

ESTTA Tracking number: **ESTTA1216723**

Filing date: **06/21/2022**

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 parties oppose registration of the indicated application.

Opposers information

Name	NFL Properties LLC
Granted to date of previous extension	06/19/2022
Address	345 PARK AVENUE NEW YORK, NY 10154 UNITED STATES

Name	Kansas City Chiefs Football Club, Inc.
Granted to date of previous extension	06/19/2022
Address	ONE ARROWHEAD DRIVE KANSAS CITY, MO 64129 UNITED STATES

Attorney information	BONNIE L. JARRETT NATIONAL FOOTBALL LEAGUE 345 PARK AVENUE NEW YORK, NY 10154 UNITED STATES Primary email: trademarkmatters@nfl.com No phone number provided
Docket no.	Chiefs

Applicant information

Application no.	88029213	Publication date	12/21/2021
Opposition filing date	06/21/2022	Opposition period ends	06/19/2022
Applicant	Chief Premiums, LLC 433 LAKE MENDOCINO DRIVE UKIAH, CA 95482 UNITED STATES		

Goods/services affected by opposition


Class 025. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: CLOTHING, namely, SHIRTS, TOPS, T-SHIRTS, POLO SHIRTS, PANTS, JEANS, SHORTS, UNDERGARMENTS, SLEEPWEAR, BELTS, BIB OVERALLS, GLOVES, SHOES, BOOTS, FOOTWEAR, SOCKS, HATS, CAPS, BANDANA, HEADWEAR, COATS, JACKETS, RAINWEAR, SWEATSHIRTS, BATHING SUITS; ATHLETIC APPAREL, namely, ATHLETIC SHIRTS, PANTS, JACKETS, ATHLETIC UNIFORMS; ATHLETIC

FOOTWEAR; WORKING OVERALLS; AND WHEREIN MOTORCYCLE RELATED CLOTHING GOODS AND CLOTHING GOODS DEPICTING MOTORCYCLE IMAGES ARE DISCLAIMED

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Section 2(a)

Marks cited by opposer as basis for opposition

U.S. registration no.	3339022	Application date	03/07/2007
Register	Principal		
Registration date	11/20/2007	Foreign priority date	NONE
Word mark	CHIEFS		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Sep 1970 First Use In Commerce: Sep 1970 Men's, women's and children's clothing, namely, fleece tops and bottoms, headwear, caps, knit hats, t-shirts, sweatshirts, shorts, tank tops, jeans, sweaters, pants, jackets, turtlenecks, [jumpsuits,] golf shirts, women's shirts, knit shirts, jerseys, wristbands, warm up suits, raincoats, parkas, ponchos, gloves, ties, cloth bibs, sleepwear, namely, robes, [night shirts and] pajamas, aprons, headbands and underwear		

U.S. registration no.	4811614	Application date	01/12/2015
Register	Principal		
Registration date	09/15/2015	Foreign priority date	NONE
Word mark	CHIEFS KINGDOM		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Jul 2013 First Use In Commerce: Jul 2013 Clothing, namely, t-shirts Class 041. First use: First Use: Sep 9, 2011 First Use In Commerce: Sep 9, 2011		

	Providing sports and entertainment information via a global computer network ora commercial on-line computer service or by cable, satellite, television and radio; production of radio and television programs featuring football games, football exhibitions, and football competitions; entertainment services, namely, fan clubs engaged in cheering, chanting, singing and other motivational activities for entertainment, amusement and recreation at professional football games, sports exhibitions, and other special events
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U.S. registration no.	1807453	Application date	08/31/1992
Register	Principal		
Registration date	11/30/1993	Foreign priority date	NONE
Word mark	KANSAS CITY CHIEFS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 016. First use: First Use: Sep 1970 First Use In Commerce: Sep 1970 trading cards, posters, [magazines relating to football, postcards,] calendars, wrapping paper, [paper gift boxes,]paper stickers, [paper napkins, paper towels,] books relating to football, [posterbooks,] notepads, [paper party hats] and greeting cards</p> <p>Class 025. First use: First Use: Feb 1970 First Use In Commerce: Feb 1970 men's, women's and children's clothing and footwear; namely, coaches caps, woolhats, [painters caps,] baseball caps, visors, headbands, ear muffs, [knit face masks,] belts, wristbands, T-shirts, tank tops, pajamas, golf shirts, sweaters, sweatshirts, jackets, neckties, [suspenders,] cloth bibs, jerseys, [night-shirts,] coats, robes, raincoats, parkas, ponchos, sneakers, gloves, scarves, [snow suits,] mittens, aprons, [down jackets, leather jackets,] shorts, sweat-pants, jeans, pants, knickers, socks, underwear, bathing suits [and leg warmers]</p>		

