

ESTTA Tracking number: **ESTTA1238831**

Filing date: **09/29/2022**

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 party opposes registration of the indicated application.

Opposer information

Name	American Airlines Inc.
Granted to date of previous extension	11/23/2022
Address	1 SKYVIEW DRIVE FORT WORTH, TX 76155 UNITED STATES
Attorney information	ERIC J. MAIERS GREENBERG TRAURIG LLP 77 WEST WACKER DRIVE SUITE 3100 CHICAGO, IL 60601 UNITED STATES Primary email: chiipmail@gtlaw.com Secondary email(s): maierse@gtlaw.com, brousseauj@gtlaw.com, matthewsk@gtlaw.com, cronink@gtlaw.com 312-456-8400
Docket no.	177306.26840

Applicant information

Application no.	79314098	Publication date	07/26/2022
Opposition filing date	09/29/2022	Opposition period ends	11/23/2022
International registration no.	1598738	International registration date	03/24/2021
Applicant	PAS - Professional Aviation Solutions GmbH LUSTHEIDE 85 51427 BERGISCH GLADBACH FED REP GERMANY		

Goods/services affected by opposition

<p>Class 035. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Commercial trading and consumer information services, namely, compilation of commercial information into databases, price comparison services, business advisory services relating to commercial transactions, business advisory services relating to the purchase of drones</p>
<p>Class 039. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Transport by ferry, boat, rail, or air, travel transportation services, namely, arranging of of transportation for travel tours and passenger transportation, transport of travelers, passengers, freight, and luggage, agency services for arranging the</p>

transportation of travelers, yacht and boat charter services, limousine services, travel arrangement, Travel ticket and transport reservation services, Arranging of flights, namely, air charter services, air-line transportation services, rescue, recovery in the nature of vessel salvage, marine towing, vehicletowing and boat, aircraft salvage services, Evacuation, rescue operations, rescue of persons, agency service relating to transport and storage, namely, agency services for arranging the transportation of persons, temporary storage of deliveries, rental of means of transportation, namely, rental of vehicles, transport information, advice and reservation services, mail delivery in the nature of postal and courier services, travel booking agencies, Arranging of passenger transport and freight, namely, freight brokerage, ad hoc airplane, boat chartering, aircraft chartering, helicopter chartering, airplane rental, helicopter rental, yacht chartering, boat rental, drone rental, transportation of freight by truck, train, air and storage of goods, clothes, blood and moving of furniture, furs, goods services, services for freight-forwarding by air, Arranging for the transport of goods by sea

Applicant information

Application no.	79314082	Publication date	08/02/2022
Opposition filing date	09/29/2022	Opposition period ends	
International registration no.	1598693	International registration date	03/24/2021
Applicant	PAS - Professional Aviation Solutions GmbH LUSTHEIDE 85 51427 BERGISCH GLADBACH FED REP GERMANY		

Goods/services affected by opposition

Class 035. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Commercial trading and consumer information services, namely, compilation of commercial information into databases, price comparison services, business advisory services relating to commercial transactions, business advisory services relating to the purchase of drones


Class 039. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Transport by ferry, boat, rail, or air, travel transportation services, namely, arranging of transportation for travel tours and passenger transportation, transport of travelers, passengers, freight, and luggage, agency services for arranging the transportation of travelers, yacht and boat charter services, limousine services, travel arrangement, Travel ticket and transport reservation services, Arranging of flights, namely, air charter services, air-line transportation services, rescue, recovery in the nature of vessel salvage, marine towing, vehicletowing and boat, aircraft salvage services, Evacuation, rescue operations, rescue of persons, agency service relating to transport and storage, namely, agency services for arranging the transportation of persons, temporary storage of deliveries, rental of means of transportation, namely, rental of vehicles, transport information, advice and reservation services, mail delivery in the nature of postal and courier services, travel booking agencies, Arranging of passenger transport and freight, namely, freight brokerage, ad hoc airplane, boat chartering, aircraft chartering, helicopter chartering, airplane rental, helicopter rental, yacht chartering, boat rental, drone rental, transportation of freight by truck, train, air and storage of goods, clothes, blood and moving of furniture, furs, goods services, services for freight-forwarding by air, Arranging for the transport of goods by sea

