

ESTTA Tracking number: **ESTTA870273**

Filing date: **01/10/2018**

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	Department of the Army
Granted to Date of previous extension	01/10/2018
Address	9275 Gunston Road Attn: USALSA/JALS-RL/IP Fort Belvoir, VA 22314 UNITED STATES

Attorney information	S. Sheffield & L. Simmons, TM ATTYS U. S. ARMY 9275 Gunston Road, USALSA/JALS-RL/IP Fort Belvoir, VA 22314 UNITED STATES Email: shari.l.sheffield.civ@mail.mil, laurel.q.simmons.civ@mail.mil
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Applicant Information

Application No	87147269	Publication date	09/12/2017
Opposition Filing Date	01/10/2018	Opposition Period Ends	01/10/2018
Applicant	BLACK KNIGHT SPORTS AND ENTERTAINMENT LLC 1701 Village Center Circle Las Vegas, NV 89134 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services, namely, professional ice hockey exhibitions
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
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)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	GOLDEN KNIGHTS
Goods/Services	Entertainment exhibition services, public relations and recruiting.

Related Proceedings	87/147239
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Attachments	87147269 NOTICE OF OPP GOLDEN KNIGHTS.pdf(5312159 bytes)
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Signature	/Shari Sheffield, Trademark Atty./
Name	S. Sheffield & L. Simmons, TM ATTYS
Date	01/10/2018

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

DEPARTMENT OF THE ARMY,)	
)	
)	
Opposer,)	In the matter of Application
)	Serial No. 87/147269 - LAS VEGAS
)	GOLDEN KNIGHTS (standard character)
)	
Black Knights Sports and)	
Entertainment, LLC)	
)	
)	
Applicant.)	

NOTICE OF OPPOSITION

The Department of the Army (“Opposer”), an agency of the United States Government organized under 10.U.S.C. § 3011, et seq. and headquartered at the Pentagon, Washington, D.C. 20310, believes it will be damaged by registration of the mark LAS VEGAS GOLDEN KNIGHTS (standard characters) as reflected in Application Serial No. 87/147269, and it opposes the registration of this application pursuant to 15 U.S.C. § 1063 and 37 C.F.R. §§ 2.101, 2.104(a). The grounds for the opposition are as follows:

1. Black Knights Sports and Entertainment, LLC (“Applicant”) is a limited liability company organized under the laws of Delaware, with the address of 1701 Village Center Circle Las Vegas, Nevada 89134.

2. On August 23, 2017, Applicant filed the subject application to register the mark LAS VEGAS GOLDEN KNIGHTS, in standard characters, assigned Application Serial No. 87/147269 for “Entertainment services, namely, professional ice hockey exhibitions,” in Class

3. The Applicant has filed the application as an intent to use application.
4. The Applicant disclaimed the words LAS VEGAS in the applied for mark.
5. The Applicant has not claimed any colors for use with the mark in the application.
6. The application was published in the Official Gazette on September 12, 2017.
7. Opposer timely filed a Request for Extension of Time to Oppose, which was granted through January 10, 2018. Applicant now timely files this Notice of Opposition
8. Applicant is the owner of the LAS VEGAS GOLDEN KNIGHTS and Bill Foley, a 1967 USMA graduate, is majority owner in the Applicant.
9. Opposer is a military agency under the United States Department of Defense and a member of the United States Armed Forces for the United States government.
10. Through its longstanding, widespread, and continuous use of its mark, Opposer has acquired exclusive rights in the mark that predates any rights upon which Applicant may rely.
11. As a result of longstanding and extensive use, Opposer's GOLDEN KNIGHTS mark is symbolic of the extensive goodwill and public recognition established by the United States Army.
12. Opposer's mark is famous and became famous before the filing date of Applicant's Application Serial No. 87/147269 herein.
11. Since at least as 1969, Opposer has used and continues to use the Opposer's GOLDEN KNIGHTS mark in connection with its U.S. Army Parachute Team known as the GOLDEN KNIGHTS, public relations for the U.S. military and recruiting for the U. S. Army.

11. Applicant's use of its GOLDEN KNIGHTS mark and common law rights extend to recruiting for the U. S. Army, public relations for the U.S. military and the U. S. Army parachute team before the filing the of the Applicant's application herein.

12. The Opposer owns common law rights in the color scheme black+gold/yellow+white.

13. Applicant's General Manager, George McPhee, outlined the Applicant's attempt to draw a connection with Opposer by use of Opposer's color trade dress in a Washington Post newspaper article dated June 21, 2017 that states:

"Bill Foley is a West Point guy, sort of using those colors," Golden Knights General Manager George McPhee said. "You know his history at West Point. You know about the classmates he had that he lost serving this country. So, those colors mean a lot to us..."

See attached Washington Post Article as "Exhibit A."

14. The Opposer's USMA has an ice hockey team that uses the Army's black+gold/yellow+white scheme. See picture from www.wearethearmy.com at "Exhibit B"

14. The Opposer's Tate Rink, located at USMA at West Point is painted and decorated in the same black+gold/yellow+white scheme. See picture from www.wearethearmy.com at of Tate Rink arena at "Exhibit C."

15. Applicant's has chosen and uses a similar black+gold/yellow+white color scheme on uniforms, marketing, advertisements, and its hockey arena mimicking the Opposer's colors and further adding to the likelihood of confusion of the public. See webpages from <https://www.nhl.com/goldenknights> as "Exhibit D."