U.S. registration no.	1085091	Application date	11/26/1976
Register	Principal		
Registration date	02/07/1978	Foreign priority date	NONE
Word mark	CHIEFS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 041. First use: First Use: May 1, 1963 First Use In Commerce: May 1, 1963</p> <p>FURNISHING ENTERTAINMENT SERVICES IN THE NATURE OF PROFESSIONAL FOOTBALL GAMES AND EXHIBITIONS</p>		

U.S. registration no.	3023228	Application date	05/27/2004
Register	Principal		
Registration date	12/06/2005	Foreign priority date	NONE
Word mark	KANSAS CITY CHIEFS		

Design mark	
Description of mark	NONE
Goods/services	Class 041. First use: First Use: Sep 30, 1963 First Use In Commerce: Sep 30, 1963 Education and entertainment services inthe nature of organizing and presenting- professional football games and exhibitions; providing sports and entertain- mentinformation via a global computer network or a commercial on-line service; organization of sports events; fan club services; educational services, namely, physical education programs and seminars in the field of football; football games, exhibitions, competitions and musical, [comedy] and dance perform- ances performed before live audiences and broadcast via television, cable tele- vision, satellite television and radio broadcast

U.S. registration no.	3425429	Application date	03/06/2007
Register	Principal		
Registration date	05/13/2008	Foreign priority date	NONE
Word mark	KANSAS CITY CHIEFS		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Sep 1970 First Use In Commerce: Sep 1970 Football helmets, cell phone covers, [magnetic coded charge cards,] decorative magnets, pre-recorded DVD's featuring the sport of football, computer game software [and computer game disks], mousepads [and video game cartridges] Class 014. First use: First Use: Sep 1970 First Use In Commerce: Sep 1970 Jewelry, watches, clocks, pins, earrings, necklaces, bracelets, charms, collect- ible and commemorative coins made of precious metal, [pendants and] key chainsmade of precious metal Class 028. First use: First Use: Sep 1970 First Use In Commerce: Sep 1970 Toys and sporting goods, namely, plush toys, stuffed toy animals, play figures,[golf balls,] golf bags, golf club covers, footballs, toy banks, Christmas tree orna- ments, [toy trucks,] billiard balls, dart boards, and miniature toy helmets		

U.S. registration no.	982132	Application date	10/31/1972
Register	Principal		
Registration date	04/09/1974	Foreign priority date	NONE
Word mark	KANSAS CITY CHIEFS KC		
Design mark			
Description of mark	NONE		

Goods/services	Class 041. First use: First Use: May 1, 1963 First Use In Commerce: May 1, 1963 FURNISHING ENTERTAINMENT SERVICES IN THE NATURE OF PROFESSIONAL FOOTBALL GAMES		
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U.S. registration no.	5753046	Application date	05/16/2018
Register	Principal		
Registration date	05/14/2019	Foreign priority date	NONE
Word mark	KINGDOM BLONDE ALE CHIEFS		
Design mark			
Description of mark	The mark consists of a circular design with the words "KINGDOM BLONDE ALE CHIEFS" and a sports stadium graphic shown below.		
Goods/services	Class 032. First use: First Use: Jul 21, 2018 First Use In Commerce: Aug 9, 2018 Beer		

Attachments	77124737#TMSN.png(bytes) 72439858#TMSN.png(bytes) CHIEF LIMITED Notice of Opposition 88029213.pdf(135245 bytes)
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Signature	/Bonnie L. Jarrett/
Name	BONNIE L. JARRETT
Date	06/21/2022

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

KANSAS CITY CHIEFS FOOTBALL CLUB,
INC. and NFL PROPERTIES LLC,

Opposers,

v.

Chief Premiums, LLC,

Applicant.

