

ESTTA Tracking number: **ESTTA641896**

Filing date: **12/01/2014**

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	Major League Soccer, L.L.C.
Granted to Date of previous extension	11/30/2014
Address	420 Fifth Avenue New York, NY 10018 UNITED STATES
Attorney information	Deborah L. Shapiro Moses & Singer LLP 405 Lexington Avenue 12th Floor New York, NY 10174-1299 UNITED STATES trademarks@mosessinger.com, dshapiro@mosessinger.com Phone: 212-554-7800

Applicant Information

Application No	85959138	Publication date	06/03/2014
Opposition Filing Date	12/01/2014	Opposition Period Ends	11/30/2014
Applicant	Intelisport Inc. 19495 Biscayne Blvd., Suite 800 Aventura, FL 33180 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: printed matter, namely, posters, stickers, trading cards, event programs, tickets and magazines featuring soccer
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: apparel, namely, t-shirts, shorts, pants, jackets, sweatshirts, hats, sweaters and footwear
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: entertainment services, namely, organizing, conducting and staging professional soccer games and exhibitions; production of radio and television programs in the nature of professional soccer games and exhibitions

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MIAMI FUSION F.C.		
Goods/Services	<p>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, digital cameras, global positioning systems and personal digital assistants, but excluding game apparatus; computer and video game software and programs; magnets; pre-recorded DVDs and pre-recorded video tapes in the field of soccer; downloadable video clips from soccer games via mobile communication devices posters; decals; trading cards; stickers; bumper stickers; printed paper signs; printed media guides relating to a professional soccer team; souvenir soccer programs; yearbooks in the field of soccer; printed event admission tickets; photo prints; magazines featuring information in the field of soccer; paper napkins t-shirts; fleece tops; jerseys; hats; caps; visors; beanies; shorts; sweat suits; jackets; hooded sweatshirts; scarves, socks, headbands, wristbands, baby bibs not of paper, infant and toddler one piece clothing Bendable modeled plastic toy figurines, soccer ball bags, soccer balls, plush toy animals, hand-held unit for playing video games other than those adapted for use with an external display screen or monitor; die cast scale model trucks, scale model trucks, shin guards for athletic use, bobble head dolls, playing cards. toy figurines; soccer ball bags; soccer balls; plush toy animals; puzzles; toy foam novelty items, namely, foam heads and foam fingers; foosball tables; golf accessories, namely, golf balls, golf bags, carriers and dispensers for golf balls, divot repair tools, bag tags, ball marks, tees, gloves Entertainment services, namely, organizing live soccer exhibitions rendered live in a stadium, and providing continuing programs featuring soccer events broadcast over television, radio and via the internet; provision of entertainment in the nature of non-downloadable pre-recorded video clips from soccer games, presented to mobile communication devices via a global computer network and wireless networks; provision of information in the field of soccer via the internet and mobile devices.</p>		

Attachments	Notice of Opposition MIAMI FUSION FC 85959138.pdf(64109 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Deborah L. Shapiro/
Name	Deborah L. Shapiro
Date	12/01/2014

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

In the Matter of Trademark Application Serial No. 85/959,138
For the mark: MIAMI FUSION F.C.
Published in the Official Gazette on June 3, 2014

MAJOR LEAGUE SOCCER, L.L.C.,

Opposer,

Opposition No. _____

-against-

INTELISPORT INC.,

Applicant.

NOTICE OF OPPOSITION

Opposer, Major League Soccer, L.L.C., a limited liability company organized and existing under the laws of Delaware, having its principal place of business at 420 Fifth Avenue, New York, New York, believes that it will be damaged by the registration of the designation MIAMI FUSION F.C. that is the subject of Application Serial No. 85/959,138, and hereby opposes the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1063(a).

As grounds for its opposition, Opposer, by its attorneys Moses & Singer, LLP, alleges that:

1. Opposer, Major League Soccer, L.L.C. ("MLS" or "Opposer"), is a professional soccer league representing the sport's highest level in the United States and Canada. MLS was founded in 1996 after the United States hosted the 1994 FIFA World

Cup. MLS began with ten teams in its first season. MLS has expanded tremendously since its inception; twenty teams will play in the 2015 season.

