUITS, [SWIMWEAR, SCARVES, BELTS,] AND SOCKS</p> <p>Class 026. First use: First Use: 1985/12/03 First Use In Commerce: 1985/12/03 [BELT BUCKLES NOT MADE OF PRECIOUS METALS]</p> <p>Class 034. First use: First Use: 1986/08/19 First Use In Commerce: 1986/08/19 CIGARETTE LIGHTERS AND ASHTRAYS</p>

U.S. registration no.	954684	Application date	01/19/1972
Register	Principal		
Registration date	03/06/1973	Foreign priority date	NONE
Word mark	CAESARS		
Design mark			
Description of mark	NONE		
Goods/services	Class 041. First use: First Use: 1966/08/05 First Use In Commerce: 1966/08/05 PROVIDING HEALTH CLUBS, NIGHT CLUB ENTERTAINMENT, [TENNIS INSTRUCTION,]AND CASINO SERVICES		

U.S. registration no.	4556737	Application date	11/20/2012
Register	Principal		
Registration date	06/24/2014	Foreign priority date	NONE
Word mark	CAESARS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 041. First use: First Use: 2013/11/21 First Use In Commerce: 2013/11/21 Entertainment services, namely, providing online electronic wagering games, computer games, games of chance and wagering games through a computer, social networking or mobile platform; on-line casinoservices; betting and gambling servicesin the nature of interactive real time gambling, namely, poker, slot games, video gaming and casino type games, all of the foregoing transmitted via a global computer network, via social networking and via mobile phones, personal electronic devices, and portable electronic game systems and game platforms; providing gambling information relating to interactive real time gambling services all via a global computer network, via social networking and via mobile phones, personal electronic devices and portable electronic game systems; entertainment services,namely, arranging and conducting interactive peer to peer gambling competitionsvia global computer network, via socialnetworking and via mobile phones, personal electronic devices, and portable electronic game systems; organizing and conducting tournaments and other games of chance via a global computer network, via social networking and via mobile phones, personal electronic devices, and portable electronic game systems; organizing and conducting tournaments and other games of chance via a global computer network, via social networking and via mobilephones, personal electronic devices, and portable electronic game systems; providing casino and gaming services by means of websites and a global computer network; betting services, namely, online gambling and gambling consulting services relating to casino type games; providingeducational information in the field of on-line computer games, on-line card games and on-line casino games via a global computer network</p>		

U.S. registration no.	983525	Application date	04/03/1973
Register	Principal		
Registration date	05/07/1974	Foreign priority date	NONE
Word mark	CAESARS		
Design mark			
Description of mark	NONE		

Goods/services	Class 042. First use: First Use: 1966/08/05 First Use In Commerce: 1966/08/05 HOTEL, RESTAURANT, BABY SITTING, CONVENTION FACILITY, BEAUTY, AND BARBER SHOP SERVICES
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Attachments	73684986#TMSN.png(bytes) 85784404#TMSN.png(bytes) Notice of Opposition 90469655.pdf(149139 bytes)
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Signature	/Jeffrey P. Dunning/
Name	JEFFREY P. DUNNING
Date	12/29/2021

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

In the Matter of Trademark Application No. 90469655



Mark: CAESAR ATHLETICS
Published August 31, 2021

CAESARS LICENSE COMPANY, LLC,)	
)	OPPOSITION NO.
Opposer,)	
)	
v.)	
)	
CAESAR APPAREL LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Caesars License Company, LLC (“CLC”), a Nevada limited liability company having a place of business at One Caesars Palace Drive, Las Vegas, NV 89109, asserts that it will be damaged by the registration of U.S. Trademark Application No. 90469655 for the device mark



CAESAR ATHLETICS (the “CA Application”), and hereby opposes registration of that mark. The grounds for the opposition are as follows:

The CAESARS Trademarks


1. CLC is the owner of the world-famous trademark CAESARS® (the “CAESARS Mark”), which has achieved a significant level of fame in the United States and worldwide as a result of CLC’s and its predecessors’ exclusive and long-standing use of that mark in association

with casino and betting services, hotel services, entertainment services, and bar and restaurant services, together with the sale of a wide variety of branded goods associated with the CAESARS® brand.

