

ESTTA Tracking number: **ESTTA963804**

Filing date: **04/01/2019**

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	Boston Red Sox Baseball Club Limited Partnership
Granted to Date of previous extension	05/15/2019
Address	Fenway Park 4 Jersey Street Boston, MA 02215 UNITED STATES

Attorney information	Mary Kevlin/Jeffrey Chery Cowan, Liebowitz, & Latman P.C. 114 W 47th St. New York, NY 10036 UNITED STATES mlk@cll.com, jyc@cll.com, tay@cll.com, trademark@cll.com 2127909200
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Applicant Information

Application No	88083032	Publication date	01/15/2019
Opposition Filing Date	04/01/2019	Opposition Period Ends	05/15/2019
Applicant	McGovern, Robert, J. 50 Moore St., Unit 1 Somerville, MA 02144 UNITED STATES		


Goods/Services Affected by Opposition


Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Bandanas; Caps being headwear; Golf shirts; Hats; Polo shirts; Sport shirts; Sweaters; T-shirts; Tank tops; Visors being headwear; Hoodies

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)
Other	Common law likelihood of confusion and priority

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1014874	Application Date	01/10/1974
Registration Date	07/01/1975	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1946/04/00 First Use In Commerce: 1946/04/00 ENTERTAINMENT SERVICES IN THE NATURE OF BASEBALL EXHIBITIONS		

U.S. Registration No.	1040684	Application Date	05/30/1975
Registration Date	06/01/1976	Foreign Priority Date	NONE
Word Mark	BOSTON RED SOX		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 029. First use: First Use: 1975/04/11 First Use In Commerce: 1975/04/11 MEAT PRODUCTS-NAMELY, FRANKFURTERS
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U.S. Registration No.	1043945	Application Date	01/10/1974
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Registration Date	07/20/1976	Foreign Priority Date	NONE
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Word Mark	NONE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 006. First use: First Use: 1969/00/00 First Use In Commerce: 1969/00/00 KEY TAGS AND KEY CHAINS</p> <p>Class 014. First use: First Use: 1972/07/01 First Use In Commerce: 1972/07/01 WATCHES, CLOCKS, [TIE FASTENERS, MONEYCLIPS, AND TIE CLASPS, PENDANTS, CHARM BRACELETS,] LAPEL PINS, [EARRINGS, RINGS,] COSTUME JEWELRY PINS AND NOVELTY PINS</p> <p>Class 016. First use: First Use: 1972/02/00 First Use In Commerce: 1972/02/00 POSTERS, DECALS [, AND LABELS]</p> <p>Class 018. First use: First Use: 1972/02/00 First Use In Commerce: 1972/02/00 TOTE BAG FOR CARRYING BASEBALL EQUIPMENT</p> <p>Class 020. First use: First Use: 1972/04/00 First Use In Commerce: 1972/04/00 CUSHIONS [, DISPLAY BOARDS, WITH TEAM BADGES FOR ATTACHING THERETO MAGNETICALLY FOR MAINTAINING DAY TO DAY STANDINGS OF MAJOR LEAGUE BASEBALL TEAMS]</p> <p>Class 021. First use: First Use: 1972/02/00 First Use In Commerce: 1972/02/00 WASTE BASKETS FOR DOMESTIC USE, PLASTIC DRINKING CUPS [AND PAPER CUPS]</p> <p>Class 024. First use: First Use: 1971/03/00 First Use In Commerce: 1971/03/00 CLOTH PENNANTS</p> <p>Class 025. First use: First Use: 1969/00/00 First Use In Commerce: 1969/00/00</p>
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	<p>T-SHIRTS, SWEATSHIRTS, PAJAMAS, SOCKS PONCHOS, JACKETS, PANTS, [GARTERS, BELTSAND ROBES]</p> <p>Class 026. First use: First Use: 1971/06/00 First Use In Commerce: 1971/06/00 CLOTH, IRON-ON, SEW-ON AND PRESSURESENSITIVE PATCHES AND CLOTH BADGES AND BELT BUCKLES</p> <p>Class 028. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 BASEBALLS, GOLF BALLS [AND BASEBALL GLOVES]</p> <p>Class 034. First use: First Use: 1971/00/00 First Use In Commerce: 1971/00/00 CIGARETTE LIGHTERS</p>
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U.S. Registration No.	1095475	Application Date	07/12/1976
Registration Date	07/04/1978	Foreign Priority Date	NONE
Word Mark	RED SOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1907/00/00 First Use In Commerce: 1907/00/00 ENTERTAINMENT SERVICES IN THE NATURE OFBASEBALL EXHIBITIONS		

U.S. Registration No.	1522389	Application Date	07/13/1988
Registration Date	01/31/1989	Foreign Priority Date	NONE
Word Mark	BOSTON RED SOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [NOVELTY ITEMS, NAMELY, KEY TAGS AND KEY RINGS MADE OF METAL]</p> <p>Class 011. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [FLASHLIGHTS]</p> <p>Class 020. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [ORNAMENTAL NOVELTY ITEMS, NAMELY, BUTTONS]</p> <p>Class 021. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 BEVERAGE CONTAINERS, NAMELY, [PEWTER AND] TANKARDS, CUPS AND MUGS</p>		