2. For many years, and long before June 13, 2013, the filing date of the application herein opposed, MLS used MIAMI FUSION F.C. as a trademark (the “MIAMI FUSION F.C. Mark”) for its professional soccer team, and for goods and services related to the promotion of the team and the league.

3. In 1997, MLS announced its first expansion beyond the ten founding teams. One of the two expansion teams was MIAMI FUSION F.C. MIAMI FUSION F.C. began play in the 1998 season in MLS’s first soccer-specific stadium. MIAMI FUSION F.C. recruited top talent, and in 2001 won the MLS Supports’ Shield, an annual award given to the MLS team with the best regular season record.

4. By virtue of its use in interstate commerce since at least 1997, MLS owns common law trademark rights throughout the United States for the MIAMI FUSION F.C. Mark, and MLS has maintained goodwill in the MIAMI FUSION F.C. Mark.

5. Although the original MIAMI FUSION F.C. team stopped playing, the relevant consumers continue to recognize the MIAMI FUSION F.C. Mark as associated with MLS.

6. In November 2012, MLS commissioner Don Garber confirmed that a new expansion team would come to Miami. Discussions and negotiations took place through 2013, culminating in a formal announcement in February 2014 that soccer legend David Beckham would exercise his option for ownership of an MLS expansion team in Miami.

7. On June 13, 2013, Applicant filed its intent-to-use application for MIAMI FUSION F.C. under Serial No. 85/959,138 for “printed matter, namely, posters, stickers,

trading cards, event programs, tickets and magazines featuring soccer” in Class 16, “apparel, namely, t-shirts, shorts, pants, jackets, sweatshirts, hats, sweaters and footwear” in Class 25, and “entertainment services, namely, organizing, conducting and staging professional soccer games and exhibitions; production of radio and television programs in the nature of professional soccer games and exhibitions” in Class 41 (the “Application”).

8. The goods services listed in the Application are so closely related to the goods and services MLS offers, as to be likely to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to associate the goods and services offered by Applicant with those offered by MLS, or to believe that Applicant’s goods are sponsored, endorsed or licensed by MLS, or that there is some relationship between Applicant and MLS.

9. Applicant’s designation MIAMI FUSION F.C. is identical to MLS’s MIAMI FUSION F.C. Mark.

10. The Application states an intent-to-use the MIAMI FUSION F.C. designation for identical or closely related goods and services as MLS’s goods and services in channels of trade and market segments identical or closely related to those in which MLS offers its goods and services.

11. There is already evidence of confusion resulting from the mere filing of the Application. After the Beckham announcement in February 2014, there were reports in the soccer media that the new MLS team would be named Miami Fusion F.C., pointing to the Application as evidence. This is indicative of confusion.

12. MLS will be damaged by the registration sought by Applicant because such a registration would support and assist Applicant in making confusing and misleading use of the mark sought to be registered, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of MLS.

13. Registration should be refused pursuant to Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), on the grounds that Applicant's use and registration of the MIAMI FUSION F.C. designation will falsely suggest a connection between Applicant and MLS, to the damage of MLS.

14. Registration should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the grounds that Applicant's MIAMI FUSION F.C. designation so closely resembles MLS's MIAMI FUSION F.C. Mark as to be likely, when used on or in connection with the goods and services identified in the applications, to cause confusion, or to cause mistake, or to deceive, with consequent injury to MLS and to the public.

WHEREFORE, MLS believes it will be damaged by the registration by Applicant of the designation MIAMI FUSION F.C. for the goods and services identified in Application Serial No. 85/959,138 and respectfully requests that this Opposition be sustained in favor of MLS and registration of Applicant's designation be denied.

Pursuant to 37 C.F.R. § 2.6(a)(17), please charge Deposit Account Number 50-3326 the requisite amount of \$600 and any additional amounts to cover the statutory filing fee.

Dated: New York, New York
December 1, 2014

Respectfully submitted,

MOSES & SINGER LLP

 /Deborah L. Shapiro/

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