In re Application Serial No. 88/029,213
Mark: CHIEF LIMITED

Published: December 21, 2021

Opposition No. _____

NOTICE OF OPPOSITION

Opposers Kansas City Chiefs Football Club, Inc. and NFL Properties LLC (“Opposers”) believe they will be damaged by registration of the designation CHIEF LIMITED shown in Application Serial No. 88/029,213 (the “CHIEF LIMITED Designation”), filed by Chief Premiums, LLC (“Applicant”) for use in connection with certain goods in Class 25. Opposers hereby oppose registration of the CHIEF LIMITED Designation under the provisions of Sections 2(a), 2(d), 13, 43(a) and 43(c) of the Trademark Act of July 5, 1946 (the “Lanham Act”), 15 U.S.C. §§ 1052(a), 1052(d), 1063, and 1125(c) and file this notice of opposition.

As grounds for opposition, Opposers allege that:

1. Opposer Kansas City Chiefs Football Club, Inc. (the “Chiefs” or “Chiefs Club”) is a Texas corporation, with its principal place of business at One Arrowhead Drive, Kansas City, Missouri 64129. The Chiefs Club owns and operates a professional football team and provides entertainment services to the public in the form of competitive professional football games. The Chiefs Club is one of the thirty-two member clubs (the “Member Clubs”) of the National Football League (“NFL”).



2. Opposer NFL Properties LLC (“NFLP”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 345 Park Avenue, New York, New York, 10154. NFLP represents the NFL and its thirty-two Member Clubs for the licensing and protection of their names, logos, symbols, and other identifying marks and is charged with protecting these marks and the rights of the NFL and the Member Clubs with respect thereto.

3. For many years, and long before the July 8, 2018, filing date of Applicant’s intent-to-use application, Opposers have used marks consisting of and containing CHIEFS and variations thereof (collectively, “Opposers’ CHIEFS Marks”) in connection with their business of organizing, conducting, and promoting the Chiefs football franchise.

4. For many years, and long before the July 8, 2018, filing date of Applicant’s intent-to-use application, Opposers and their authorized business partners, sponsors, and/or licensees have used Opposers’ CHIEFS Marks on or in connection with the sale of a wide variety of goods and services related to the business of organizing, conducting, and promoting the Chiefs football franchise.

5. In addition to the common law rights in Opposers’ CHIEFS Marks, the Chiefs Club owns registrations and applications for many of Opposers’ CHIEFS Marks used in connection with apparel and promotional and merchandising products and services, including, among others, the following registrations issued by the United States Patent and Trademark Office (“PTO”):

Registration/Serial Number	Mark	International Class(es)	Date of First Use in Commerce
3,339,022	CHIEFS	25	9/1970
4,811,614	CHIEFS KINGDOM	25, 41	9/9/2011
1,807,453	KANSAS CITY CHIEFS	16, 25	9/1970
1,085,091	CHIEFS	41	5/1/1963

Registration/Serial Number	Mark	International Class(es)	Date of First Use in Commerce
3,023,228	KANSAS CITY CHIEFS	41	9/30/1963
3,425,429	KANSAS CITY CHIEFS	9, 14, 28	9/1970
982,132		41	5/1/1963
5,753,046		32	8/9/2018

6. The registrations referenced above are valid and subsisting, in full force and effect, and constitute *prima facie* and/or conclusive evidence of the Chiefs Club’s exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations.

7. The following registrations referenced above are incontestable pursuant to the provisions of Section 15 of the Lanham Act, 15 U.S.C. § 1065, and constitute conclusive evidence of the Chiefs Club’s exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations: 3,339,022; 4,811,614; 1,807,453; 1,085,091; 3,023,228; 3,425,429; and 982,132.

8. During the longstanding, widespread and continuous use of Opposers’ CHIEFS Marks, Opposers and their authorized business partners, sponsors, and licensees have expended considerable time, effort, and money in advertising and publicizing the sale of goods and services bearing the Opposers’ CHIEFS Marks.

9. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing Opposers’ CHIEFS Marks in a trading area of broad geographical scope encompassing the United States, including its territories.

10. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing Opposers’ CHIEFS Marks in numerous channels of trade.