U.S. Registration	1528114	Application Date	07/13/1988
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No.			
Registration Date	03/07/1989	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 011. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [FLASHLIGHTS]</p> <p>Class 016. First use: First Use: 1969/00/00 First Use In Commerce: 1969/00/00 [PAPER GOODS AND PRINTED MATTER, NAMELY, BASEBALL CARDS AND BASEBALL STICKER ALBUM]</p> <p>Class 021. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [CONTAINERS, NAMELY, MUGS AND ICE CREAM CONTAINERS]</p> <p>Class 024. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 FABRICS, NAMELY, CLOTH PENNANTS AND STADIUM BLANKETS</p> <p>Class 025. First use: First Use: 1935/00/00 First Use In Commerce: 1935/00/00 CLOTHING, NAMELY, JACKETS, [SWEATERS,] SWEATSHIRTS, MESH SHIRTS, POLO SHIRTS AND T-SHIRTS</p>		

U.S. Registration No.	1529324	Application Date	07/13/1988
Registration Date	03/14/1989	Foreign Priority Date	NONE
Word Mark	BOSTON RED SOX		


Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 006. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 METAL NOVELTY ITEMS, NAMELY, KEY TAGS, KEY CHAINS [, TROPHIES OF NON-PRECIOUS METAL,] [METAL DISPLAY BOARDS] AND MONEY CLIPS</p> <p>Class 009. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [THERMOMETERS]</p> <p>Class 014. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 WATCHES, CLOCKS, SOUVENIR COINS, AND JEWELRY, NAMELY, CLOISONNE PINS, COSTUME JEWELRY PINS, 14 KT/SILVER CHARMS AND PENDANTS [, 14KT GOLD PINS,] [HAND-PAINTED LAPEL PINS]</p> <p>Class 016. First use: First Use: 1981/00/00 First Use In Commerce: 1981/00/00 PAPER GOODS AND PRINTED MATTER, NAMELY, STICKERS [AND STICKER ALBUMS,] BASEBALL TRADING CARDS, PENS, [PAPER TABLE-CLOTHS,] [WRAPPING PAPER,] PLAYING CARDS, BUMPER STICKERS AND LITHOGRAPHS</p> <p>Class 020. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 ORNAMENTAL NOVELTY ITEMS, NAMELY, PLAQUES, [MUSICAL CELLULOID BUTTONS,] DECORATIVE WALL AND BASEBALL STANDS</p> <p>Class 021. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 SMALL DOMESTIC UTENSILS AND CONTAINERS, NAMELY, MUGS, [PEWTER TANKARDS,] DRINKING CUPS, GLASSES, INSULATING SLEEVES FOR BEVERAGE CONTAINERS, [MINI MUGS,] ALL PURPOSE PORTABLE CONTAINERS, COASTERS NOT OF PAPER OR LINEN, SHOT GLASSES, [ICE CREAM CONTAINERS,] PAPER PLATES AND WASTE BASKETS</p> <p>Class 024. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 FABRICS, NAMELY, TOWELS, PENNANTS, [GOLF TOWELS,] BEDSPREADS, SHEETS, BATH MATS, [SHOWER CURTAINS,] COTTON WALL-HANGINGS, STADIUM BLANKETS [AND POTHOLDERS]</p> <p>Class 025. First use: First Use: 1953/00/00 First Use In Commerce: 1953/00/00 CLOTHING, NAMELY, [SOCKS,] [CHILDREN'S PLAYSETS COMPRISING SHIRTS AND SHORTS,] [BOXER SHORTS,] [VISORS,] [POPLIN JACKETS,] T-SHIRTS, SWEATSHIRTS, ATHLETIC SHORTS, 3/4 SLEEVE JER-</p>

	<p>SEYS, SATIN JACKETS, NECKTIES, CANVAS BELTS WITH BUCKLE, CAPS, WRIST AND HEAD BANDS</p> <p>Class 026. First use: First Use: 1979/00/00 First Use In Commerce: 1979/00/00 [BELT BUCKLES AND] EMBROIDERED PATCHES</p> <p>Class 028. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 TOYS AND SPORTING GOODS, NAMELY, BASEBALLS, [FLYING DISKS,] BALLOONS, [DECORATIVE WINDSOCKS,] CHRISTMAS TREE ORNAMENTS, [HELMET SHAPED BANKS, PUTTERS,] GOLF BALLS, [AUTO-GRAPHED BASEBALLS,] INFLATABLE BATS, STUFFED ANIMALS [AND BATTING GLOVES]</p> <p>Class 034. First use: First Use: 1968/00/00 First Use In Commerce: 1968/00/00 SMOKER'S ARTICLES, NAMELY, [ASHTRAYS AND] LIGHTERS</p>
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U.S. Registration No.	1568406	Application Date	07/13/1988
Registration Date	11/28/1989	Foreign Priority Date	NONE
Word Mark	RED SOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 020. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 ORNAMENTAL NOVELTY ITEMS, NAMELY, PINS</p> <p>Class 021. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 BEVERAGE CONTAINERS, NAMELY, THERMAL MUGS, THERMAL STEINS, TANKARDS AND DRINKING CUPS</p>		