2. CLC and its predecessors have used the CAESARS Mark continuously in the United States since the opening of the world-famous Caesars Palace casino and hotel in Las Vegas in 1966. In addition to Caesars Palace, CLC uses the CAESARS Mark in U.S. commerce in connection with the operation of its Caesars Atlantic City and Caesars Southern Indiana casino hotels. CLC also uses and has applied to register the mark CAESARS SPORTSBOOK in connection with online and land-based sports betting services provided in 20 states and jurisdictions.

3. In addition, the CAESARS Mark is used on a wide variety of merchandise sold at casino and hotel properties operated by CLC’s affiliated companies, including key chains, pins, playing cards, tote bags, hand bags, travel toiletry cases, mugs, glasses, blankets, towels, clothing, and footwear, among others.

4. Among its many U.S. federal trademark registrations for the CAESARS Mark, CLC owns the following registrations among numerous others (the “CLC Registrations”):

REG. NO.	MARK	RELEVANT CLASSES / GOODS
1527770	CAESARS	Class 14: Jewelry, namely pins
1527771		Class 18: Tote bags, hand bags, and travel toiletry cases Class 25: Clothing, namely visors, caps, sweat shirts, t-shirts, jackets, robes, shorts, tops, footwear, sweaters, dresses, warm-up suits, and socks
954684	CAESARS	Class 41: Providing health clubs, night club entertainment, and casino services
4556737	CAESARS	Class 41: Entertainment services, namely, providing online electronic wagering games, computer games, games of chance and wagering games through a computer, social networking or mobile platform; on-

REG. NO.	MARK	RELEVANT CLASSES / GOODS
		line casino services; betting and gambling services in the nature of interactive real time gambling, namely, poker, slot games, video gaming and casino type games, all of the foregoing transmitted via a global computer network, via social networking and via mobile phones, personal electronic devices, and portable electronic game systems and game platforms; providing gambling information relating to interactive real time gambling services all via a global computer network, via social networking and via mobile phones, personal electronic devices and portable electronic game systems; entertainment services, namely, arranging and conducting interactive peer to peer gambling competitions via global computer network, via social networking and via mobile phones, personal electronic devices, and portable electronic game systems; organizing and conducting tournaments and other games of chance via a global computer network, via social networking and via mobile phones, personal electronic devices, and portable electronic game systems; organizing and conducting tournaments and other games of chance via a global computer network, via social networking and via mobile phones, personal electronic devices, and portable electronic game systems; providing casino and gaming services by means of websites and a global computer network; betting services, namely, online gambling and gambling consulting services relating to casino type games; providing educational information in the field of on-line computer games, on-line card games and on-line casino games via a global computer network
983525	CAESARS	Class 43: Hotel, restaurant, baby sitting, convention facility, beauty, and barber shop services

5. The CLC Registrations are valid and subsisting in law, were duly and legally issued, constitute *prima facie* evidence of the validity of the marks registered, and constitute constructive notice of CLC's ownership of the marks in accordance with Sections 7(b) and 22 of the Trademark Act of 1946, 15 U.S.C. §§ 1057(b) and 1072. The CLC Registrations have achieved incontestable status.

Applicant’s CAESAR ATHLETICS & Design Mark

6. On or about January 15, 2021, Applicant, identified as Caesar Apparel LLC¹ (“Applicant”), filed United States Trademark Application No. 90469655 under Section 1(b) of the



Lanham Act to register the mark **CAESAR ATHLETICS** (“Applicant’s Mark”) in connection with the following goods:

Class 14: Jewelry; Watches

Class 18: Umbrellas; Handbags, purses and wallets

Class 25: Footwear; Headwear; Bottoms as clothing; Knit face masks being headwear; Tops as clothing

7. Applicant’s Mark is highly similar to CLC’s CAESARS Mark in appearance, sound and commercial impression. Specifically, CLC’s and Applicant’s respective marks include the dominant element “CAESAR” and “CAESARS,” respectively, which are nearly identical. Consumers are likely to focus on the dominant “CAESAR(S)” element of both parties’ marks, and thus Applicant’s inclusion of the descriptive term “ATHLETICS” and a design element in Applicant’s Mark does not derogate from the high level of visual, aural and conceptual similarity between the marks.