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. registration no.	1105789	Application date	02/21/1978
Register	Principal		

Registration date	11/07/1978	Foreign priority date	NONE
Word mark	PSA		
Design mark			
Description of mark	NONE		
Goods/services	Class 039. First use: First Use: May 5, 1949 First Use In Commerce: May 5, 1949 TRANSPORTATION OF PASSENGERS AND FREIGHT BY AIR		

Attachments	73159447#TMSN.png(bytes) 681587108_v 2_Notice of Opposition PAS.pdf(176688 bytes) Exhibit 1_PAS.pdf(189344 bytes)
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Signature	/Eric J. Maiers/
Name	Eric J. Maiers
Date	09/29/2022


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

In the Matter of Trademark Application Serial Nos. 79/314,098 and 79/314,082
Published July 26, 2022, and August 2, 2022, respectively

AMERICAN AIRLINES, INC.,)	
Opposer,)	
)	
v.)	OPPOSITION NO.
)	
PROFESSIONAL AVIATION)	
SOLUTIONS, GMBH,)	
Applicant.)	

CONSOLIDATED NOTICE OF OPPOSITION

Opposer American Airlines, Inc. (“American” or “Opposer”), a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in Fort Worth, Texas, believes that it will be damaged by the issuance of U.S. Trademark Application No.

79/314,098 for the mark  and U.S. Trademark Application No. 79/314,082 for the mark PAS (the “Opposed Applications” or “Opposed Marks”), filed in the name of Professional Aviation Solutions GmbH (“Applicant”), and hereby opposes those applications. The grounds for the opposition are as follows:


1. Opposer is the largest air carrier in the world and enjoys a reputation in the United States and internationally as a premier airline. Together with its affiliates, Opposer serves hundreds of destinations in dozens of countries, with nearly thousands of daily flights.
2. American Airlines Group has over 120,000 employees and offers more than 6,700 daily flights to nearly 350 destinations.
3. American Airlines Group operates PSA Airlines (“PSA”), a wholly owned subsidiary that has over 5,000 employees, and offers more than 800 daily flights to nearly 100 destinations to provide regional flight services for American.

4. PSA is one of the largest regional carriers in the U.S.

5. American and its predecessors, U.S. Airways, Inc., and Pacific Southwest Airlines, have extensively used, and continue to use, the trademark and/or service mark PSA, alone and in connection with other words and designs, such as the following, in connection with transportation services, air travel services, and travel related goods and services (the “PSA Mark”):



6. Opposer owns both registered and common law trademark rights in marks incorporating the term PSA, and such rights predate Applicant’s application dates and alleged date of first use of the Opposed Marks.

7. Specifically, Opposer owns U.S. trademark registration No. 1,105,789 for the mark , for use in association with “transportation of passenger and freight by air” (the “PSA Registration”). Copies of the federal registration certificate and TSDR status information for the PSA Registration are attached as **Exhibit 1**. This federal registration is valid, subsisting, in full force and effect and incontestable pursuant to 15 U.S.C. § 1065.


8. American’s PSA Registration is *prima facie* evidence of validity of this mark as well as American’s ownership and exclusive right to use this mark in connection with the identified services. 15 U.S.C. § 1057(b).

9. The PSA Mark is strong and has achieved a substantial level of consumer recognition in the United States and worldwide as a result of American and its predecessors’

exclusive and long-standing use of the PSA Mark, since at least 1949, in association with transportation services, air travel services, and travel related goods and services.

10. The PSA Mark is inherently distinctive and has acquired significant distinctiveness and fame among the consuming public through the extensive, exclusive and continuous use and promotion of the PSA Mark for more than 70 years.

11. Notwithstanding Opposer's prior rights in and to the PSA Mark, on March 24, 2021, Applicant filed U.S. Trademark Application No. 79/314,082 for the mark PAS and U.S.