U.S. Registration No.	1596321	Application Date	02/24/1988
Registration Date	05/15/1990	Foreign Priority Date	NONE
Word Mark	RED SOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1941/00/00 First Use In Commerce: 1941/00/00 PAPER PRODUCTS AND PRINTED MATTER, NAMELY, BASEBALL TRADING CARDS		

	<p>Class 024. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 TEXTILE FABRICS, NAMELY, CLOTH PENNANTS AND TOWELS</p> <p>Class 025. First use: First Use: 1941/00/00 First Use In Commerce: 1941/00/00 CLOTHING, NAMELY, SHIRTS</p> <p>Class 026. First use: First Use: 1969/04/00 First Use In Commerce: 1969/04/00 EMBROIDERED PATCHES</p> <p>Class 028. First use: First Use: 1986/06/17 First Use In Commerce: 1986/06/17 CHRISTMAS TREE ORNAMENTS</p>
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U.S. Registration No.	1602303	Application Date	10/30/1989
Registration Date	06/19/1990	Foreign Priority Date	NONE
Word Mark	BOSTON RED SOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 GYM BAGS		

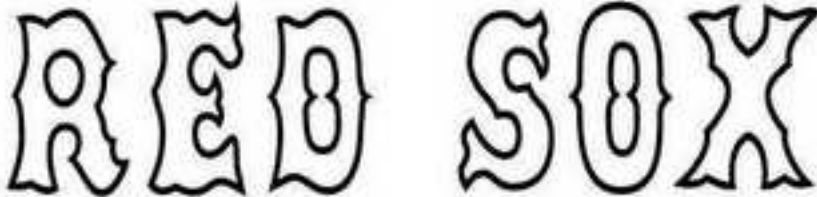
U.S. Registration No.	1642769	Application Date	11/27/1989
Registration Date	04/30/1991	Foreign Priority Date	NONE
Word Mark	RED SOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1941/00/00 First Use In Commerce: 1941/00/00 PAPER GOODS AND PRINTED MATTER, NAMELY, BUMPER STICKERS, [LAMINATED SIGNS, DECALS, WINDSHIELD SUNSCREENS, PAPER		

	<p>WEIGHTS,] PENS, PENCILS, [SCRATCH PADS, LETTER OPENERS, PAPER CLIPS,] POSTERS, [NOTE PAPER,] BASEBALL CARDS, PROGRAMS ABOUT BASEBALL, MAGAZINES ABOUT BASEBALL, BOOKS ABOUT BASEBALL, CALENDARS, [HIGHLIGHTING MARKERS, ERASERS, PENCIL SHARPENERS, DRAWING RULERS, BOOK COVERS, COLORING BOOKS,] PLAYING CARDS, [BOOKLETS, FOLDERS AND POSTCARDS]</p> <p>Class 025. First use: First Use: 1907/00/00 First Use In Commerce: 1907/00/00</p> <p>CLOTHING, NAMELY, SHIRTS, [SHORTS, DRESSES, SKIRTS, JOGGING SUITS, SOCKS, UNDERWEAR,] JACKETS, [SWEATERS, VESTS, PANTS,] PONCHOS, [VISORS, RAINCOATS,] CAPS, BIBS, TWO-PIECE DIAPER SETS; [BABY PANTS;] BABY BOOTEES; AND SHORT SETS, [COATS, TIES, MEN'S AND WOMEN'S FORMALWEAR, PAJAMAS,] SWEATSHIRTS, [MITTENS, GLOVES, KNITTED HEADWEAR, SCARVES, HOSIERY, WRISTBANDS, HEADBANDS, ROBES, APRONS AND SHOES]</p>
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U.S. Registration No.	1772967	Application Date	09/01/1992
Registration Date	05/25/1993	Foreign Priority Date	NONE
Word Mark	PAWTUCKET RED SOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1977/00/00 First Use In Commerce: 1977/00/00</p> <p>paper products; namely, baseball cards,[scorecards,] magazines relating to baseball, schedules, media guide and record books relating to baseball [; pencils]</p> <p>Class 025. First use: First Use: 1977/00/00 First Use In Commerce: 1977/00/00</p> <p>clothing; namely, caps, twill caps, baseball caps, T-shirts and sweatshirts</p>		

U.S. Registration No.	2692105	Application Date	12/12/2000
Registration Date	03/04/2003	Foreign Priority Date	NONE
Word Mark	BOSTON RED SOX		

