

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: LAS VEGAS GOLDEN KNIGHTS
Applicant: Black Knight Sports and Entertainment LLC
Serial No.: 87/147,269
Filing Date: August 23, 2016
Examining Attorney: David C. Mayer
Law Office: 121

**RESPONSE TO REFUSAL AND PROVISIONAL REFUSAL
BASED ON LIKELIHOOD OF CONFUSION**

The Examining Attorney has preliminarily refused registration of Applicant's mark, LAS VEGAS GOLDEN KNIGHTS for "entertainment services, namely, professional ice hockey exhibitions" in Class 41 ("Applicant's Mark"), on the basis of likelihood of confusion with the mark GOLDEN KNIGHTS THE COLLEGE OF SAINT ROSE & Design (shown below) for, *inter alia*, "entertainment services in the form of intercollegiate sports exhibitions" in Class 41, which is the subject of U.S. Registration No. 3,188,463, owned by College of Saint Rose (the "Cited Registration").¹



In addition, the Examining Attorney indicated that he may refuse registration of Applicant's Mark on the basis of a likelihood of confusion with the subject marks of the two

¹ Applicant notes that, in the Office action dated December 7, 2016, the Examining Attorney appears to have erroneously cited to U.S. Registration Nos. 4,325,030 (SYRACUSE SILVER KNIGHTS & Design) and 4,325,031 (SYRACUSE SILVER KNIGHTS). However, as the remainder of the Office action and its exhibits make it clear that the Examining Attorney intended to refer to the Cited Registration, Applicant has responded accordingly.

applications listed below, if they pass to registration. Those applications are owned by Board of Regents of the University System of Georgia² and University of Central Florida, University of Central Florida Board of Trustees, respectively (together, the “Cited Applications”):

| Mark | Ser. No. | Owner | Goods and Services |
|--|------------------------------------|--|--|
|  | 87/089,922 Filed: Jun. 30, 2016 | Board of Regents of the University System of Georgia | <u>Classes 16, 18, 21 and 25</u> : An array of ancillary merchandise; <u>Class 41</u> : Educational services, namely, providing courses of instruction at the university level and distribution of course material in connection therewith; Providing collegiate athletic and sporting events |
|  | 87/115,966 Filed: July 26, 2016 | University of Central Florida | <u>Class 25</u> : An array of apparel; <u>Class 41</u> : Arranging and conducting athletic competitions; Providing collegiate athletic and sporting events |

Applicant’s LAS VEGAS GOLDEN KNIGHTS mark is not likely to be confused with the Cited Registration or the Cited Applications (together, the “Cited Marks”) because:

- (1) sports fans (and the general public) have long been accustomed to distinguishing between unrelated teams using the same or similar nicknames as trademarks;
- (2) more specifically, sports fans (and the general public) have long been accustomed to distinguishing between GOLDEN KNIGHTS and KNIGHTS marks for sporting events;

² That mark is used by Middle Georgia State University, which owns other registrations for KNIGHTS-formative marks for sporting events, as discussed in Section I.B, below.

- (3) sports fans, by their very nature, are knowledgeable about the games they choose to watch and attend; and
- (4) the parties' marks differ materially in appearance, sound, and commercial impression.

THERE IS NO LIKELIHOOD OF CONFUSION

Likelihood of confusion between two marks is determined on a case-by-case basis, aided by application of the factors enumerated in *In re E.I. DuPont de Nemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973); accord *In re Allegiance Staffing*, 115 U.S.P.Q.2d 1319 (T.T.A.B. 2015). The *DuPont* factors most relevant to this matter are discussed in turn below.

I. Sports Fans (and the General Public) Have Long Been Accustomed to Distinguishing between Teams Using the Same or Similar Nicknames

Sports fans (and the general public) have long been accustomed to distinguishing between identical and highly similar team names used by unrelated professional or collegiate teams. This is readily apparent from the Trademark Office's longstanding practice of allowing registration of identical and highly similar names by different entities, where one registration is for a professional sport and the other is for the collegiate level of the same sport, or where the registrations are for different types of sports. For example, Boise State University, Western Michigan University and the National Football League ("NFL") team in Denver all use and have registrations for trademarks containing or comprising the word BRONCOS. In fact, Boise State University owns Registration No. 3,759,874 for BRONCOS for "entertainment services, namely, the presentation of intercollegiate football games," while the owner of the NFL's Denver Broncos holds Registration No. 921,750 for the identical mark for "entertainment services-

namely, football exhibitions rendered live in stadia and through the media of radio and television broadcasts.”

The coexistence of the same or similar marks in sports, whether different sports or the same sport on different levels, is demonstrated in the chart below, which lists more than forty (40) identical or closely similar trademarks that are used concurrently by unrelated sports teams. Among those references are seven (7) trademarks used by both a collegiate hockey team and an NHL hockey team, i.e. BRUINS, DUCKS, FLAMES, FLYERS, HURRICANES, PANTHERS, and PENGUINS. TSDR Status pages for those marks that are registered and evidence showing use of the unregistered marks are attached hereto as Exhibit A.