Trademark Application No. 79/314,098 for the mark PAS and design , both covering the following services in Classes 35 and 39:

Class 35: "Commercial trading and consumer information services, namely, compilation of commercial information into databases, price comparison services, business advisory services relating to commercial transactions, business advisory services relating to the purchase of drones"

Class 39: "Transport by ferry, boat, rail, or air, travel transportation services, namely, arranging of of *[sic]* transportation for travel tours and passenger transportation, transport of travelers, passengers, freight, and luggage, agency services for arranging the transportation of travelers, yacht and boat charter services, limousine services, travel arrangement, Travel ticket and transport reservation services, Arranging of flights, namely, air charter services, airline transportation services, rescue, recovery in the nature of vessel salvage, marine towing, vehicle towing and boat, aircraft salvage services, Evacuation, rescue operations, rescue of persons, agency service relating to transport and storage, namely, agency services for arranging the transportation of persons, temporary storage of deliveries, rental of means of transportation, namely, rental of vehicles, transport information, advice and reservation services, mail delivery in the nature of postal and courier services, travel booking agencies, Arranging of passenger transport and freight, namely, freight brokerage, ad hoc airplane, boat chartering, aircraft chartering, helicopter chartering, airplane rental, helicopter rental, yacht chartering, boat rental, drone rental, transportation of freight by truck, train, air and storage of goods, clothes, blood and moving of furniture, furs, goods services, services for freight-forwarding by air, Arranging for the transport of goods by sea"

("Applicant's Services").


12. At the time it filed its applications, Applicant had constructive knowledge of Opposer's rights in the PSA Mark.

13. The Opposed Marks are confusingly similar to Opposer's PSA Mark, since they incorporate the same three letters "P," "S," and "A," and notably lead with the same dominant "P" letter. The registration and use of the Opposed Marks by Applicant in association with Applicant's Services are likely to cause confusion as to the source or origin of Applicant's Services, and are likely to mislead consumers, all to Opposer's damage.

14. Moreover, Applicant's Services are the same as or closely related to American's "transportation of passengers and freight by air" and other travel and transportation services provided under the PSA Mark. In particular, Applicant's "[t]ransport by...air," "transport of travelers, passengers, freight and luggage," "travel ticket and transport reservation services," "[a]rranging of flights, namely air charter flights," "airline transportation services," arranging of passenger transport and freight," and "transportation of freight by...air" are highly similar to American's air transportation services.

15. Consumers encountering Applicant's Services provided under the Opposed Marks would be likely to believe that Applicant is affiliated, connected or associated with American, and/or that Applicant's Services originate from or are sponsored or approved by American.

16. American will be damaged by the registration of the Opposed Marks, which would cause the public to be confused or mistakenly believe that the services provided by Applicant are associated with, endorsed or sponsored by American. Registration of the Opposed Marks is likely to damage American because the Opposed Marks are likely to cause confusion, cause mistake, or deceive consumers. Thus, the Opposed Marks are unregistrable under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), and should be refused registration.

WHEREFORE, Opposer, believes that it will be damaged by the registration of U.S. Trademark Application No. 79/314,098 for the mark  and U.S. Trademark Application No. 79/314,082 for the mark PAS, and therefore respectfully requests that this Consolidated Opposition be sustained, and such registrations be refused on the grounds of likelihood of confusion with Opposer's PSA Mark.

The Director hereby is authorized to charge the filing fee for this Notice of Opposition to Deposit Account No. 50-2428.

