

ESTTA Tracking number: **ESTTA1285484**

Filing date: **05/16/2023**

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	Buccaneers Team LLC
Granted to date of previous extension	06/28/2023
Address	ONE BUCCANEER PLACE TAMPA, FL 33607 UNITED STATES
Attorney information	JEFFREY A. LINDENBAUM ROTHWELL, FIGG, ERNST & MANBECK, P.C. THE HOLYOKE-MANHATTAN BUILDING 80 SOUTH HIGHLAND AVENUE OSSINING, NY 10562 UNITED STATES Primary email: jlindenbaum@rothwellfigg.com Secondary email(s): docket@collenip.com, pmulhern@rothwellfigg.com, jcollen@rothwellfigg.com 914-941-5668
Docket no.	5143-108

Applicant information

Application no.	97178632	Publication date	02/28/2023
Opposition filing date	05/16/2023	Opposition period ends	06/28/2023
Applicant	New Orleans Louisiana Saints, LLC C/O DENNIS P. LAUSCHA, PRESIDENT SAINTS 5800 AIRLINE DRIVE METAIRIE, LA 70003 UNITED STATES		

Goods/services affected by opposition

Class 041. First Use: Dec 6, 2021 First Use In Commerce: Dec 6, 2021
All goods and services in the class are opposed, namely: Entertainment in the nature of live performances by cheerleaders, dancers, and stunt specialists at professional football games and exhibitions and other personal appearances; Providing entertainment information via a website

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.	97169871	Application date	12/13/2021
Registration date	NONE	Foreign priority date	NONE
Word mark	KREWE		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 016. First use: First Use: None First Use In Commerce: None trading cards, posters, magazines relating to football, calendars, wrapping paper, paper stickers, paper napkins, series of nonfiction books relating to football, notepads</p> <p>Class 024. First use: First Use: None First Use In Commerce: None towels</p> <p>Class 025. First use: First Use: None First Use In Commerce: None men's, women's and children's clothing and footwear;, namely, wool hats, baseball caps, visors, headbands, belts, T-shirts, tank tops, pajamas, golf shirts, sweaters, sweatshirts, jackets, neckties, bibs, jerseys, coats, sneakers, gloves, scarves, mittens, down jackets, leather jackets, shorts, sweatpants, jeans, pants, socks, underwear, bathing suits</p> <p>Class 035. First use: First Use: None First Use In Commerce: None Marketing services, namely, promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with various football personalities and/or the sport of football; dissemination of advertising for others via an on-line electronic communications network; conducting customer and personnel incentive award programs including the administration of bonus points and incentive awards to promote on the customer loyalty and personnel's job loyalty, and/or attendance for online purchases of goods and services</p> <p>Class 041. First use: First Use: None First Use In Commerce: None Education and entertainment services in the nature of professional football games and exhibitions; providing sports and entertainment information via a global computer network or a commercial on-line computer service; arranging and conducting athletic competitions, namely, professional football games and exhibitions; conducting physical education programs; organization of football sporting and football themed cultural activities excluding parades; provision of sports facilities; organizing and conducting of football themed recreational events excluding parades</p>		

Related proceedings	Opp against Serial No. 97178607
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Attachments	Notice of Opp 632 Krewe 5-16-23.pdf(116198 bytes) Exhibit 1 Krewe Opposition.pdf(34089 bytes)
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Signature	/Jeffrey A. Lindenbaum/
Name	Jeffrey A. Lindenbaum
Date	05/16/2023

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

Applicant : New Orleans Louisiana Saints, LLC
Serial No. : 97/178,632
Mark : 
Filed : Dec. 17, 2021
For : IC 041
Published : February 28, 2023

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313

NOTICE OF OPPOSITION

The Opposer Buccaneers Team LLC, a limited liability company located at One Buccaneer Place, Tampa, FL 33607 (“Opposer”) files this Notice of Opposition against New Orleans Louisiana Saints, LLC (“Applicant”) because it believes that it would be damaged by the registration of the above-identified mark in International Class 041 and hereby opposes same, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, it is alleged that:

1) Opposer is the owner of U.S. Serial No. 97/169,871 for KREWE for goods and services in International Classes 16, 24, 25, 35 and 41, including for among other things, education and entertainment services in the nature of professional football games and exhibitions; providing sports and entertainment information via a global computer network or a commercial on-line computer service; arranging and conducting athletic competitions, namely, professional football games and exhibitions; conducting physical education programs; organization of football sporting and football themed cultural activities excluding parades; provision of sports facilities; organizing and conducting of football themed recreational events excluding parades. *See* Exhibit 1.

2) In addition to the mark identified in Opposer’s application (Exhibit 1), Opposer has also used in commerce several other marks that include the term KREWE, including JOIN THE KREWE, KREWE MEMBER, MAKING OF THE KREWE, KREWE UP, THE KREWE, CAPTAIN YOUR

KREWE, KREWE CARD and MEET THE KREWE, all in connection with football and in connection with goods and services that are related to football, including football cheerleading.

3) Opposer's KREWE, JOIN THE KREWE, KREWE MEMBER, MAKING OF THE KREWE, KREWE UP, THE KREWE, CAPTAIN YOUR KREWE, KREWE CARD and MEET THE KREWE trademarks are collectively referred to as "Opposer's KREWE Marks."