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|------------------|--|--|---|
| BEARS | Baylor University | 1467391 (BAYLOR BEARS B & Design in Class 21) 2028572 (BAYLOR BEAR FOUNDATION in Class 36) 2780109 (SIC 'EM BEARS in Class 41) 4844089 (BAYLOR UNIVERSITY MCLANE STADIUM HOME OF THE BEARS EST. 2014 & Design in Class 25) | Beverageware, charitable fundraising services, sporting events and apparel |
| | Chicago (NFL) | 0960131 (CHICAGO BEARS in Class 41) 0952441 (BEARS in Class 41) 1803222 (CHICAGO BEARS in Classes 16 & 25) 3002230 (DA BEARS in Class 25) 3222956 (CHICAGO BEARS in Classes 9 & 28) 3222965 (BEARS in Classes 9, 14 & 25) 4320748 (DA BEARS in Class 41) | Football exhibitions, printed matter, apparel, toys, sporting goods and jewelry |
| BRONCOS | Boise State University | 3908469 (BOISE STATE BRONCOS & Design in Class 41) 3759874 (BRONCOS in Class 41) 3920307 (BRONCO NATION in Class 41) | Intercollegiate athletics and athletic event broadcasting |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|--|--|---|
| | | 3762201 (BOISE STATE BRONCOS (stylized) in Class 41) 3762196 (BOISE STATE BRONCOS in Class 41) 3762197 (BOISE STATE & Bronco Design in Class 41) 3762199 (BOISE STATE & Bronco Design in Class 41) 3776799 (BOISE STATE BRONCOS (stylized) in Class 41) 3829073 (BRONCO VISION in Class 41) | |
| | Western Michigan University | 2754751 (WESTERN MICHIGAN BRONCOS & Design in Classes 6, 14, 16, 18, 20, 21, 24, 25, 28 & 41) 1647722 (WESTERN MICHIGAN BRONCOS in Class 41) 1551075 (WESTERN MICHIGAN BRONCOS in Class 25) | Printed matter, apparel, clothing, beverageware, sporting goods and sporting events |
| | Denver (NFL) | 0921748 (DENVER BRONCOS in Class 41) 1807452 (DENVER BRONCOS in Classes 16 & 25) 3762711 (DENVER BRONCOS CHEERLEADERS & Design in Class 41) 3762916 (DENVER BRONCOS CHEERLEADERS in Class 41) 3237249 (DENVER BRONCOS in Classes 9, 14 & 28) 0921750 (BRONCOS in Class 41) 2454969 (BRONCOS in Class 25) 2600031 (BRONCOS in Class 28) 3262579 (BRONCOS COUNTRY in Class 25) | Football exhibitions, printed matter, apparel, cheerleading, jewelry, toys and sporting goods |
| BRUINS | University of California, Los Angeles (UCLA) | 1904077 (UCLA BRUINS in Classes 6, 9, 14, 16, 21, 24, 25 & 28) | Key chains, license plate frames, magnets, lapel pins, clocks, decals, note paper holders, beverageware, pennants, apparel, sporting goods and toys http://www.uclabruins.com/index.aspx?path=mball (Class 41) |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|---|---|
| | Belmont University | 4420752 (BELMONT BRUINS & Design in Class 41) | Arranging and conducting of competitions for collegiate athletics |
| | Boston (NHL) | 0872364 (BRUINS in Class 41) 0953886 (BOSTON BRUINS in Class 41) 1718316 (BRUINS in Class 25) 1823805 (BOSTON BRUINS & Design in Class 25) 3517478 (BOSTON BRUINS & Design in Class 25) 3517479 (BOSTON BRUINS & Design in Class 41) 3517483 (BRUINS BOSTON & Design in Class 25) 3517484 (BRUINS BOSTON & Design in Class 41) | Professional ice hockey contests and apparel |
| CARDINALS | University of Louisville | 2113295 (LOUISVILLE CARDINALS in Classes 25 & 41) 2651365 (LOUISVILLE CARDINALS & Design in Classes 14, 25 & 42) | Apparel, athletic events, tournaments and jewelry |
| | St. Louis (MLB) | 0841051 (CARDINALS in Class 41) 1290475 (ST. LOUIS CARDINALS & Design in Class 41) 1566742 (ST. LOUIS CARDINALS & Design in Classes 14, 21, 25, 26 & 28) 1561782 (ST. LOUIS CARDINALS (stylized) in Classes 6, 16, 21 & 25) 1566743 (CARDINALS & Design in Classes 9, 14, 21 & 25) 1613969 (CARDINALS & Design in Class 25) 1646801 (CARDINALS in Classes 16 & 25) 2597277 (CARDINALS & Design in Class 25) 2641836 (CARDINALS & Design in Class 41) 2563494 (CARDINALS & Design in Class 28) 2565213 (CARDINALS & Design | Baseball games and exhibitions, jewelry, beverage ware, apparel, toys and sporting goods, key chains, paper goods and printed matter, cell phone accessories, computer game software and accessories, and athletic and other bags |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|--|--|
| | | in Class 16) 2778410 (CARDINALS & Design in Class 9) 3455369 (CARDINALS in Class 14) 3370461 (CARDINALS & Design in Class 28) 3410579 (CARDINALS in Class 28) 3497105 (CARDINALS & Design in Class 18) | |
| | Arizona (NFL) | 1209145 (CARDINALS in Class 41) 3390954 (CARDINALS in Classes 14 and 25) 3301530 (ARIZONA CARDINALS in Classes 9 and 14) 2125896 (ARIZONA CARDINALS in Classes 16, 25, 28 and 41) 2459266 (CARDINALS CHEERLEADERS in Class 41) | Football games and exhibitions, jewelry, coins of precious metal, pendants, key chains, apparel, football helmets, cell phone covers, charge cards, magnets, football videos and DVDs, computer games, mouse pads, sunglasses, printed matter, apparel, sports equipment, and live cheerleading performances |
| CAVALIERS | University of Virginia | 3296174 (VIRGINIA CAVALIERS in Class 25) 3296175 (VIRGINIA CAVALIERS in Class 28) 3296178 (VIRGINIA CAVALIERS in Class 16) 3092117 (VIRGINIA CAVALIERS in Class 41) 3092118 (CAVALIERS in Class 41) | Apparel, toys and basketballs, paper products, and sporting competitions and events |
| | Cleveland (NBA) | 0924912 (CAVALIERS CLEVELAND & Design in Class 41) 2926580 (CAVALIERS CLEVELAND & Design in Class 25) 2915204 (CLEVELAND CAVALIERS & Design in Class 28) 3002593 (CLEVELAND CAVALIERS & Design in Class 18) 2924255 (CLEVELAND | Performance by a basketball team, apparel, toys and sporting goods, athletic and other bags, broadcasting services, publications and printed matter, live basketball games and exhibitions, audio and video recordings and discs, computer accessories and programs, cell phone accessories, video games, etc., and online retail of goods related to basketball |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|---|--|
| | | CAVALIERS & Design in Class 25) 2973189 (CLEVELAND CAVALIERS & Design in Class 38) 2915205 (CLEVELAND CAVALIERS & Design in Class 16) 2978687 (CLEVELAND CAVALIERS & Design in Class 41) 2978691 (CLEVELAND CAVALIERS & Design in Class 9) 2973188 (CLEVELAND CAVALIERS & Design in Class 35) 3028591 (CLEVELAND CAVALIERS in Class 25) | |
| COYOTES | University of South Dakota | 3065125 (COYOTES in Classes 25 & 41) | Apparel, arranging and conducting athletic events and competitions |
| | Arizona (NHL) | 4754778 (ARIZONA COYOTES in Class 41) 4763488 (ARIZONA COYOTES in Class 25) | Professional ice hockey exhibitions and apparel |
| DUCKS | University of Oregon | 4086487 (OREGON DUCKS in Class 41) 4044277 (OREGON DUCKS in Classes 21 & 25) 5120240 (GO DUCKS in Class 25) 86619252 (THE FIGHTING DUCKS in Class 41) (allowed) 5120239 (GO DUCKS in Class 41) | Conducting collegiate athletic events, beverageware, apparel, and arranging and conducting athletic competitions |
| | Anaheim (NHL) | 1857027 (MIGHTY DUCKS in Class 41) 1898159 (THE DUCKS in Class 25) 1995934 (MIGHTY DUCKS in Class 25) 2148213 (MIGHTY DUCKS OF ANAHEIM & Design in Class 25) 2184560 (MIGHTY DUCKS OF ANAHEIM & Design in Class 41) | Professional ice hockey games and exhibitions, novelty goods, sports and other bags, jewelry, printed matter, beverageware, caps and apparel |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|---|---|
| | | 3321071 (ANAHEIM DUCKS in Class 25) 3321072 (ANAHEIM DUCKS in Class 41) AND MORE | |
| EAGLES | Boston College | 1483603 (B.C. EAGLES in Class 25) 1520182 (BOSTON COLLEGE EAGLES in Class 41) 1491215 (BOSTON COLLEGE EAGLES in Class 25) 1499607 (BOSTON COLLEGE EAGLES in Class 21) 1499594 (BOSTON COLLEGE EAGLES in Class 20) | Apparel, athletic and sports events, beverageware, chairs and picture frames |
| | Philadelphia (NFL) | 1041475 (PHILADELPHIA EAGLES in Class 41) 1086152 (EAGLES in Class 41) 1807444 (PHILADELPHIA EAGLES in Classes 16 & 25) 3413981 (EAGLES in Class 25) 3311187 (PHILADELPHIA EAGLES in Classes 9, 14 & 28) | Professional football exhibitions, printed matter, apparel, jewelry, toys and sporting goods |
| FALCONS | Bowling Green State University | 1618869 (BOWLING GREEN FALCONS in Class 25) 1626063 (BOWLING GREEN STATE UNIVERSITY FALCONS in Class 25) 1602468 (BG FALCONS in Class 25) 1610639 (BGSU FALCONS in Class 25) | Apparel http://www.bgsufalcons.com/ (Class 41) |
| | Atlanta (NFL) | 0826565 (ATLANTA FALCONS in Class 41) 1164961 (FALCONS in Class 41) 1921887 (ATLANTA FALCONS in Classes 16 & 25) 3071658 (FALCONS LANDING in Classes 35 & 41) 3183110 (FALCONS 365 & Design in Class 35) 3307309 (ATLANTA FALCONS in Classes 9, 14 & 28) | Professional football exhibitions, printed matter, apparel, jewelry, toys and sporting goods, retail and online retail of apparel, sporting goods and paraphernalia |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|------------------|--|---|--|
| | | 3449559 (FALCONS in Class 25) | |
| FLAMES | Liberty University | 4572448 (LU FLAMES in Class 41) 4580139 (LU FLAMES & Design in Class 41) 4836837 (LIBERTY FLAMES in Class 38) | Competitions in the fields of sports, competitions in the field of college and university athletics (hockey), communication services |
| | Calgary (NHL) | 1961454 (FLAMES in Class 41) 4693156 (CF FLAMES & Design in Class 25) 4693157 (CF FLAMES & Design in Class 41) | Professional ice hockey exhibitions and apparel |
| FLYERS | University of Dayton | 3131531 (DAYTON FLYERS in Class 41) | Collegiate athletics |
| | Philadelphia (NHL) | 0866984 (PHILADELPHIA FLYERS in Class 41) 0988127 (FLYERS in Class 41) 1736680 (PHILADELPHIA FLYERS in Class 25) | Professional hockey exhibitions and apparel |
| GIANTS | San Francisco (MLB) | 1010059 (GIANTS & Design in Class 41) 1340707 (GIANTS & Design in Classes 21, 25 & 28) 1522132 (SAN FRANCISCO GIANTS in Class 41) 1527781 (GIANTS & Design in Classes 6 & 14) 1661650 (GIANTS in Classes 16 & 25) 2529743 (GIANTS & Design in Class 25) 2688009 (GIANTS & Design in Class 41) AND MORE | Printed matter, apparel, clothing, toys and sporting goods and sporting events |
| | New York (NFL) | 0835679 (THE NEW YORK FOOTBALL GIANTS in Class 41) 1174597 (NEW YORK GIANTS in Class 41) 1174598 (GIANTS & Design in Class 41) 1843003 (NEW YORK GIANTS in Class 25) 1802062 (GIANTS & Design in | Printed matter, apparel, clothing, jewelry and sporting events |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|------------------|--|---|---|
| | | Classes 16 & 25) 3439002 (GIANTS in Class 25) 3421494 (NEW YORK GIANTS in Classes 9 & 14) AND MORE | |
| GRIZZLIES | University of Montana | 3192375 (MONTANA GRIZZLIES & Design in Classes 25 & 41) 3190599 (MONTANA GRIZZLIES in Classes 25 & 41) | Apparel, arranging and conducting athletic events and tournaments |
| | Memphis (NBA) | 2892107 (GRIZZLIES in Class 25) 2947594 (MEMPHIS GRIZZLIES in Class 41) 3056500 (MEMPHIS GRIZZLIES & Design in Class 25) 3091190 (MEMPHIS GRIZZLIES & Design in Class 18) 3091191 (MEMPHIS GRIZZLIES & Design in Class 28) 3118079 (MEMPHIS GRIZZLIES & Design in Class 16) 3482340 (MEMPHIS GRIZZLIES & Design in Class 9) | Apparel, live basketball games and exhibitions, athletic and other bags, toys and sporting goods, publications and printed matter, audio and video recordings and discs, computer accessories and programs, cell phone accessories, video games, etc. |