Respectfully submitted,

Dated: September 29, 2022

/s/ Eric J. Maiers
Eric J. Maiers
Jacqueline Brousseau
Katie Cronin
GREENBERG TRAURIG, LLP
77 West Wacker Drive, Suite 3100
Chicago, IL 60601
(312) 456-8400

*Attorneys for Opposer American Airlines
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSOLIDATED NOTICE OF OPPOSITION has been served via email on the date set forth below to Applicant's correspondent of record as follows:

Chelsea Steadman
GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 South Commercial Street
Manchester, New Hampshire
csteadman@gtp.com; ldenbow@gtp.com; jvining@gtp.com

Dated: September 29, 2022

/s/ Jacqueline Brousseau
Jacqueline Brousseau

EXHIBIT 1

Int. Cl.: 39

Prior U.S. Cl.: 105

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,105,789

Registered Nov. 7, 1978

Renewal Term Begins Nov. 7, 1998

**SERVICE MARK
PRINCIPAL REGISTER**



US AIRWAYS, INC. (DELAWARE CORPORATION)
2345 CRYSTAL DRIVE
ARLINGTON, VA 22227, BY ASSIGNMENT, ASSIGNMENT AND CHANGE OF NAME FROM PACIFIC SOUTHWEST AIRLINES (CALIFORNIA CORPORATION) SAN DIEGO, CA

FOR: TRANSPORTATION OF PASSENGERS AND FREIGHT BY AIR, IN CLASS 39 (U.S. CL. 105).

FIRST USE 5-5-1949; IN COMMERCE 5-5-1949.

SER. NO. 73-159,447, FILED 2-21-1978.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Aug. 10, 1999.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 39

Prior U.S. Cl.: 105

United States Patent and Trademark Office

Reg. No. 1,105,789
Registered Nov. 7, 1978

SERVICE MARK

Principal Register



Pacific Southwest Airlines (California corporation)
3244 N. Harbor Drive
San Diego, Calif. 92101

For: TRANSPORTATION OF PASSENGERS AND
FREIGHT BY AIR, in CLASS 39 (U.S. CL. 105).
First use on or before May 5, 1949; in commerce on
or before May 5, 1949.

Ser. No. 159,447, filed Feb. 21, 1978.

MARC A. BERGSMAN, Examiner

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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Mark: PSA



US Serial Number: 73159447

Application Filing Date: Feb. 21, 1978

US Registration Number: 1105789

Registration Date: Nov. 07, 1978

Register: Principal

Mark Type: Service Mark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office

Status: The registration has been renewed.

Status Date: Oct. 31, 2018

Mark Information

Mark Literal Elements: PSA

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

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: TRANSPORTATION OF PASSENGERS AND FREIGHT BY AIR

International Class(es): 039 - Primary Class

U.S Class(es): 105

Class Status: ACTIVE

Basis: 1(a)

First Use: May 05, 1949

Use in Commerce: May 05, 1949

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	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: AMERICAN AIRLINES, INC.	
Owner Address: 4333 AMON CARTER BLVD. FORT WORTH, TEXAS UNITED STATES 76155	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Eric J. Maiers	Docket Number: 177306.TBD
Attorney Primary Email Address: chiipmail@gtlaw.com	Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Eric J. Maiers Greenberg Traurig, LLP 77 W. Wacker Drive Suite 3100 Chicago, ILLINOIS UNITED STATES 60601	
Phone: 312.456.8400	Fax: 312.456.8435
Correspondent e-mail: chiipmail@gtlaw.com	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 31, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 31, 2018	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	70187
Oct. 31, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70187
Oct. 31, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70187
Oct. 23, 2018	TEAS SECTION 8 & 9 RECEIVED	
Oct. 01, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	

Oct. 01, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 07, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jan. 06, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 03, 2008	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	65765
Nov. 03, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 30, 2008	ASSIGNED TO PARALEGAL	65765
Oct. 28, 2008	TEAS SECTION 8 & 9 RECEIVED	
Jan. 03, 2008	CASE FILE IN TICRS	
Apr. 26, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 19, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 12, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 16, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
Mar. 16, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 15, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 28, 1999	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Feb. 04, 1999	CANCELLATION TERMINATED NO. 999999	25527
Feb. 04, 1999	CANCELLATION DENIED NO. 999999	25527
Nov. 09, 1998	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Oct. 28, 1996	CANCELLATION INSTITUTED NO. 999999	25527
Nov. 20, 1984	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 06, 1984	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 31, 2018

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load