8. Applicant’s goods listed in the CA Application are closely related to, and likely to travel in the same or similar channels as, the goods which CLC sells under the CAESARS Mark. Specifically, both parties’ goods include jewelry in Class 14, handbags in Class 18, and clothing

¹ No such entity as “Caesar Apparel LLC” is listed in the records of the California Secretary of State. On information and belief, Applicant’s actual corporate name is Caesar Apparel Inc.

in Class 25. There are no limitations in either the CLC Registrations or the CA Application as to any specific trade channels in which either CLC's or Applicant's goods are sold. As a result, CLC's and Applicant's respective goods are closely related, if not identical.

9. Applicant's goods listed in the CA Application are also closely related to services which CLC provides under the CAESARS Mark, including casino, entertainment, hotel and restaurant services, inasmuch as consumers are accustomed to providers of such services also selling a variety of ancillary goods bearing their service marks, including pins, tote bags, handbags, clothing and headwear, among others. Thus, consumers encountering Applicant's Mark on a bag or an item of clothing or jewelry are likely to associate that product with CLC and its services provided under the CAESARS Mark.

**First Ground of Opposition:
Likelihood of Confusion – 15 U.S.C. § 1052(d)**

10. CLC incorporates by reference Paragraphs 1 through 9 inclusive, as if fully set forth herein.

11. CLC's rights in the CAESARS Mark, including the CLC Registrations, enjoy priority over Applicant's CA Application.

12. Applicant's Mark is similar to and so resembles CLC's CAESARS Mark so as to be likely, when applied to Applicant's goods, to cause confusion or mistake or to deceive consumers as to the affiliation, connection, or association of Applicant with CLC, or as to the origin, sponsorship, or approval of Applicant's goods by CLC.

13. Consumers who are familiar with CLC's goods and services provided under the CAESARS Mark are likely to be confused as to whether Applicant's goods provided under Applicant's Mark are affiliated with CLC and/or CLC's goods and services.

14. CLC will be damaged by the issuance of the CA Application, by causing the public to be confused or mistakenly believe that the services provided by Applicant are associated with, endorsed or sponsored by CLC. Registration of the mark herein opposed is likely to damage CLC because Applicant's Mark is likely to cause confusion, cause mistake, or deceive consumers. Thus, Applicant's Mark is unregistrable under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), and should be refused registration.

Second Ground of Opposition:
False Suggestion of Connection – 15 U.S.C. § 1052(a)

15. CLC incorporates by reference Paragraphs 1 through 14 inclusive, as if fully set forth herein.

16. Applicant's Mark consists of matter which may falsely suggest a connection with CLC.

17. CLC has no control over the nature and quality of the services offered by Applicant under Applicant's Mark and CLC's reputation and goodwill would be damaged and the value of the CAESARS Mark jeopardized by Applicant's use and registration of Applicant's Mark, all to CLC's detriment.

18. Registration of the mark herein opposed is likely to damage CLC because Applicant's Mark falsely suggests a connection with CLC. Thus, Applicant's Mark is unregistrable under Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a), and should be refused registration.

WHEREFORE, Opposer Caesars License Company, LLC asserts that it will be damaged by registration of Applicant's Mark which is the subject of United States Trademark Application No. 90469655, and therefore respectfully requests that registration of Applicant's Mark be refused.

Respectfully submitted,

Dated: December 29, 2021

/s/ Jeffrey P. Dunning
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Attorneys for Opposer Caesars License
Company, LLC