| HORNETS | Delaware State University | 4031962 (DELAWARE STATE HORNETS & Design in Class 25) 4843579 (1 HORNET NATION DELAWARE STATE UNIVERSITY & Design in Classes 36 & 41) | Athletic apparel, university athletic competitions |
| | Charlotte (NBA) | 4784171 (CHARLOTTE HORNETS & Design in Class 25) 4899004 (CHARLOTTE HORNETS & Design in Class 9) 4899005 (CHARLOTTE HORNETS & Design in Class 16) 4899006 (CHARLOTTE HORNETS & Design in Class 18) 4899007 (CHARLOTTE HORNETS & Design in Class 28) 4909286 (CHARLOTTE HORNETS & Design in Class 41) | Apparel, computer and video game programs and accessories, cell phone accessories, printed matter, athletic and other bags, toys and sporting goods, and live basketball games and basketball exhibitions |
| HURRICANES | University of Miami | 4446820 (UNIVERSITY OF MIAMI HURRICANES in Class 41) | Conducting athletic events, exhibitions and competitions |
| | Carolina (NHL) | 2336473 (CAROLINA | Professional hockey exhibitions and |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|--|--|
| | | HURRICANES in Class 41) 2562074 (HURRICANES in Class 41) 2500591 (HURRICANES in Class 25) 2254170 (CAROLINA HURRICANES in Class 25) 2289535 (HURRICANES in Class 41) | apparel |
| JETS | New York (NFL) | 0830380 (NEW YORK JETS in Class 41) 0827037 (JETS in Class 41) 0977056 (JETS & Design in Class 41) 1815849 (NEW YORK JETS in Classes 16 & 25) 2315786 (NY JETS & Design in Classes 16, 25, 28 & 41) AND MORE | Printed matter, apparel, clothing, toys and sporting goods and sporting events |
| | Winnipeg (NHL) | 2476485 (WINNIPEG JETS in Class 25) 2821430 (WINNIPEG JETS & Design in Class 25) 4313829 (WINNIPEG JETS & Design in Class 25) 4313830 (WINNIPEG JETS & Design in Class 41) 1270310 (JETS in Class 41) | Clothing, apparel and sporting events |
| KINGS | Los Angeles (NHL) | 0921756 (KINGS in Class 41) 0921757 (LOS ANGELES KINGS & Design in Class 41) 1753976 (KINGS in Class 25) 1718268 (LOS ANGELES KINGS & Design in Class 25) 2398313 (LA KINGS & Design in Class 41) 2390231 (LA KINGS & Design in Class 25) AND MORE | Clothing, apparel and sporting events |
| | Sacramento (NBA) | 1532088 (SACRAMENTO KINGS & Design in Class 25) 1008049 (KINGS in Class 41) | Clothing, apparel and sporting events |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|--|---|
| | | 1006500 (KINGS & Design in Class 41) 1898173 (KINGS & Design in Class 25) 1917457 (SACRAMENTO KINGS & Design in Class 41) 1981446 (SACRAMENTO KINGS & Design in Class 25) 3097485 (SACRAMENTO KINGS in Class 25) AND MORE | |
| PANTHERS | University of Pittsburgh | 3722275 (PITTSBURGH PANTHERS in Classes 21 & 25) 3204527 (PITT PANTHERS in Classes 25 & 41) 4236987 (MY CITY. MY PANTHERS. in Class 41) 4312967 (THE PANTHER PITT in Class 25) | Mugs, apparel, organizing, arranging and conducting athletic contests, exhibitions, and clinics |
| | Carolina (NFL) | 2120117 (CAROLINA PANTHERS in Classes 16, 25, 28 & 41) 3503585 (CAROLINA PANTHERS in Classes 9 & 14) 3518906 (PANTHERS in Class 25) | Printed matter, apparel, bowling balls and footballs, professional football games, cell phone covers, football helmets, computer games and mouse pads, jewelry, and key chains |
| | Florida (NHL) | 1959524 (PANTHERS in Class 41) 3941774 (FLORIDA PANTHERS & Design in Class 41) 3941773 (FLORIDA PANTHERS & Design in Class 25) 2134703 (FLORIDA PANTHERS in Class 16) 2008813 (FLORIDA PANTHERS in Class 25) AND MORE | Professional hockey games and exhibitions, apparel, ice hockey equipment, toys, jigsaw puzzles, action figures, beverage ware, porcelain figurines, coasters, can coolers, waste baskets, glass ornaments, printed matter, commemorative medals, medallions, non-monetary coins commemorating a professional hockey team, umbrellas, license plates, trophies and money clips |
| PATRIOTS | George Mason University | 1718321 (GEORGE MASON PATRIOTS in Class 25) 3675692 (MASON PATRIOTS & Design in Class 41) 3228590 (MASON PATRIOTS & Design in Class 41) | Apparel, organizing community sporting events at the university level, collegiate sporting events, bags, beverage ware, balls for sports and games |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|---|---|
| | | 4328491 (MASON PATRIOTS & Design in Classes 18, 21 & 28) | |
| | New England (NFL) | 0949536 (PATRIOTS in Class 41) 0995095 (NEW ENGLAND PATRIOTS in Class 41) 2035889 (PATRIOTS & Design in Classes 16 & 25) 1884852 (NEW ENGLAND PATRIOTS in Classes 16 & 25) 2711199 (PATRIOTS & Design in Class 41) 3439067 (PATRIOTS in Class 25) 4668420 (PATRIOTS & Design in Classes 16, 25 & 41) AND MORE | Football programs, football exhibitions, printed matter, apparel, helmets, cell phone accessories, computer game software and accessories, jewelry, toys and sporting goods |
| PIRATES | East Carolina University | 2275514 (EAST CAROLINA UNIVERSITY PIRATES & Design in Classes 25 & 41) 2275513 (EAST CAROLINA UNIVERSITY PIRATES & Design in Classes 16, 25 & 41) 4175411 (ECU PIRATES in Classes 25 & 41) 4175412 (EAST CAROLINA PIRATES in Classes 25 & 41) 4334755 (WE ARE THE PIRATES OF ECU in Class 41) | Apparel, sports events and printed matter |
| | Pittsburgh (MLB) | 1013729 (PIRATES & Design in Class 41) 1480072 (PIRATES 1887 1987 & Design in Class 41) 1501664 (PITTSBURGH PIRATES in Class 41) 1608016 (PIRATES (stylized) in Classes 6, 14, 16, 21 & 25) 1539239 (PITTSBURGH PIRATES (stylized) in Class 25) 1634019 (PIRATES in Classes 16 & 25) 2012501 (PIRATES & Design in Class 41) 2801698 (PIRATES & Design in Class 41) | Baseball games and exhibitions, key chains, jewelry, paper goods and printed matter, beverage ware, apparel, toys and sporting goods, video and compact and audio discs, computer accessories, video games, etc., and athletic and other bags |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|------------------|--|---|--|
| | | 2880609 (PIRATES & Design in Class 25) AND MORE | |
| RANGERS | New York (NHL) | 0866660 (RANGERS in Class 41) 0870652 (NEW YORK RANGERS & Design in Class 41) 1603394 (RANGERS in Classes 6 & 25) 1560478 (NEW YORK RANGERS & Design in Classes 6, 16, 18, 21, 24, 25 & 28) 1662556 (NEW YORK RANGERS in Class 25) AND MORE | Printed matter, jewelry, apparel, clothing, beverage ware, toys and sporting goods and sporting events |
| | Texas (MLB) | 1481113 (TEXAS RANGERS in Class 41) 1620794 (RANGERS (stylized) in Class 25) 1608247 (TEXAS RANGERS in Classes 16 & 25) 2606798 (RANGERS & Design in Class 41) 3703861 (RANGERS & Design in Class 25) 3295154 (T TEXAS RANGERS & Design in Class 41) 3769340 (T TEXAS RANGERS & Design in Class 25) AND MORE | Printed matter, apparel, clothing and sporting events |
| TITANS | California State Fullerton | 4666133 (TITANS CAL STATE FULLERTON & Design in Classes 16, 25 & 41) | Printed matter, apparel, and intramural, intercollegiate and exhibition athletic sporting events |
| | Tennessee (NFL) | 2439028 (TENNESSEE TITANS in Class 41) 2643212 (TENNESSEE TITANS in Class 28) 2493049 (TENNESSEE TITANS in Class 25) 2439029 (TENNESSEE TITANS in Class 16) | Professional football exhibitions, toys and sporting goods, apparel, printed matter, and jewelry |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|---|---|--|
| | | 3524281 (TITANS in Class 25) 3261094 (TENNESSEE TITANS in Classes 9 & 14) | |
| WIZARDS | Harlem Wizards Entertainment Basketball | 2216293 (HARLEM WIZARDS in Class 41) | Entertainment services, namely live basketball games and exhibitions |
| | Washington (NBA) | 2265231 (WASHINGTON WIZARDS in Class 41) 2219219 (WASHINGTON WIZARDS in Class 25) 2522872 (WASHINGTON WIZARDS in Class 28) 2196203 (WASHINGTON WIZARDS in Class 16) 4947793 (WIZARDS & Design in Class 25) 2300301 (W WIZAARDS & Design in Class 18) AND MORE | basketball games and basketball exhibitions, mascot and dance team performances, apparel, toys and sporting goods, printed matter, athletic bags |
| 49ERS | Long Beach State University | No registrations using 49ERS | https://longbeachstate.cbsi-store.com/apparel/t-shirts/lb-forty-niners-t-shirt-gold-russell.html (Class 25) http://www.espn.com/mens-college-basketball/team/_/id/299/long-beach-state-49ers (Class 41) |
| | San Francisco (NFL) | 1810714 (SAN FRANCISCO 49ERS in Classes 16 & 25) 3480219 (SAN FRANCISCO FORTY NINERS in Class 41) 3535892 (49ERS in Class 25) | Printed matter, clothing, apparel and sporting events |
| BENGALS | Idaho State University | No registrations using BENGALS | http://www.shopisubengals.com/idaho_state_bengals_tshirts_mens_short_sleeve_Idaho_State_Black_T_Shirt_Idaho_State_University_Bengals_Stacked_6-33-re1291ac#.WNAwime1uUk (Class 25) |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|--|--|
| | Cincinnati (NFL) | 0940763 (BENGALS in Class 41) 1071979 (CINCINNATI BENGALS in Class 41) 1861765 (CINCINNATI BENGALS in Classes 16 & 25) 3497743 (BENGALS in Classes 9, 14 & 25) 3439131 (CINCINNATI BENGALS in Classes 9 & 28) | http://www.isubengals.com/index.aspx?path=mbball (Class 41) Printed matter, jewelry, clothing, toys, sporting goods and sporting events |
| BLUEJAYS | Creighton University | No registrations using BLUEJAYS | http://shop.gocreighton.com/ (Class 25) http://www.sbnation.com/college-basketball/teams/creighton-bluejays (Class 41) |
| | Toronto (MLB) | 1147361 (TORONTO BLUE JAYS & Design in Class 41) 1147362 (BLUE JAYS (stylized) in Class 41) 1680272 (BLUE JAYS in Classes 16 & 25) 3694226 (BLUE JAYS (stylized) in Class 25) 4314076 (BLUE JAYS (stylized) in Class 41) 4335762 (BLUE JAYS (stylized) in Class 25) 4332602 (BLUE JAYS (stylized) in Class 21) 4306226 (BLUE JAYS (stylized) in Class 18) 4306227 (BLUE JAYS (stylized) in Class 14) 4329059 (TORONTO BLUE JAYS & Design in Class 14) 4332603 (TORONTO BLUE JAYS & Design in Class 41) 4329062 (TORONTO BLUE JAYS & Design in Class 25) AND MORE | Apparel, jewelry, clothing and sporting events |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|------------|-----------------------------------|---|--|
| BRAVES | Alcorn State University | No registrations using BRAVES | http://alcorn.bncollege.com/webapp/wcs/stores/servlet/Champion_Long_Sleeve_Jersey_Tee/ProductDisplay?parentCatId=40360&imageId=1137213&level=&graphicId=APC02859066001&categoryId=40425&catalogId=10001&langId=-1&storeId=65217&productId=400000011698&topCatId=40000 (Class 25) http://www.espn.com/mens-college-basketball/team/_/id/2016/alcorn-state-braves (Class 41) |
| | Atlanta (MLB) | 0845032 (BRAVES (stylized) in Class 25) 0829308 (BRAVES (stylized) in Class 41) 0829309 (BRAVES & Design in Class 41) 1484697 (ATLANTA BRAVES in Class 41) 1596052 (BRAVES & Design in Classes 6, 16, 20, 21, 24, 25, 26, 28 & 34) 1562115 (BRAVES (stylized) in Classes 16, 18, 21, 25) 1561774 (ATLANTA BRAVES in Classes 6, 11, 16, 25) 2671045 (BRAVES & Design in Class 41) 3764026 (HOME OF THE BRAVES in Class 41) 3382988 (BRAVES & Design in Class 14) 3382989 (BRAVES (stylized) in Class 14) AND MORE | Stationery, bags, beverage ware, clothing, apparel, jewelry and sporting events |