4) Since a time prior to the filing of Applicant's Application and prior to any use by Applicant, Opposer has been using Opposer's KREWE Marks in connection with goods and services that are the same or closely related to the services in Applicant's Application, including in relation to entertainment services related to football and football cheerleading and goods and services that are related to football, such as fan loyalty groups, events, clothing, and related merchandise.

5) Opposer has used Opposer's KREWE Marks in commerce and has valuable goodwill in and recognition for these marks.

6) The public has come to associate Opposer's KREWE Marks with the Opposer.

7) Applicant seeks to register SAINTS CHEER KREWE (stylized) as a trademark for "entertainment in the nature of live performances by cheerleaders, dancers, and stunt specialists at professional football games and exhibitions and other personal appearances; Providing entertainment information via a website" in International Class 041.

8) Applicant's Application Serial No. 97/178,632 alleges a first use date of December 6, 2021.

9) Applicant's mark, if used in connection with one or more of the services identified in the Application, is likely to be confused with or mistaken for or cause deception with one or more Opposer's KREWE Marks as used in connection with its respective goods and services.

10) If Applicant's mark is registered, Applicant's mark is likely to cause confusion or to cause mistake or to deceive.

11) Consumers encountering Applicant's mark and services are likely to believe that such services emanate from or are authorized or sponsored by Opposer, in view of the wide recognition of

Opposer's KREWE Marks and the insignificant differences between Opposer's KREWE Marks and Applicant's mark and the related goods and services.

12) Applicant's use of its mark for identical and highly similar goods and/or services is likely to lead consumers and potential consumers to believe that Applicant's mark is an addition to the Opposer's family of marks. Use of Applicant's mark will cause consumers to consider goods and/or services sold or offered under the Applicant's mark as the natural result of a continuation or expansion of Opposer's KREWE Marks, and to believe that the Applicant's goods and/or services thus emanate from the Opposer.

13) Applicant's registration of SAINTS CHEER KREWE for the services identified in Applicant's Application would harm Opposer.

OPPOSER prays that this Application Serial No. 97/178,632 be refused, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

DATED: May 16, 2023

Respectfully submitted for
Opposer, Buccaneers Team LLC

By: /Jeffrey A. Lindenbaum/
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED THROUGH THE ELECTRONIC SYSTEM FOR TRADEMARK TRIAL AND APPEALS IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

DATED: May 16, 2023

By: /Jeffrey A. Lindenbaum/

EXHIBIT 1

EXHIBIT 1

Generated on: This page was generated by TSDR on 2023-05-16 16:18:17 EDT

Mark: KREWE

KREWE

US Serial Number: 97169871

Application Filing Date: Dec. 13, 2021

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 06, 2022

Mark Information

Mark Literal Elements: KREWE

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: trading cards, posters, magazines relating to football, calendars, wrapping paper, paper stickers, paper napkins, series of nonfiction books relating to football, notepads

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: towels

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(b)

For: men's, women's and children's clothing and footwear; namely, wool hats, baseball caps, visors, headbands, belts, T-shirts, tank tops, pajamas, golf shirts, sweaters, sweatshirts, jackets, neckties, bibs, jerseys, coats, sneakers, gloves, scarves, mittens, down jackets, leather jackets, shorts, sweatpants, jeans, pants, socks, underwear, bathing suits

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Marketing services, namely, promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with various football personalities and/or the sport of football; dissemination of advertising for others via an on-line electronic communications network; conducting customer and personnel incentive award programs including the administration of bonus points and incentive awards to promote on the customer loyalty and personnel's job loyalty, and/or attendance for online purchases of goods and services

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Education and entertainment services in the nature of professional football games and exhibitions; providing sports and entertainment information via a global computer network or a commercial on-line computer service; arranging and conducting athletic competitions, namely, professional football games and exhibitions; conducting physical education programs; organization of football sporting and football themed cultural activities excluding parades; provision of sports facilities; organizing and conducting of football themed recreational events excluding parades

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: Buccaneers Team LLC

Owner Address: One Buccaneer Place
Tampa, FLORIDA UNITED STATES 33607

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen

Docket Number: BX1102

Attorney Primary Email Address: trademark@collenip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jess M. Collen
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
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Correspondent e-mail: trademark@collenip.com tmcollen@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 06, 2022	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	
Dec. 06, 2022	LETTER OF SUSPENSION E-MAILED	
Dec. 06, 2022	SUSPENSION LETTER WRITTEN	96136

Sep. 29, 2022	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 28, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 28, 2022	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 15, 2022	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Jul. 15, 2022	PRIORITY ACTION E-MAILED	6326
Jul. 15, 2022	PRIORITY ACTION WRITTEN	96136
Apr. 28, 2022	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 28, 2022	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 28, 2022	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 28, 2022	EXAMINERS AMENDMENT -WRITTEN	96136
Mar. 28, 2022	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 28, 2022	NON-FINAL ACTION E-MAILED	6325
Mar. 28, 2022	NON-FINAL ACTION WRITTEN	96136
Mar. 28, 2022	ASSIGNED TO EXAMINER	96136
Dec. 16, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Dec. 16, 2021	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: MEBANE, ANASTASIA XAVI

Law Office LAW OFFICE 129
Assigned:

File Location

Current Location: TMO LAW OFFICE 129 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Dec. 06, 2022