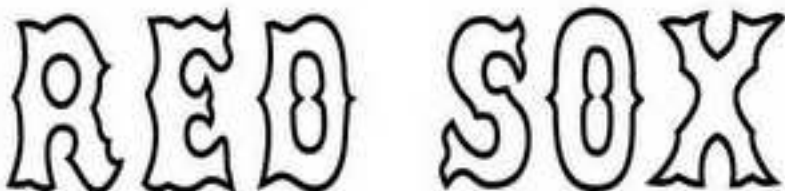
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 041. First use: First Use: 1979/00/00 First Use In Commerce: 1979/00/00 ENTERTAINMENT SERVICES, NAMELY, [BASEBALL GAMES, COMPETITIONS AND EXHIBITIONS RENDERED LIVE, THROUGH BROADCAST MEDIA INCLUDING TELEVISION AND RADIO AND VIA A GLOBAL COMPUTER NETWORK OR A COMMERCIAL ON-LINE SERVICE;] PROVIDING AND DISSEMINATING INFORMATION IN THE FIELD OF SPORTS, ENTERTAINMENT AND RELATED TOPICS [, AND PROVIDING MULTI-USER INTERACTIVE COMPUTER GAMES, ALL VIA A GLOBAL COMPUTER NETWORK OR A COMMERCIAL ON-LINE SERVICE; EDUCATION SERVICES IN THE NATURE OF BASEBALL SKILLS INSTRUCTION]</p>

U.S. Registration No.	3238173	Application Date	05/20/2005
Registration Date	05/01/2007	Foreign Priority Date	NONE
Word Mark	RED SOX		
Design Mark			
Description of Mark	The mark consists of the words "RED SOX" in stylized form.		
Goods/Services	<p>Class 009. First use: First Use: 1984/10/01 First Use In Commerce: 1984/10/01 Electrical and scientific apparatus, namely, [pre-recorded videotapes relating to baseball,] pre-recorded videodiscs relating to baseball; pre-recorded audio discs relating to baseball; [compact disc cases; cases for personal digital assistants,] cell phone accessories, namely, cases and face plate covers; [binoculars;] calculators; [photographic cameras;] electric switch plate covers; luminous signs, neon signs; sunglasses; decorative magnets; protective helmets, [catcher's hel-</p>		

	mets;] video and computer game cartridges, video and computer game discs, [video and computer game cassettes and video game controllers] ; computer accessories, namely, mouse pads, [computer software, namely, screen savers,] computer game programs, and computer game programs downloadable from a global computer network in the field of baseball
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U.S. Registration No.	3373898	Application Date	05/20/2005
Registration Date	01/22/2008	Foreign Priority Date	NONE

Word Mark	RED SOX
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Design Mark	
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Description of Mark	The mark consists of the words "RED SOX" in stylized form.
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Goods/Services	Class 014. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 Jewelry, namely, bracelets, charms, earrings, rings, [belly rings,] necklaces, pendants, watches, costume jewelry, silicone or rubber bracelets and/or wristbands, medallions, ornamental metal pins, lapel pins, cuff links, metal belt buckles of precious metal, [tie tacks, tie pins,] money clips of precious metal, PRECIOUS metal key chains, PRECIOUS metal key rings, clocks, wall clocks, [alarm clocks,] [fob watches, clocks INCORPORATED INTO key chains,] and non-monetary coins of precious metal
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U.S. Registration No.	3596573	Application Date	05/20/2005
Registration Date	03/24/2009	Foreign Priority Date	NONE

Word Mark	RED SOX NATION
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Design Mark	<h1>RED SOX NATION</h1>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2004/12/10 First Use In Commerce: 2004/12/10 Entertainment services, namely, baseball games, competitions and exhibitions rendered live and through broadcast media including television and radio, and via a global computer network or a commercial on-line service; information services, namely, providing information in the field of sports, entertainment and related topics, and providing for informational messages relating thereto; [educational services in the nature of baseball skills programs, baseball camps offered live; organizing community sporting events;] organizing and conducting sports contests and sweepstakes; organizing and conducting fan clubs; providing on-line newsletters in the field of baseball		

U.S. Registration No.	3641219	Application Date	05/20/2005
Registration Date	06/16/2009	Foreign Priority Date	NONE
Word Mark	RED SOX NATION		
Design Mark	<h1>RED SOX NATION</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/05/15 First Use In Commerce: 2003/05/15 Clothing, namely, caps, hats, shirts, T-shirts		

U.S. Registration No.	3641220	Application Date	05/20/2005
Registration Date	06/16/2009	Foreign Priority Date	NONE
Word Mark	RED SOX NATION		

Design Mark	<h1>RED SOX NATION</h1>		
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2008/10/00 First Use In Commerce: 2008/10/00 Jewelry, namely, bracelets, earrings, necklaces, costume jewelry, silicone or rubber bracelets and/or wristbands, medallions, clocks, wall clocks, non-monetary coins of precious metal		

U.S. Registration No.	3641221	Application Date	05/20/2005
Registration Date	06/16/2009	Foreign Priority Date	NONE