| BUCCANEERS | East Tennessee State University | No registrations using BUCCANEERS | http://www.etsugear.com/east_tennessee_state_buccaneers_tshirts_mens_long_sleeve_ETSU_Navy_Long_Sleeve_T_Shirt_Arched_East_Tennessee_University_Buccaneers |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|--|--|
| | | | 6-33-xh1097bg#.WNEuQWe1uUk (Class 25) https://www.facebook.com/ETSUAthletics/ (Class 41) |
| | Tampa Bay (NFL) | 1085102 (TAMPA BAY BUCCANEERS in Class 41) 1085103 (BUCCANEERS in Class 41) 1809129 (TAMPA BAY BUCCANEERS in Classes 16 & 25) 3236564 (TAMPA BAY BUCCANEERS in Classes 9, 14 & 28) 3236565 (BUCCANEERS in Classes 25 & 28) | Apparel, jewelry, clothing, toys, sporting goods and sporting events |
| BULLS | University of Buffalo | No registrations using BULLS | http://www.shopubulls.com/buffalo_bulls_tshirts_mens_long_sleeve_Buffalo_Black_Long_Sleeve_TShirt_Bulls_Basketball_Arched_w_slash_Ball_6-33-yq12r6bh#.WNEx72e1uUk (Class 25) https://www.facebook.com/ubulls/ (Class 41) |
| | Chicago (NBA) | 1530949 (CHICAGO BULLS & Design in Class 25) 1836873 (BULLS in Class 25) 2164141 (CHICAGO BULLS & Design in Class 18) 2227791 (CHICAGO BULLS in Class 41) | Bags, apparel and sporting events |
| COWBOYS | McNeese State University | No registrations using COWBOYS | http://www.espn.com/mens-college-basketball/team/_id/2377/mcneese-cowboys (Class 41) |
| | Oklahoma State University | No registrations using COWBOYS | http://shop.okstate.com/COLLEGE_Oklahoma_State_Cowboys_Mens/Mens_Nike_Black_Oklahoma_State_Cowboys_Staff_Sideline_Dri-FIT_Legend_T-Shirt (Class 25) |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|---|--|
| | | | http://www.espn.com/mens-college-basketball/team/_/id/197/oklahoma-state-cowboys (Class 41) |
| | University of Wyoming | 3960515 (WYOMING COWBOYS in Classes 21 & 28) 4004398 (COWBOYS & Design in Class 25) 1725815 (WYOMING COWBOYS in Class 25) | Clothing, beverageware and sporting goods http://www.gowyo.com/ (Class 41) |
| | Dallas (NFL) | 0841044 (DALLAS COWBOYS in Class 41) 0897133 (COWBOYS in Class 41) 1930385 (DALLAS COWBOYS in Classes 16 & 25) 4922000 (HOW 'BOUT THEM COWBOYS in Class 25) AND MORE | Printed matter, apparel, clothing and sporting events |
| DOLPHINS | Jacksonville University | No registrations using DOLPHINS | http://www.bkstr.com/ProductDisplay?urlRequestType=Base&catalogId=10001&categoryId=10040&productId=75768802&errorViewName=ProductDisplayErrorView&langId=-1&top_category=10029&parent_category_rn=544256&storeId=10760 (Class 25) https://www.facebook.com/JUDolphins/ (Class 41) |
| | Miami (NFL) | 0991671 (MIAMI DOLPHINS in Class 41) 0991672 (DOLPHINS (stylized) in Class 41) 1857632 (MIAMI DOLPHINS in Classes 16 & 25) 3434029 (DOLPHINS in Class 25) 3416966 (MIAMI DOLPHINS in Classes 14 & 28) AND MORE | Printed matter, jewelry, clothing, toys and sporting goods and sporting events |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-------------------------------------|---|--|
| ISLANDERS | Texas A&M University Corpus Christi | No registrations using ISLANDERS | http://www.islandersgamedaygear.com/texas-a-and-m-corpus-christi-islanders-tshirts-mens-long-sleeve-texas-a-and-m-corpus-christi-royal-long-sleeve-t-shirt-islanders-w-slash-l-6-33-zq14r6b#.WNFMBme1uUk (Class 25) http://goislanders.com/ (Class 41) |
| | New York (NHL) | 0970427 (NEW YORK ISLANDERS in Class 41) 0970429 (ISLANDERS in Class 41) 1722053 (NEW YORK ISLANDERS in Class 25) 1694498 (NY ISLANDERS & Design in Class 25) 3290576 (NY ISLANDERS & Design in Class 41) 3541781 (ISLANDERS & Design in Class 25) | Clothing and sporting events |
| JAGUARS | Southern University | No registrations using JAGUARS | http://www.gojagsgear.com/southern-jaguars-tshirts-mens-performance-southern-university-syntrel-performance-navy-tee-arched-jaguars-6-33-vw10x6f#.WNFNYGe1uUk (Class 25) http://gojagsports.com/ (Class 41) |
| | Jacksonville (NFL) | 2019500 (JACKSONVILLE JAGUARS in Classes 16, 25, 28) 2274675 (JACKSONVILLE JAGUARS in Class 41) 2167854 (JACKSONVILLE JAGUARS & Design in Classes 16, 25 & 41) 3434096 (JACKSONVILLE JAGUARS in Classes 9 & 14) | Printed matter, jewelry, apparel, toys and sporting goods and sporting events |
| LIONS | Columbia University | No registrations using LIONS | http://columbia.shoptruesprit.com/webapp/wcs/stores/servlet/Blue_84_Youth_Girl_Confetti_Tee/ProductDisplay?parentCatId=&imageId=1178 |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|---|--|
| | | | 882&level=&graphicId=HX3H&categoryId=70200&catalogId=10003&langId=-1&storeId=88376&productId=400000281999&topCatId=70020 (Class 25) http://www.espn.com/mens-college-basketball/team/_/id/171/columbia-lions (Class 41) |
| | Detroit (NFL) | 0943810 (DETROIT LIONS in Class 41) 1899292 (LIONS in Class 41) 2692088 (DETROIT LIONS in Classes 16 & 25) 3343332 (LIONS in Class 25) 3434142 (DETROIT LIONS in Classes 9, 14 & 28) AND MORE | Printed matter, apparel, jewelry, toys and sporting goods, clothing and sporting events |
| MAVERICKS | University of Texas – Arlington | No registrations using MAVERICKS | http://www.bkstr.com/ProductDisplay?storeId=10645&errorViewName=ProductDisplayErrorView&productId=70568591&urlRequestType=Base&langId=-1&catalogId=10001&cm_sp=AdobeRecs_Home-Page--Sale_HP_CurCat/MostViewed--812 (Class 25) http://www.utamavs.com/ (Class 41) |
| | Dallas (NBA) | 1235457 (DALLAS MAVERICKS in Class 41) 1537463 (M DALLAS MAVERICKS & Design in Class 25) 2705429 (DALLAS MAVERICKS & Design in Class 18) 2754325 (DALLAS MAVERICKS & Design in Class 25) 2701384 (DALLAS MAVERICKS & Design in Class 41) 3100138 (DALLAS MAVERICKS | Bags, apparel, clothing, toys and sporting goods and sporting events |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|---|--|
| | | in Class 25) AND MORE | |
| PENGUINS | Youngstown State University | No registrations using PENGUINS | http://ysu.shoptruespirit.com/webapp/wcs/stores/servlet/Jansport_Jersey_TShirt/ProductDisplay?parentCategoryId=&imageId=1050390&level=&graphicId=021543&categoryId=70206&catalogId=10003&langId=-1&storeId=88346&productId=400000006705&topCatId=70018 (Class 25) https://www.facebook.com/ysusports (Class 41) |
| | Pittsburgh (NHL) | 0875829 (PENGUINS in Class 41) 2521439 (PITTSBURGH PENGUINS in Class 25) 4257229 (PITTSBURGH PENGUINS & Design in Class 41) 4702064 (PITTSBURGH PENGUINS & Design in Class 25) AND MORE | Clothing, apparel and sporting events |
| RAIDERS | Colgate University | No registrations using RAIDERS | http://www.colgatebookstore.com/shop_product_detail.asp?catalog_group_id=Mw&catalog_group_name=TGFkaWVz&catalog_id=145&catalog_name=TGFkaWVzIFQtU2hpcnRz&pf_id=131576&product_name=TGVhZ3VlIFRhbmsgQ29sZ2F0ZSBBcmNoZWQgT3ZlciBSYWlkZXJzIEluE1hcm9vbiBCb3ggV2l0aCBNYXJvb24gU2hvdWxkZXJzIEFuZCBOZWNr&type=1&target=shop_product_list.asp (Class 25) http://gocolgateraiders.com/index.aspx (Class 41) |
| | Oakland (NFL) | 0731309 (RAIDERS in Class 41) 0974730 (RAIDERS & Design in Class 41) 0975685 (RAIDERS & Design in | Printed matter, apparel, jewelry, toys and sporting goods, clothing and sporting events |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|---|--|
| | | Class 41) 1771383 (RAIDERS & Design in Classes 16 & 25) 1919846 (OAKLAND RAIDERS in Class 25) 3725246 (RAIDERS in Class 25) 3843713 (OAKLAND RAIDERS in Classes 9, 14, 16, 28, 41) AND MORE | |
| ROCKETS | University of Toledo | No registrations using ROCKETS | http://utoledo.bncollege.com/webapp/wcs/stores/servlet/Alta_Gracia_Rolled_Tee/ProductDisplay?parentCategoryId=40360&imageId=936133&level=&graphicId=CP232&categoryId=40425&catalogId=10001&langId=-1&storeId=22576&productId=400000143563&topCatId=40000 (Class 25) https://www.facebook.com/UTRockets (Class 41) |
| | Houston (NBA) | 0976164 (HOUSTON ROCKETS in Class 41) 1004459 (HOUSTON ROCKETS & Design in Classes 24, 25, 28 & 41) 2012542 (ROCKETS & Design in Class 25) 2109439 (ROCKETS (stylized) in Class 25) 2938571 (HOUSTON ROCKETS & Design in Class 25) 3235838 (HOUSTON ROCKETS in Class 25) AND MORE | Apparel, clothing, toys and sporting goods and sporting events |
| SAINTS | Siena College | No registrations using SAINTS | http://www.shopsienasaints.com/sienasaintstshirts mens long sleeve Siena Dark Green Long Sleeve T Shirt Cross Country XC 6-33-oh16r6am#.WNFfdWe1uUk (Class 25) https://www.facebook.com/SienaSaints |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|---|--|
| | New Orleans (NFL) | 0844767 (NEW ORLEANS SAINTS in Class 41) 1079540 (SAINTS (stylized) in Class 41) 1887084 (NEW ORLEANS SAINTS in Classes 16 & 25) 3221654 (SAINTS in Classes 9, 14 & 16) 3224218 (SAINTS in Classes 25 & 28) AND MORE | ints (Class 41) Printed matter, jewelry, apparel, toys and sporting goods and sporting events |
| SEAHAWKS | Wagner College | No registrations using SEAHAWKS | http://wagner.bncollege.com/webapp/wcs/stores/servlet/Champion_Original_Reverse_Weave_Hooded_Sweatshirt/ProductDisplay?parentCatId=40360&imageId=1177084&level=&graphicId=APC02912488001&categoryId=40424&catalogId=10001&langId=-1&storeId=44055&productId=400000085938&topCatId=40000 (Class 25) http://www.wagnerathletics.com/ (Class 41) |
| | Seattle (NFL) | 1065460 (SEATTLE SEAHAWKS in Class 41) 1908395 (SEATTLE SEAHAWKS in Classes 16 & 25) 3201572 (SEATTLE SEAHAWKS in Classes 14 & 28) 3201573 (SEAHAWKS in Classes 14, 25 & 28) AND MORE | Printed matter, jewelry, apparel, clothing, toys and sporting goods and sporting events |
| TIGERS | University of Memphis | No registrations using TIGERS | http://tigerbookstore.com/MerchDetail.aspx?MerchID=1127571&num=0&start=1&end=20&type=1&CategoryName=T-shirts%20Unisex&CatID=1681&Name=T-shirts%20Unisex#.WN2KxIXythE (Class 25) |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|--|--|
| | | | https://www.facebook.com/memphistigers (Class 41) |
| | Princeton University | No registrations using TIGERS | http://www.pustore.com/Tanks-and-Tees/Princeton---Mascot-Tiger--Athletic---Tee/517984804260728560/3458-3681/Product (Class 25) http://www.goprincetontigers.com/ (Class 41) |
| | Auburn University | 2164990 (AUBURN TIGERS in Class 25) 3052640 (AUBURN TIGERS in Classes 6, 20, 24, 28) | Apparel and sporting goods https://www.facebook.com/AuburnTigers/ (Class 41) |
| | Clemson University | 1310951 (CLEMSON TIGERS in Classes 11, 16, 18, 20, 21, 24 & 25) | Electric lamps, printed matter, tote bags, decorative goods, beverage ware, towels and pillowcases and apparel http://www.clemsontigers.com/ (Class 41) |
| | LSU | 4089445 (LSU TIGERS in Classes 16, 21, 25, 28 & 41) 4089446 (LSU TIGERS & Design in Classes 9, 16, 21, 25, 28 & 41) | Printed matter, apparel, toys and sporting goods and sporting events |
| | Detroit (MLB) | 1015996 (DETROIT TIGERS & Design in Class 41) 1021470 (DETROIT TIGERS & Design in Classes 16 & 25) 1480101 (DETROIT TIGERS in Class 41) 1706648 (TIGERS in Classes 16 & 25) | Baseball games and exhibitions, trading cards, apparel, paper goods and printed matter |
| VIKINGS | Cleveland State University | No registrations using VIKINGS | http://www.bkstr.com/ProductDisplay?urlRequestType=Base&catalogId=10001&categoryId=544256&productId=75661451&errorViewName=ProductDisplayErrorView&langId=-1&top_category=10029&parent_category_rn=10029&storeId=390909 (Class 25) |

