

ESTTA Tracking number: **ESTTA1289390**

Filing date: **06/05/2023**

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	JW Sports and Entertainment, LLC
Granted to date of previous extension	06/03/2023
Address	9272 US HIGHWAY 87 E SAN ANTONIO, TX 78263 UNITED STATES
Attorney information	CLINE H. WHITE JACKSON WALKER LLP 112 EAST PECAN STREET SUITE 2400 SAN ANTONIO, TX 78205 UNITED STATES Primary email: cwhiteipdocket@jw.com Secondary email(s): drodriguez@jw.com 210-978-7700
Docket no.	T-126841.13

Applicant information

Application no.	90750911	Publication date	04/04/2023
Opposition filing date	06/05/2023	Opposition period ends	06/03/2023
Applicant	The Spring League LLC 3524 SILVERSIDE RD., SUITE 35B WILMINGTON, DE 19810 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: Headwear; Bottoms as clothing; Tops as clothing
Class 041. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Entertainment in the nature of football games; Organisation of sports events in the field of football; Organization of sports competitions; Organizing and arranging exhibitions for entertainment purposes

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/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	SAN ANTONIO GUNSLINGERS		
Goods/services	Class 41 - Entertainment services in the field of football, namely, professional football games and football exhibition games, and arranging and conducting of competitions in the field of football Class 25 - 2020 Clothing, namely, headwear, caps being headwear, t-shirts, shirts, sweatshirts, golf shirts, and jerseys		

Attachments	Notice of Opposition - SAN ANTONIO GUNSLINGERS.pdf(59359 bytes)
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Signature	/Cline H. White/
Name	CLINE H. WHITE
Date	06/05/2023

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

In the Matter of Trademark Application Serial No. 90/750,911
For the mark SAN ANTONIO GUNSLINGERS
Published in the Official Gazette on April 4, 2023

JW SPORTS & ENTERTAINMENT LLC	§	
	§	
Opposer,	§	Opposition No.
	§	_____
v.	§	
	§	
USFL ENTERPRISES, LLC	§	
	§	
Applicant.	§	

Commissioner for Trademarks
P.O. BOX 1450
Arlington, Virginia 22202-3514

NOTICE OF OPPOSITION

Opposer, JW Sports and Entertainment LLC, is a limited liability company organized and existing under the laws of the State of Texas, located and doing business at 9272 US Highway 87 E, San Antonio, Texas 78263 (“Opposer”).

Upon information and belief, the current owner of U.S. Trademark Application Serial No. 90/750,911 for the mark SAN ANTONIO GUNSLINGERS (the “Application”) is USFL Enterprises, LLC (“Applicant” or “USFL”), a limited liability company organized and existing under the laws of the State of Delaware, located and doing business at 10201 West Pico Boulevard, Los Angeles, California 90035

Upon information and belief, Applicant obtained it’s interest in the Application from the original filer of the Application - The Spring League LLC (“The Spring League”), a limited

liability company organized and existing under the laws of the State of Delaware, located and doing business at 3524 Silverside Rd., Suite 35B, Wilmington, Delaware 19810. An assignment purporting to assign the entire interest in the Application from The Spring League to Applicant was recorded by the USPTO on April 25, 2023, on reel 8053 and frame 0161.

Opposer believes that it is or will be damaged by registration of the mark SAN ANTONIO GUNSLINGERS upon the principal register, as said mark is described in the Application, and hereby opposes the same.

The grounds for this opposition are as follows:

1. The Application was filed on June 2, 2021 for the mark SAN ANTONIO GUNSLINGERS in International Class 25 for “Headwear; Bottoms as clothing; Tops as clothing,” and in International Class 41 for “Entertainment in the nature of football games; Organisation (sic) of sports events in the field of football; Organization of sports competitions; Organizing and arranging exhibitions for entertainment purposes,” and, according to the Application, the application was filed as an intent-to-use indicating said mark has not yet been used in commerce.
2. Opposer is the owner of U.S. Trademark Application Serial No. 98/028,214 for the mark SAN ANTONIO GUNSLINGERS, filed June 5, 2023, for use in association with “Entertainment services in the field of football, namely, professional football games and football exhibition games, and arranging and conducting of competitions in the field of football,” in International Class 041.
3. Opposer is the owner of U.S. Trademark Application Serial No. 98/028,219 for the mark SAN ANTONIO GUNSLINGERS, filed June 5, 2023, for use in association with “Clothing, namely, headwear, caps being headwear, t-shirts, shirts, sweatshirts, golf shirts, and jerseys,” in International Class 025.

4. The trademark SAN ANTONIO GUNSLINGERS has been used by Opposer in association with “Entertainment services in the field of football, namely, professional football games and football exhibition games, and arranging and conducting of competitions in the field of football” since at least as early as March 13, 2021, with significant presale activity dating back to March 1, 2020.