Word Mark	RED SOX NATION		
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Design Mark	<h1>RED SOX NATION</h1>		
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 2003/12/00 First Use In Commerce: 2003/12/00 DECORATIVE METAL NON-LUMINOUS AND NON-MECHANICAL STREET SIGNS		

U.S. Registration No.	3644961	Application Date	05/20/2005
Registration Date	06/23/2009	Foreign Priority Date	NONE


Word Mark	BOSOX		
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Design Mark	<h1>BOSOX</h1>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1967/00/00 First Use In Commerce: 1967/00/00 ENTERTAINMENT SERVICES, NAMELY, BASEBALL GAMES, COMPETITIONS AND EXHIBITIONS RENDERED LIVE INFORMATION SERVICES, NAMELY, PROVIDING INFORMATION IN THE FIELD OF SPORTS, ENTERTAINMENT AND RELATED TOPICS, AND PROVIDING FOR INFORMATIONAL MESSAGES RELATING THERETO; ORGANIZING AND CONDUCTING SPORTS CONTESTS; ORGANIZING AND CONDUCTING FAN CLUBS		

U.S. Registration No.	3738197	Application Date	05/20/2005
Registration Date	01/12/2010	Foreign Priority Date	NONE

Word Mark	BOSOX		
Design Mark	<h1>BOSOX</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1975/04/13 First Use In Commerce: 1975/04/13 Clothing, namely, caps, hats, shirts, sweatshirts, jackets		

U.S. Registration No.	3797632	Application Date	11/23/2005
Registration Date	06/01/2010	Foreign Priority Date	NONE
Word Mark	B RED SOX		

Design Mark	
Description of Mark	The mark consists of a costumed character wearing a baseball uniform and hat with the letter "B" on the hat and the wording "RED SOX" on the uniform. The mark is a two-dimensional depiction of a three-dimensional costumed character.
Goods/Services	Class 025. First use: First Use: 2003/02/00 First Use In Commerce: 2003/02/00 Clothing, namely, caps, hats, shirts, T-shirts, [sweatshirts, sleepwear,] clothbibs, infant wear[,rompers, creepers, baby booties, socks, hosiery]

U.S. Registration No.	3801204	Application Date	11/08/2005
Registration Date	06/08/2010	Foreign Priority Date	NONE
Word Mark	B RED SOX		
Design Mark			

Description of Mark	The mark consists of a costumed character wearing a baseball uniform and hat with the letter "B" on the hat and the wording "RED SOX" on the uniform. The mark is a two-dimensional depiction of a three-dimensional costumed character.
Goods/Services	Class 041. First use: First Use: 1997/04/13 First Use In Commerce: 1997/04/13 Entertainment services, namely, baseball games, competitions and exhibitions rendered live and through broadcast media including television and radio, and via a global computer network or a commercial on-line service; information services, namely, providing information in the field of sports, entertainment and related topics, and providing for informational messages relating thereto; entertainment services, namely, providing multi-user interactive computer games all via a global computer network or a commercial on-line service; educational services in the nature of baseball skills programs, baseball camps and clinics offered live; organizing community sporting events; organizing and conducting sports contests and sweepstakes; fan clubs; live performances by costumed characters and performances featuring costumed or cartoon characters exhibited over television, satellite and video media

U.S. Registration No.	3842200	Application Date	09/26/2008
Registration Date	08/31/2010	Foreign Priority Date	NONE

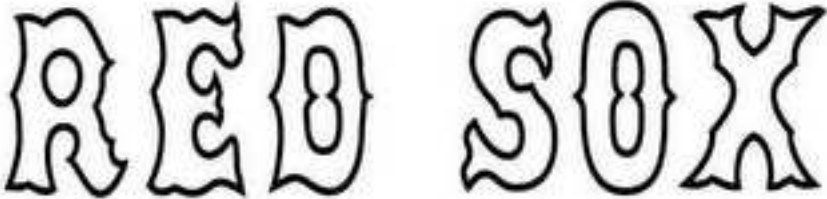
Word Mark	NONE
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Design Mark	
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Description of Mark	The mark consists of the stylized representation of a pair of socks.
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Goods/Services	Class 025. First use: First Use: 1935/00/00 First Use In Commerce: 1935/00/00 Clothing, namely, caps, hats, visors, knitted headwear, headbands, shirts, T-shirts, tank tops, pullovers, vests, shorts, pants, dresses, skirts, baseball uniforms, jerseys, sweatshirts, sweatpants; sleepwear, infant wear, footwear, all not including socks; [underwear, boxer shorts,] robes, nightgowns, [swimwear,] jackets, ponchos, cloth bibs, [cloth diaper sets comprised of cloth diapers, undershirts and infant diaper cover, jumpers,] rompers, coveralls, creepers, ties, [wristbands,] socks, hosiery, slippers
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U.S. Registration	3870976	Application Date	09/26/2008
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No.			
Registration Date	11/02/2010	Foreign Priority Date	NONE
Word Mark	RED SOX		
Design Mark			
Description of Mark	The mark consists of RED SOX in stylized lettering.		
Goods/Services	Class 025. First use: First Use: 1941/00/00 First Use In Commerce: 1941/00/00 Clothing, namely, caps, hats, visors, knitted headwear, shirts, T-shirts, tank tops, pullovers, [vests,] shorts, pants, dresses, [skirts,] baseball uniforms, jerseys, sweatshirts, sweatpants, underwear, boxer shorts, [robes,] sleepwear, swimwear, jackets, ponchos, cloth bibs, infant wear, [infant diaper covers, cloth diaper sets with undershirt and diaper cover,] jumpers, rompers, coveralls, creepers, ties, scarves, footwear, socks, hosiery, slippers		