11. Opposers' CHIEFS Marks are symbolic of the extensive goodwill and consumer recognition that Opposers have established through substantial expenditures of time, effort and other resources in the advertising and promotion of the goods and services Opposers sell and offer for sale under Opposers' CHIEFS Marks.

12. As a result of Opposers' regular, extensive and well-publicized use, one or more of Opposers' CHIEFS Marks are famous in the United States and are associated exclusively with Opposers and their high-quality goods and services.

13. On July 8, 2018, Applicant filed an intent-to-use application for federal registration of Applicant's CHIEF LIMITED Designation under Application Serial No. 88/029,213 for certain goods in Class 25.¹

14. Applicant's CHIEF LIMITED Designation application covers: "Clothing, namely, shirts, tops, t-shirts, polo shirts, pants, jeans, shorts, undergarments, sleepwear, belts, bib overalls, gloves, shoes, boots, footwear, socks, hats, caps, bandana, headwear, coats, jackets, rainwear, sweatshirts, bathing suits; athletic apparel, namely, athletic shirts, pants, jackets, athletic uniforms; athletic footwear; working overalls; and wherein motorcycle related clothing goods and clothing goods depicting motorcycle images are disclaimed."

15. Applicant's CHIEF LIMITED Designation, Application Serial No. 88/029,213, was published for opposition in the *Official Gazette* on December 21, 2021.

16. The Trademark Trial and Appeal Board granted Opposers' requests for extensions of time to oppose Application Serial No. 88/029,213. The current deadline to oppose expires on June 19, 2022. Because June 19, 2022 is a Sunday and June 20, 2022 is a federal holiday,

¹ Application Serial No. 88/029,213 also covers certain goods in Class 34. Opposers do not oppose that portion of the application.

Opposers have until June 21, 2022 to oppose Application Serial No. 88/029,213. Therefore, Opposers timely file this amended opposition.

17. Opposers' rights in and to Opposers' CHIEFS Marks are superior to those of Applicant.

18. One or more of Opposers' CHIEFS Marks are famous and became famous before the Applicant's filing date or any use of Applicant's CHIEF LIMITED Designation.

19. Applicant's application for and any use of Applicant's CHIEF LIMITED Designation is without the consent, authorization, or license of Opposers.

20. Upon information and belief, Applicant intends to use Applicant's CHIEF LIMITED Designation to trade off of the substantial goodwill associated with Opposers' CHIEFS Marks.

21. Opposers believe they will be damaged by registration of Applicant's CHIEF LIMITED Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that Applicant's use and registration of the subject designation will falsely suggest a connection between Applicant and Opposers named herein to the damage of Opposers, in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a). In particular, (1) Applicant's CHIEF LIMITED Designation is the same or a close approximation of the name or identity of the Chiefs Club; (2) Applicant's CHIEF LIMITED Designation would be recognized as such by purchasers, in that the designation points uniquely and unmistakably to the Chiefs Club; (3) the Chiefs Club is not connected with the goods sold or activities performed by the Applicant under its CHIEF LIMITED Designation; and (4) the name or identity of the Chiefs Club identified is of sufficient fame or reputation that when the Applicant's CHIEF LIMITED Designation is used in

connection with its goods or services, a connection with the person or institution identified would be presumed.

22. Opposers believe they will be damaged by registration of Applicant's CHIEF LIMITED Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that the subject designation so resembles Opposers' CHIEFS Marks used by Opposers in the United States as to be likely, when used on or in connection with the goods identified in the application for Applicant's CHIEF LIMITED Designation, to cause confusion, mistake or to deceive consumers, with consequent injury to Opposers and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

23. Opposers believe they will be damaged by registration of Applicant's CHIEF LIMITED Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, because the use and registration of Applicant's CHIEF LIMITED Designation is likely to dilute the distinctive quality of one or more of Opposers' famous CHIEFS Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposers believe they will be damaged by registration of Applicant's CHIEF LIMITED Designation shown in Application Serial No. 88/029,213 and respectfully request that the registration sought by Applicant be refused.

Dated: June 21, 2022

Respectfully submitted,

By: /s/ Bonnie L. Jarrett
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Attorney for Opposers
KANSAS CITY CHIEFS FOOTBALL
CLUB, INC. and NFL PROPERTIES LLC