| Team Name | Professional and College Entities | Registration Nos. | Representative Goods and Services & Evidence of Common Law Use |
|-----------|-----------------------------------|--|--|
| | | | http://www.espn.com/mens-college-basketball/team/_/id/325 (Class 41) |
| | Minnesota (NFL) | 0997180 (VIKINGS in Class 41) 0997182 (MINNESOTA VIKINGS in Class 41) 1878590 (MINNESOTA VIKINGS in Classes 16 & 25) 3425471 (VIKINGS in Class 25) 3351349 (MINNESOTA VIKINGS in Class 14) 4210349 (MINNESOTA VIKINGS' PURPLE FRIDAY in Class 41) 4250369 (SKOL VIKINGS in Class 41) AND MORE | Printed matter, apparel, clothing and sporting events |
| WILDCATS | Northwestern University | No registrations using WILDCATS | http://northwestern.bncollege.com/webapp/wcs/stores/servlet/UnderArmourShortSleeveTee/ProductDisplay?parentCatId=40360&imageId=45434&level=&graphicId=APU02693394001&categoryId=40381&catalogId=10001&langId=-1&storeId=30553&productId=400000205070&topCatId=40000 (Class 25) http://www.espn.com/mens-college-basketball/team/_/id/77/northwestern-wildcats (Class 41) |
| | University of Kentucky | 2122847 (KENTUCKY WILDCATS in Classes 16, 25, 28) 2073555 (KENTUCKY WILDCATS in Classes 12, 14, 18, 20, 21, 24) 1607719 (KENTUCKY WILDCATS in Class 41) | Printed matter, clothing, sporting goods, beverage ware, bedding and sporting events |