U.S. Registration No.	4258474	Application Date	05/16/2011
Registration Date	12/11/2012	Foreign Priority Date	NONE
Word Mark	1912 FENWAY PARK 100 YEARS		
Design Mark			
Description of Mark	The mark consists of the numbers and words "1912 FENWAY PARK 100 YEARS" in stylized text form headlined over several rectangular shaped signs, each superimposed on each other, with a small circle design containing two socks depicted directly at the lowest center point of the largest rectangle.		
Goods/Services	Class 041. First use: First Use: 2012/04/20 First Use In Commerce: 2012/04/20 [Museum services; conducting exhibitions on baseball and ballpark history; organizing educational events in the nature of exhibitions relating to history, antiques, memorabilia, and other cultural, and sports related topics; membership club services, namely, providing information to members in the field of history, memorabilia, cultural and other sports related topics; providing online electronic newsletters in the field of history, memorabilia, cultural, and others sports related topics via e-mail; providing a website featuring information in the field of history, memorabilia, cultural, and another sports related topics; entertainment services, namely, organizing and conducting an array of athletic events rendered live or recorded for distribution through broadcast media; educational services in the nature of baseball camps, clinics; organizing and conducting fantasysports contests, sweepstakes, and on-line competitions; production and provision of on-		

going television, internet and radio programs in the field of sports;] providing news, information, [podcasts,web casts, online non-downloadable newsletters, and online journals, namely, blogs,] all of the foregoing in the field of sports; [organizing and conducting community sporting and cultural events; entertainment in the nature of live performances by costumed mascots, cheerleaders, and dance groups; fan clubs; festivals featuring a variety of sports and entertainment activities; providing sports facilities; rental of stadium facilities; providing facilities for sports tournaments;] entertainment services in the nature of honoring players and fans by means of engraved bricks or panels located in a sports and entertainment facility [arranging and conducting guided tours of stadium facilities; hosting of private corporate social events and individual social events including but not limited to parties, weddings, and bar mitzvahs]

U.S. Registration No.	4262053	Application Date	05/16/2011
Registration Date	12/18/2012	Foreign Priority Date	NONE
Word Mark	1912 FENWAY PARK 100 YEARS		
Design Mark			
Description of Mark	The mark consists of the numbers and words "1912 FENWAY PARK 100 YEARS" in stylized text form headlined over several rectangular shaped signs, each superimposed on each other, with a small circle design containing two socks depicted directly at the lowest center point of the largest rectangle.		
Goods/Services	Class 025. First use: First Use: 2011/04/20 First Use In Commerce: 2011/04/20 Clothing, namely, headwear, [shirts,] bottoms [, athletic uniforms, jerseys, jackets, ponchos, cloth bibs, ties]		

U.S. Registration No.	4262076	Application Date	06/02/2011
Registration Date	12/18/2012	Foreign Priority Date	NONE
Word Mark	1912 FENWAY PARK 100 YEARS		
Design Mark			
Description of Mark	The mark consists of the numbers and words "1912 FENWAY PARK 100 YEARS" in stylized text form headlined over several rectangular shaped signs,		

	each superimposed on each other, with a small circle design containing two socks depicted directly at the lowest center point of the largest rectangle.
Goods/Services	Class 028. First use: First Use: 2010/10/00 First Use In Commerce: 2010/10/00 Toys and sporting goods, namely, [stuffed toys, plush toys, soft sculpture foam toys, foam novelty items, namely, foamfingers, toy cars and trucks, toy trains, puzzles, toy figures, toy vehicles, dolls, bobbing head dolls,] miniature baseball bats, baseballs, [holders for baseballs,] autographed baseballs, [golfballs,] baseball bats, [Christmas tree ornaments and decorations, action figures,] balls for games

U.S. Registration No.	4262077	Application Date	06/02/2011
Registration Date	12/18/2012	Foreign Priority Date	NONE

Word Mark	1912 FENWAY PARK 100 YEARS
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Description of Mark	The mark consists of the numbers and words "1912 FENWAY PARK 100 YEARS" in stylized text form headlined over several rectangular shaped signs, each superimposed on each other, with a small circle design containing two socks depicted directly at the lowest center point of the largest rectangle.
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Goods/Services	Class 009. First use: First Use: 2011/09/00 First Use In Commerce: 2011/09/00 Electrical and scientific apparatus, namely, pre-recorded CDs, and DVDs relating to baseball and other sports, entertainment, civic and cultural events, [cell-phone accessories, namely, cases and face plate covers, fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for electronic devices, namely, MP3 players, mobile telephones, smart telephones, decorative magnets, video and computer game cartridges, video and computer game discs, video and computer game cassettes, computer accessories, namely, mouse pads,] Pre-recorded video discs, video recording, and DVDs featuring documentaries on ballpark and baseball history
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U.S. Registration No.	4265243	Application Date	06/02/2011
Registration Date	12/25/2012	Foreign Priority Date	NONE