5. The trademark SAN ANTONIO GUNSLINGERS has been used by Opposer in association with “Clothing, namely, headwear, caps being headwear, t-shirts, shirts, sweatshirts, golf shirts, and jerseys,” since at least as early as May 30, 2020, with presale activity dating back to March 1, 2020.

6. By virtue of Opposer’s continuous and substantial use of the mark SAN ANTONIO GUNSLINGERS in interstate commerce, the mark SAN ANTONIO GUNSLINGERS has become an identifier of Opposer’s goods and services, and distinguish Opposer’s services from those of others. Opposer has also built up, at great expense and effort, valuable goodwill in and to the mark SAN ANTONIO GUNSLINGERS in connection with entertainment services in the field of football, namely, professional football games and football exhibition games.

7. There is no issue as to priority of use because the Application was filed on June 2, 2021 on an Intent-to-Use basis. Each of Opposer’s dates of first use (for football services and clothing) is earlier than the Application’s filing date of June 2, 2021. (Applicant’s has not claimed a purported first use date.)

8. Opposer’s and Applicant’s SAN ANTONIO GUNSLINGERS marks are identical, or virtually identical, a fact which supports a likelihood of confusion between the marks. Both marks include the identical words SAN ANTONIO GUNSLINGERS, which is the dominant portion of Applicant’s mark.

9. The goods listed in the Application are highly similar to the services offered by Opposer under the mark SAN ANTONIO GUNSLINGERS, another fact which supports a likelihood of confusion between the marks. Among other things, the marks are both used in connection with football team related clothing. Opposer's U.S. Trademark Application Serial No. 98/028,219 for SAN ANTONIO GUNSLINGERS specifically lists "Clothing, namely, headwear, caps being headwear, t-shirts, shirts, sweatshirts, golf shirts, and jerseys." Applicant's Application for the SAN ANTONIO GUNSLINGERS mark broadly lists, in class 025, "Headwear; Bottoms as clothing; Tops as clothing." These goods are similar in that they both relate to providing similar types of clothing.

10. In addition, the services listed in the Application are highly similar to the services offered by Opposer under the mark SAN ANTONIO GUNSLINGERS, another fact which supports a likelihood of confusion between the marks. Among other things, the marks are both used in connection with entertainment services, namely, professional football games and football exhibition games. Opposer's U.S. Trademark Application Serial No. 98/028,214 for SAN ANTONIO GUNSLINGERS specifically lists "Entertainment services in the field of football, namely, professional football games and football exhibition games, and arranging and conducting of competitions in the field of football." Applicant's Application for the SAN ANTONIO GUNSLINGERS mark broadly lists, in class 041, "Entertainment in the nature of football games; Organisation of sports events in the field of football; Organization of sports competitions; Organizing and arranging exhibitions for entertainment purposes." These services are similar in that they both relate to providing entertainment in the nature of football games.

11. There is a high likelihood that an individual encountering Applicant's computer software for asset management, offered under the mark SAN ANTONIO GUNSLINGERS, will

be confused into believing that this software is offered by, associated with, or otherwise sponsored by Opposer, due to Opposer's long-standing registrations for and long term use of the Registered AIMS Trademarks in connection with financial asset management.

12. Although the assignment from The Spring League to Applicant purports to assign the entire interest in the Application, on information and belief, the assignment was defective and Applicant does not own the entire interest in the Application.

13. Opposer will be damaged by registration of the Application because Applicant's SAN ANTONIO GUNSLINGERS mark so resembles Opposer's Registered AIMS Trademarks, which are marks previously used in the United States by Opposer and not abandoned, as to be likely, when used on or in connection with the services of Applicant, to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). Accordingly, Applicant is not entitled to registration of the SAN ANTONIO GUNSLINGERS mark pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

WHEREFORE, Opposer prays that the Application be rejected and stricken in its entirety, that no registration be issued on the Application to Applicant, and that this opposition be sustained in favor of Opposer.

Opposer hereby requests and authorizes the Commissioner to charge the filing fee and any other fees necessary, and to credit any overpayment, required to be charged to or credited against Opposer in connection with this opposition proceeding to the Deposit Account of Opposer's attorneys of record, Jackson Walker L.L.P., Deposit Account No. 10-0096.

Dated: June 5, 2023

Respectfully submitted,

JACKSON WALKER L.L.P.

By:



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*Attorneys for Opposer JW Sports and
Entertainment LLC*

CERTIFICATE OF SERVICE

This certifies that this *Notice of Opposition*, together with the requisite filing fee, was filed with the Board on June 5, 2023, through ESTTA. In accordance with TBMP 309.02(c)(1), the Board will effect service on Applicant.

A handwritten signature in blue ink, appearing to read 'Cline H. White', written in a cursive style. The signature is positioned above a horizontal line.

Cline H. White