Application of a uniform standard to evaluate likelihood of confusion is a principle strongly advocated by the Board and the Courts. *See In re Nett Designs, Inc.*, 236 F.3d 1339,

1342 (Fed. Cir. 2001). Consequently, just as the Trademark Office has recognized that numerous sports team names incorporating the same word or words can coexist without confusion, so too should it recognize that Applicant's Mark for professional hockey exhibitions can coexist with the Cited Marks for collegiate sports.

This coexistence is possible because the activities of different sports teams can frequently be distinct enough to avoid confusion, despite that, at some level, sports teams all provide "sporting events." Differences between the specific sports the teams play, whether they play at the professional or collegiate level, or whether they play in different leagues, can be enough to render confusion unlikely. *See Harlem Wizards Entertainment Basketball, Inc. v. NBA Properties, Inc.*, 952 F. Supp. 1084, 1095 (D.N.J. 1997) (no likelihood of confusion between an NBA professional basketball team's use of WIZARDS and WASHINGTON WIZARDS and a "show basketball" team's use of WIZARDS and HARLEM WIZARDS); *see also Ignition Athletic Performance Group, LLC v. Hantz Soccer U.S.A., LLC*, No. 06-13684, 2007 WL 2049005 (E.D. Mich. Jul. 17, 2007) (the parties' services, though related, did not support finding of likelihood of confusion, in part, because parties' sports teams played in different leagues).

As the *Harlem Wizards* court recognized, "[e]ven when two products or services fall within the same general field, it does not mean that the two products or services are sufficiently similar to create a likelihood of confusion." *Harlem Wizards*, 952 F. Supp. at 1095. The court found that the parties' services were sufficiently distinct that confusion was not likely, even though both teams played basketball, and even though the professional team played in the NBA and the "show" team had played during halftime at NBA games. *Id.* Integral to that finding was the court's acknowledgment that "any similarity between the two teams [was] superficial and the

result of creating overinclusive categories that are irrelevant to the likelihood of confusion.” *Id.* at 1095.

The Board and the Federal Circuit also have admonished that “a finding that the goods are similar is not based on whether a general term or overarching relationship can be found to encompass them both.” *Edwards Lifesciences Corporation v. VigiLanz Corporation*, 94 U.S.P.Q.2d 1399 (T.T.A.B. 2010) (no likelihood of confusion between VIGILANCE for a monitor with operating software used in critical care settings and VIGILANZ for a computer monitoring system, and attendant software and database, used in hospitals to analyze lab results); *accord In re Mars, Inc.*, 741 F.2d 395, 396 (Fed. Cir. 1984) (no likelihood of confusion between exact mark CANYON for food products, where one party’s use was for candy bars and the other’s was for fruit); *see also In re Donnay International Société Anonyme*, 31 U.S.P.Q.2d 1953 (T.T.A.B. 1994) (no likelihood of confusion between GHOST and THE GHOST for sporting goods, where one party’s use related to racquet sports and the other’s related to soccer); *Vitarroz Corp. v. Borden, Inc.*, 644 F.2d 960 (2d Cir. 1981) (no likelihood of confusion between BRAVO’S for crackers and BRAVOS for tortilla chips); *Sunenblick v. Harrell*, 895 F. Supp. 616 (S.D.N.Y. 1995) (no likelihood of confusion between exact mark UPTOWN RECORDS for music label where one party’s use related to jazz, and the other’s was for rap and R&B), *aff’d*, 101 F.3d 684 (2d Cir. 1996); *Modular Cinemas of America, Inc. v. Mini Cinemas Corp.*, 175 U.S.P.Q. 355 (S.D.N.Y. 1972) (no likelihood of confusion between MINI CINEMA for family movie theaters and MINI CINEMA for erotic movie theaters even though both marks were used in connection the operation of motion picture theaters).