Word Mark	1912 FENWAY PARK 100 YEARS
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Design Mark	
Description of Mark	<p>The mark consists of the numbers and words "1912 FENWAY PARK 100 YEARS" in stylized text form headlined over several rectangular shaped signs, each superimposed on each other, with a small circle design containing two socks depicted directly at the lowest center point of the largest rectangle.</p>
Goods/Services	<p>Class 014. First use: First Use: 2011/08/00 First Use In Commerce: 2011/08/00 Jewelry, namely, bracelets, c[harms, necklaces, pendants, watches, costume jewelry,] rubber or silicone bracelets [, medallions, ornamental pins, lapel pins, cuff links, key chains of precious metal, key rings of precious metal, clocks, wall clocks, non-monetary coins of precious metal, commemorative coins and medallions]</p>

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	The word SOX and/or the design of a sock or a pair of socks, alone or with other word, letter and/or design elements		
Goods/Services	Baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, clothing, namely, T-shirts, shirts, footwear, socks, hosiery, slippers, baby booties; sweatshirts, athletic shorts, jerseys, jackets, neckties, wrist and head bands, dresses, pants, underwear, boxer shorts, sleepwear, swimwear and headwear; jewelry; accessories; toys and sporting goods; printed matter and publications; and novelty items		

U.S. Registration No.	4265244	Application Date	06/02/2011
Registration Date	12/25/2012	Foreign Priority Date	NONE
Word Mark	1912 FENWAY PARK 100 YEARS		
Design Mark			
Description of Mark	<p>The mark consists of the numbers and words "1912 FENWAY PARK 100 YEARS" in stylized text form headlined over several rectangular shaped signs, each superimposed on each other, with a small circle design containing two socks depicted directly at the lowest center point of the largest rectangle.</p>		

Goods/Services	<p>Class 016. First use: First Use: 2011/09/00 First Use In Commerce: 2011/09/00</p> <p>Paper goods and printed matter, namely, trading cards, [posters, stickers, decals, bumper stickers, score books, scorecards,] printed baseball game and othersports, entertainment, civic and cultural event [programs, magazines and] books featuring baseball and other sports, entertainment, civic and cultural events, [brochures and pamphlets featuring baseball and other sports, entertainment, civic and cultural events, scrapbooks, calendars, postcards, paper coasters,] mounted and unmounted photographs, [pens, paper ticket holders and non-metal lanyards for paper ticket holders sold as a unit specially adapted for holding paper tickets,] art pictures, and art prints</p>
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Attachments	<p>73010583#TMSN.png(bytes) 73053717#TMSN.png(bytes) 73010582#TMSN.png(bytes) 73739612#TMSN.png(bytes) 73739600#TMSN.png(bytes) 73739604#TMSN.png(bytes) 73739610#TMSN.png(bytes) 73713094#TMSN.png(bytes) 73834541#TMSN.png(bytes) 74309731#TMSN.png(bytes) 76179976#TMSN.png(bytes) 78633853#TMSN.png(bytes) 78633849#TMSN.png(bytes) 78633866#TMSN.png(bytes) 78633869#TMSN.png(bytes) 78633870#TMSN.png(bytes) 78633872#TMSN.png(bytes) 78633863#TMSN.png(bytes) 78633856#TMSN.png(bytes) 78759936#TMSN.png(bytes) 78749000#TMSN.png(bytes) 77580123#TMSN.png(bytes) 77580142#TMSN.png(bytes) 85321854#TMSN.png(bytes) 85321851#TMSN.png(bytes) 85335858#TMSN.png(bytes) 85335863#TMSN.png(bytes) 85335856#TMSN.png(bytes) 85335862#TMSN.png(bytes) Notice of Opposition NOO and Letter - WORMSOX.pdf(180389 bytes)</p>
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Signature	/Jeffrey Chery/
Name	Mary Kevlin/Jeffrey Chery
Date	04/01/2019



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April 1, 2019

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Boston Red Sox Baseball Club Limited Partnership
Notice of Opposition Against Robert J. McGovern
Application to register
WORMSOX
Ref. No. 21307.026

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial No. 88/083,032 published in the Official Gazette on January 15, 2019. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$400 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Jeffrey Chery/
Jeffrey Chery

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)

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

In re Application Serial No. 88/083,032
Filed: August 17, 2018
For Mark: WORMSOX
Published in the Official Gazette: January 15, 2019