Like the parties' marks in *Harlem Wizards* and *Ignition Athletic Performance*, Applicant's Mark will be used in a different sports league than the Cited Marks. Applicant's Mark will be used for professional ice hockey exhibitions, while all of the Cited Marks are used for college athletics. Notably, the College of Saint Rose does not have a hockey team. *See Exhibit B* (screenshots from College of Saint Rose website showing that hockey is not among its sports offerings). Consequently, the sporting events offered under Applicant's Mark and the Cited Registration are different because they relate to different sports. It is extremely unlikely that anyone seeking tickets to a LAS VEGAS GOLDEN KNIGHTS professional ice hockey game would mistakenly buy tickets to a GOLDEN KNIGHTS COLLEGE OF SAINT ROSE collegiate baseball, football, or other game, or vice versa. Any finding to the contrary would ignore the realities of the marketplace and be inconsistent with Trademark Office practice and precedent. There is no likelihood of confusion here.

A. Sports Fans (and the General Public) Have Long Been Accustomed to Distinguishing between GOLDEN KNIGHTS Formative Marks

Confusion is less likely when the common elements shared by two marks are also used by others in the relevant field. *See Juice Generation, Inc. v. GS Enterprises LLC*, 115 U.S.P.Q.2d 1671 (Fed. Cir. 2015) (“Third-party use of similar marks can show that customers have been educated to distinguish between different marks on the basis of minute distinctions.”) (internal citations omitted); *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 73 U.S.P.Q. 1689 (Fed. Cir. 2005) (“Evidence of third-party use of similar marks on similar goods is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection.”). That principle applies here, where Applicant's Mark and the Cited Marks

incorporate “GOLDEN KNIGHTS” and/or “KNIGHTS.” The Trademark Office already has held that marks containing those terms for sporting events can coexist in the absence of confusion, as is discussed in more detail below.

Notably, the Cited Registration coexisted on the Principal Register for approximately nine years with U.S. Reg. No. 3,156,265 for UCF GOLDEN KNIGHTS & Design,³ owned by the University of Central Florida for, *inter alia*, “entertainment services, namely, organizing and conducting college sports competitions, athletic events and tournaments” (the “UCF Registration”). Based on the parties’ asserted dates of first use, their respective GOLDEN KNIGHTS-formative marks coexisted in the marketplace for approximately ten years with the apparent absence of confusion. *See Exhibit D* (TSDR Status Pages for the UCF Registration and the Cited Registration).

Additionally, both the Cited Registration and the UCF Registration also coexist, or coexisted, in the marketplace with a third GOLDEN KNIGHTS mark, CLARKSON GOLDEN KNIGHTS, which has been used continuously for decades by Clarkson University in connection with its own collegiate sporting events, and specifically in connection with collegiate hockey (unlike College of Saint Rose which does not have a hockey team). *See Exhibit E* (printouts from Clarkson University website). Notably, College of Saint Rose and Clarkson University appear to have coexisted without confusion since at least as early as January 1, 2002, over the



That registration was cancelled for failure to file a Declaration of Use on May 23, 2013, although the GOLDEN KNIGHTS mark still appears to be in active use by the University of Central Florida. *See Exhibit C* (<http://www.ucfgoldenknightsclub.com>).

course of more than fifteen (15) years.⁴ This coexistence demonstrates consumers' ability to distinguish between GOLDEN KNIGHTS-formative marks for sporting events, even though both of those educational institutions are located in upstate New York (*see Exhibit F*), with their main campuses less than 200 miles apart, and Clarkson University's Capital Region Campus is located roughly 16 miles from College of Saint Rose (*see Exhibit G*). Moreover, both institutions sell merchandise branded with their respective GOLDEN KNIGHTS-formative collegiate athletic marks via the same website, www.bkstr.com (*see Exhibit H*). Additionally, both institutions are located within 250 miles of yet another entity in upstate New York that uses GOLDEN KNIGHTS for sporting events, York Middle High School (*see Exhibit I*). It follows, then, that consumers encountering Applicant's Mark, LAS VEGAS GOLDEN KNIGHTS, which is used for professional -- rather than collegiate or secondary school -- sports, will be able to distinguish that mark from the Cited Marks.

B. Sports Fans (and the General Public) Have Long Been Accustomed to Distinguishing between KNIGHTS-Formative Marks

Trademark Office practice and precedent recognizes that sports fans also are able to distinguish between numerous KNIGHT- and KNIGHTS-formative marks for sporting events and related services based on even small differences between the parties' marks, as is evidenced

⁴ Additionally, Clarkson University and Applicant are parties to a coexistence agreement that recognizes that consumers are not likely to be confused by the use of their respective marks.

by the eighteen (18) registrations and two allowed or approved applications listed below.

| Mark | App./Reg. No. | Owner | Services |
|---|---------------|---|---|
| THE GORDON HEIGHTS KNIGHTS | 5,167,645 | Gordon Heights Sports Coach and Parent Association Inc. | Amateur youth sports services, namely, organizing and providing youth sports activities; sports training services in the field of football, cheerleading, soccer, basketball, lacrosse and softball |
|  | 5,091,300 | Board of Regents of the University System of Georgia | Educational services, namely, providing courses of instruction at the university level and distribution of course material in connection therewith; providing collegiate athletic and sporting events. |
| JERSEY KNIGHTS | 5,058,085 | Central Jersey Knights, Inc. | Organizing and conducting youth athletic competitions and games in the field of soccer; entertainment in the nature of competitions in the field of soccer |
| UCF KNIGHTS | 4,964,348 | The University of Central Florida Board of Trustees | Arranging and conducting athletic competitions; education services in the nature of courses at the university level; entertainment in the nature of competitions in the field of athletics; providing collegiate athletic and sporting events |
|  | 4,926,712 | Creekside High School | Encouraging amateur sports and physical education by organizing, sanctioning, conducting, regulating and governing amateur athletic programs and activities |
|  | 4,835,366 | Knights Baseball Club, Inc. | Entertainment in the nature of baseball games |
| PURPLE KNIGHTS | 4,326,964 | Saint Michael's College, Inc. | Entertainment services, namely, organizing, sponsoring and conducting events, namely, collegiate athletic competitions, public speaking events, literary and performing arts presentations, and cultural events; |

| Mark | App./Reg. No. | Owner | Services |
|---|---------------|-----------------------------|---|
| | | | providing various facilities for an array of sporting events, sports and athletic competitions and awards programs; operation of sports camps |
|  | 4,372,711 | Rugby Properties, LLC | Entertainment services, namely, participation in rugby matches |
|  | 4,449,828 | Syracuse Pro Sports, LLC | Entertainment services, namely, participation in women's soccer games |
|  | 4,295,456 | Marian University, Inc. | Entertainment services, namely, arranging and conducting of competitions for intercollegiate athletes |
| BLACK KNIGHT | 3,984,281 | Uncle Tod Motorsports, Inc. | Entertainment services, namely, performing and competing in motor sports events |
|  | 3,890,186 | Neumann University | Entertainment in the nature of basketball games |
| NEUMANN KNIGHTS | 3,724,576 | Neumann University | Entertainment services, namely, conducting collegiate athletic and sports events |

| Mark | App./Reg. No. | Owner | Services |
|---|--|--|--|
| HOLLYWOOD KNIGHTS | 3,067,692 | Mirisch, Michael | Entertainment in the nature of basketball games |
|  | 3,661,839 | Stephens Institute | Educational services, namely, providing courses of instruction and lectures at the university and graduate school levels; arranging, organizing and conducting collegiate level sports competitions, athletic events and tournaments |
| BROOKLYN KNIGHTS | 2,713,687 | Brooklyn Basketball, LLC | Entertainment in the nature of soccer games, sports clinics and sports camps; organizing exhibitions for sporting and entertainment purposes |
| KINGS STREET KNIGHTS | 2,261,544 | Los Angeles Kings Hockey Club, L.P., | Organizing and conducting community based street hockey programs and competitions for youths |
| KNIGHTS | 1,515,863 | Knights Baseball, LLC | Entertainment services in the nature of professional baseball exhibitions and competitions |
|  | 87/089,959 (allowed partial ITU application, amended on 5/08/2017 to solely use-based) | Board of Regents of the University System of Georgia | Educational services, namely, providing courses of instruction at the university level and distribution of course material in connection therewith; providing collegiate athletic and sporting events |
| NORTHERN KNIGHTS | 87/295,707 (use-based application, Notice of Publication issued 5/24/2017) | Full Count Enterprises Mundelein LLC | Educational and coaching services, namely, providing academies, coaching and instructional services for athletics, namely, a baseball and softball educational academy; providing live and recorded coaching and instruction for baseball and softball; providing group clinics for baseball and softball instruction; providing a practice arena for baseball and softball instruction; entertainment services in the nature of baseball and softball exhibitions |

TSDR Printouts of showing the current status and title of the foregoing registrations and applications are annexed hereto as Exhibit J. Images from websites showing use of the foregoing trademarks in commerce are annexed hereto as Exhibit K.