-----X	:	
BOSTON RED SOX BASEBALL CLUB	:	
LIMITED PARTNERSHIP,	:	Opposition No.
Opposer,	:	
	:	
v.	:	<u>NOTICE OF OPPOSITION</u>
	:	
ROBERT J. MCGOVERN,	:	
Applicant.	:	
-----X	:	

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Boston Red Sox Baseball Club Limited Partnership, a Massachusetts limited partnership with offices at Fenway Park, 4 Jersey Street, Boston, Massachusetts 02215 (“Opposer”), believes it will be damaged by registration of the standard character word mark WORMSOX (“Applicant’s Mark”) for “Bandanas; Caps being headwear; Golf shirts; Hats; Polo shirts; Sport shirts; Sweaters; T-shirts; Tank tops; Visors being headwear; Hoodies” in International Class 25, as shown in Application Serial No. 88/083,032 (the “Application”) and, having been granted an extension of time to oppose up to and including May 15, 2019, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned BOSTON RED SOX MAJOR LEAGUE BASEBALL club.

2. Since long prior to August 17, 2018, Applicant's constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used names and marks that consist of or incorporate the word SOX and/or the design of a sock or a pair of socks, alone or with other word, letter and/or design elements, in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, clothing, namely, T-shirts, shirts, footwear, socks, hosiery, slippers, baby booties; sweatshirts, athletic shorts, jerseys, jackets, neckties, wrist and head bands, dresses, pants, underwear, boxer shorts, sleepwear, swimwear and headwear; jewelry; accessories; toys and sporting goods; printed matter and publications; and novelty items, and Opposer has referred to itself and has been commonly referred to by fans, the press, the media and the public, as the "Sox" ("Opposer's SOX Marks").

3. Opposer owns U.S. federal registrations for Opposer's SOX Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 26, 28, 29, 34 and 41; namely, Registration Nos. 1,014,874; 1,040,684; 1,043,945; 1,095,475; 1,522,389; 1,528,114; 1,529,324; 1,568,406; 1,596,321; 1,602,303; 1,642,769; 1,772,967; 2,692,105; 3,238,173; 3,373,898; 3,596,573; 3,641,219; 3,641,220; 3,641,221; 3,644,961; 3,738,197; 3,797,632; 3,801,204, 3,842,200, 3,870,976, 4,258,474, 4,262,053, 4,262,076, 4,262,077, 4,265,243 and 4,265,244, all of which are incontestable.

4. Since long prior to August 17, 2018, Applicant's constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's SOX Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to,

clothing, namely, t-shirts, shirts, footwear, socks, hosiery, slippers, baby booties, sweatshirts, athletic shorts, jerseys, jackets, neckties, wrist and head bands, dresses, pants, underwear, boxer shorts, sleepwear, swimwear and headwear; jewelry; accessories; toys and sporting goods; printed matter and publications; and novelty items, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's SOX Marks, as well as being widely known by the press, the media, the fans and the public as the "Sox," Opposer has built up highly valuable goodwill in Opposer's SOX Marks, and said goodwill has become closely and uniquely identified and associated with Opposer and is integral to Opposer's identity.

6. On August 17, 2018, Applicant filed the Application to register Applicant's Mark for "Bandanas; Caps being headwear; Golf shirts; Hats; Polo shirts; Sport shirts; Sweaters; T-shirts; Tank tops; Visors being headwear; Hoodies" in International Class 25, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered in the Application in United States commerce prior to August 17, 2018, Applicant's constructive first use date.

8. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's SOX Marks.

9. Upon information and belief, Applicant is a resident of Somerville, Massachusetts, which is located close to Boston, Massachusetts where Opposer's home ballpark is located.

10. The suffix “SOX” in Applicant’s Mark is identical to certain of Opposer’s SOX Marks.

11. The PAWTUCKET RED SOX, known as the PAWSOX club, is the Club’s affiliated Triple-A MINOR LEAGUE BASEBALL team.

12. Upon information and belief, the relocation of the PAWSOX club to Worcester, Massachusetts in 2021 was announced on August 17, 2018, the same date Applicant filed the Application.

13. Upon information and belief, the town of Worcester, Massachusetts is often referred to as “Wormtown.”

14. Upon information and belief, Applicant’s Mark is a compound word joining Opposer’s SOX mark with the word “Worm” and is intended to by Applicant, and will be understood, to refer to a nickname for Opposer’s affiliate club when it relocates to Worcester, known as Wormtown.

15. Applicant’s Mark so resembles Opposer’s SOX Marks as to be likely, when used in connection with Applicant’s goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant’s goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant’s Mark.

16. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant is located in close proximity to Opposer’s ballpark, and Applicant’s Mark, which closely resembles Opposer’s SOX Marks that are an integral part of Opposer’s identity and which would point uniquely to the Opposer when combined with the word WORM

and when used in connection with the applied-for goods, goods for which Opposer is well-known, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer, and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Jeffrey Chery (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
April 1, 2019

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: Jeffrey Chery /

Mary L. Kevlin
Richard S. Mandel
Jeffrey Chery
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