The Trademark Office's conclusion that the foregoing marks can coexist with the Cited Marks reflects the ability of sports fans to differentiate between KNIGHT- and KNIGHTS-formative marks for sporting events based on even slight differences in the marks and -- where applicable -- differences between the parties' goods and services. *See Exhibit L* (printouts from MascotDB.com mascot database showing more than 775 teams using KNIGHT- or KNIGHTS-formative marks for sports teams). Moreover, Applicant should be permitted to rely on the Trademark Office's practice with respect to these numerous other KNIGHT- and KNIGHTS-formative marks. The courts and the Board encourage the Trademark Office to use a uniform standard in assessing marks and Applicant is entitled to such consistent treatment. *In re Nett Designs, Inc.*, 236 F.3d at 1342; *accord In re Consolidated Cigar Co.*, 35 U.S.P.Q.2d 1290, 1295 (TTAB 1995) ("Uniform treatment under the Trademark Act is desirable."). In view of the foregoing, Applicant respectfully requests that the refusal to register on the basis of likelihood of confusion be withdrawn and that the potential citations based on the Cited Applications be waived.

C. By Their Very Nature, Sports Fans Are Knowledgeable About the Games They Choose to Watch and Attend

No discussion of likelihood of confusion in the context of the parties' marks would be complete without recognizing the special qualities of the people who support their teams by watching and attending their games. Sports fans are among the most passionate, dedicated

consumers in the marketplace. Most fans are deeply devoted to their teams and are likely to be familiar with the team's roster, statistics, victories and defeats, mascot, the websites or other means through which tickets to events can be purchased, the television channels and radio stations featuring the team's games, and the history of rivalries with other teams in the league. Fans of collegiate sports, in particular, also often have a personal connection to the school, whether as alumni, friends or family of alumni, or as members of the community.

This passion for and connection to teams gives those who watch or attend sporting events a high level of consumer sophistication, an important factor in the *DuPont* analysis. Their knowledge and enthusiasm causes them to exercise a high level of care in making their purchasing decisions, and minimizes any risk of confusion. *See, e.g., PC Club v. Primex Technologies, Inc.*, 32 F. App'x 576, 579 (Fed. Cir. 2002) ("When goods are sold to consumers that exercise care there is less chance that confusion will occur."); *Magnaflux Corp. v. Sonoflux Corp.*, 231 F.2d 669, 672 (C.C.P.A. 1956) (finding less likelihood of confusion when goods are sold to discerning customers). Moreover, their contextual knowledge about the teams, where and whom they play, adds to these consumers' ability to differentiate teams and sporting events, whether it is a professional sports exhibition or an intercollegiate event. The totality of the circumstances provides a more than sufficient basis to distinguish Applicant's Mark from the Cited Marks. It is inconceivable that a person seeking tickets to watch a GOLDEN KNIGHTS COLLEGE OF SAINT ROSE sports team (none of which play hockey), or the Middle Georgia State University KNIGHTS, or the University of Central Florida KNIGHTS, inadvertently would purchase tickets to a LAS VEGAS GOLDEN KNIGHTS professional ice hockey game, or vice versa.

II. The Parties Marks are Distinctive in Appearance, Pronunciation, Meaning and Commercial Impression

To evaluate likelihood of confusion, the parties' marks must be considered in their entireties and in their commercial settings, and "[a]ll relevant facts pertaining to the appearance and connotation must be considered." *Recot Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 U.S.P.Q.2d 1894, 1897 (Fed. Cir. 2000). Taking the entireties of Applicant's Mark and the Cited Marks, and their respective commercial settings, into consideration, it is abundantly clear that Applicant's Mark is different in appearance, pronunciation, meaning and commercial impression.

A. The Parties' Marks Are Distinct in Appearance and Pronunciation

Where there is substantial similarity with a registered mark for identical or similar products, a mark may be registered if even slight differences exist that avoid creating a likelihood of confusion. *See Oakville Hills Cellar, Inc. v. Georgallis Holdings, LLC*, 826 F.3d 1376 (Fed. Cir. 2016) (affirming Board's decision that MAYA and MAYARI, both for wine, were not confusingly similar due to the differences between the marks); *Conde Nast Publications, Inc. v. Miss Quality, Inc.*, 184 U.S.P.Q. 422 (C.C.P.A. 1975) (no confusing similarity between COUNTRY VOGUES and VOGUE).

When considered in their entireties and in their commercial settings, there is no likelihood of confusion between Applicant's Mark and the Cited Marks. Applicant's Mark, LAS VEGAS GOLDEN KNIGHTS, does not look or sound like the Cited Marks. It consists of four

words; by contrast, the literal element of the Cited Registration⁵ is seven words, – and five of those seven words do not appear in Applicant’s Mark. The differing word elements of the parties’ marks, i.e. LAS VEGAS vs. THE COLLEGE OF SAINT ROSE, have a strong impact on the overall appearances and sounds of each of the marks, rendering them distinct. Further, the Cited Registration includes multiple significant design elements that are not present in Applicant’s Mark, including most prominently at the top a large plumed knight’s helmet and the top portion of a suit of armor.

With respect to the Cited Applications,⁶ each of them consists of just one word, KNIGHTS, in a stylized block format that reinforces the solitary nature of the only word in the mark. These two Cited Applications are starkly different in sight and sound from Applicant’s four-word LAS VEGAS GOLDEN KNIGHTS mark, rendering confusion unlikely.

B. The Parties’ Marks are Distinct in Meaning and Commercial Impression

Even marks that are highly similar or identical in appearance and sound are not confusingly similar when they create a different commercial impression. *See, e.g., In re Product Innovations Research, LLC*, Ser. No. 77/912,065, 2014 WL 343260 (T.T.A.B. Jan 22, 2014) (finding no likelihood of confusion between HAUTE MESS for hair care products and HOT MESS for skincare products because marks create distinct commercial



impressions); *In re Nobody's Perfect Inc.*, 44 U.S.P.Q.2d 1054 (T.T.A.B. 1997) (NOBODY'S PERFECT for apparel retail store services selling goods of first and irregular quality and NO BODY'S PERFECT for feminine underwear not confusingly similar because marks create different commercial impressions when considered with respective services and goods).

Here, Applicant's Mark and the Cited Marks, when considered in their entirety, create drastically different commercial impressions. The Cited Registration, when considered as a whole, conveys that the sports exhibitions provided under the mark are organized by an institution of higher learning having historical ties to Christianity. Five of the seven words in the Cited Registration work together to foster that impression, i.e. THE COLLEGE OF SAINT ROSE.

The Cited Applications consist only of the stylized word KNIGHTS together with a design element, and are used in connection with "providing collegiate athletic and sporting events." In stark contrast to Applicant's Mark, these marks do not convey any association with a geographic location. They simply suggest an association with, respectively, Middle Georgia State University and the University of Central Florida.

By contrast, Applicant's Mark, LAS VEGAS GOLDEN KNIGHTS, conveys a different and distinct commercial impression. It leads with the words "LAS VEGAS," a clear reference to Las Vegas, the city in Nevada where Applicant's team plays its home games. See Exhibits M and N (dictionary definition of "Las Vegas" and Wikipedia page for "Las Vegas").

Las Vegas is one of the most popular and well-known tourist destinations in the United States, and it is located thousands of miles from the College of Saint Rose, Middle

Georgia State University, and the University of Central Florida. The presence of “Las Vegas” in Applicant’s Mark infuses it with excitement and energy. The term “golden” is a nod to Nevada’s status as the largest producer of gold in the United States, and is also a tribute to the golden hues of the Las Vegas terrain. The disparate commercial impressions of the parties’ marks are such that there is no likelihood of confusion between Applicant’s Mark and the Cited Marks.

CONCLUSION

For all of the reasons set forth above, Applicant respectfully requests that the refusal to register on the basis of likelihood of confusion be withdrawn and that the subject application be approved for publication.