16. The parties' marks shares identical dominant words and commercial impressions. The Applicant's GOLDEN KNIGHTS portion of its mark is confusingly similar in sound,

meaning, and appearance to the Opposer's GOLDEN KNIGHTS mark.

17. The entertainment services for which Applicant seeks registration for the words GOLDEN KNIGHTS are closely related to the Opposer's. Both parties use their marks in connection with sporting events, thus, Applicant's services are likely to be perceived by the public as sponsored by, affiliated with, approved by or otherwise related to Opposer.

18. Applicant desired to have Opposer's GOLDEN KNIGHTS parachute team appear at the Applicant's team event(s) commenting in a The Fayetteville Observer newspaper article dated, Nov. 27, 2016 written by Steve DeVane, "' We wanted to have the Golden Knights drop in for the ceremony, but it got kind of complicated,' Foley told the paper.'" See The Fayetteville Observer newspaper article at "Exhibit E." A Washington Post article date December 1, 2016 states:

Foley, a graduate of the U. S. Military Academy at West Point, was aware of the name of the parachute team when he chose Golden Knights. He even tried to get the parachute team to make an appearance at last week's ceremony "but we couldn't make it work," he told the Las Vegas Review-Journal on Tuesday.

See December 1, 2016, Washington Post Article at "Exhibit F."

20. Applicant's owner, Bill Foley, even attempted to name the Applicants' hockey team the "BLACK KNIGHTS", the same name as the USMA's sports teams, with specific intention to draw connections with the USMA and its sports teams of the same name. The article in the above referenced in Exhibit C states that "Foley reportedly wanted to call his team the Black Knights, which is used by the academy's sports teams, but a number of factors, including concern from Army officials, kept him from using that name." TSN Radio Vancouver with at Twitter handle @TSN1040 tweeted that the Applicant's team manager, George McPhee said "We were going to be the Black Knights, but we already had the Blackhawks in the league, so the

league was trying to get us to come up with another name, so another named used at West Point is the Golden Knights for the parachute team #**NowYouKnow**.” See Tweet from <https://twitter.com/search?q=We%20were%20going%20to%20be%20the%20Black%20Knights&src=typd> at “Exhibit G.”

21. If Applicant is allowed to register exclusive rights in LAS VEGAS GOLDEN KNIGHTS in connection with entertainment services, namely, professional ice hockey exhibition services, the public is likely to be confused as to whether the U.S. Government or the Applicant controls the quality and nature of the services or or endorses or sponsors Applicant's services.

22. Applicant’s application for a trademark registration and its use and intended use of the mark are without the consent, authorization, license, or permission of Opposer.

23. Under Section 13 of the Lanham Act, 15 U.S.C. § 1063, Opposer believes it will be damaged by the registration of Applicant’s LAS VEGAS GOLDEN KNIGHTS proposed mark because it so resembles Opposer’s GOLDEN KNIGHTS mark as to be likely to cause confusion, mistake, or to deceive consumers, with consequent injury to Opposer and the public, in violation of Sections 2(a) and 2(d) of the Lanham Act, 15 U.S.C. § 1052(a) & (d).

24. Under Section 13 of the Lanham Act, 15 U.S.C. § 1063, Opposer believes it will be damaged by the registration of Applicant’s the mark because it so resemble Opposer’s GOLDEN KNIGHTS as to falsely suggest a connection between Applicant and Opposer or between Applicant’s services and Opposer’s services, with consequent injury to Opposer and the public, in violation of Sections 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

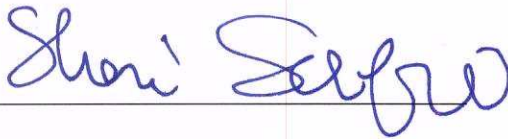
25. Under Section 13 of the Lanham Act, 15 U.S.C. § 1063, Opposer believes it will be damaged by registration of the LAS VEGAS GOLDEN KNIGHTS mark because the use and registration of designation is likely to dilute the distinctive quality of Opposer’s famous

GOLDEN KNIGHTS mark, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer requests that Application Serial No. 87/147269 be refused registration, that this Notice of Opposition be sustained in Opposer's favor, and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

The filing fee of \$400.00 is submitted herewith.

DEPARTMENT OF THE ARMY
Opposer

By 

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION is being served on the Applicant's counsel on January 10, 2018 via US Mail to:

Catherine M.C. Farrelly
Frankfurt Kurnit Klein & Selz PC
488 Madison Avenue
New York, NY 10022
pto@fkks.com

A courtesy copy was emailed to Applicant's counsel as well.



Shari Sheffield
U.S. Army Legal Services Agency

Attorney for Opposer
Dated: January 10, 2018

CERTIFICATE OF TRANSMISSION

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on this day, January 10, 2018.



Shari L. Sheffield
U.S. Army Legal Services Agency
Attorney for Opposer

EXHIBIT A

The Washington Post

Early Lead

Vegas Golden Knights finally reveal their uniforms, and Twitter hated them

By Aaron Torres June 21, 2017

They won't be knights in shining armor, but they will be knights in gray, gold, red and black.

The Vegas Golden Knights, the NHL's newest expansion team, unveiled the uniforms for their inaugural season on Wednesday at the Las Vegas sign.

And there seemed to be a consensus, based on reaction on Twitter, about the outfit: It. Is. Hideous.

The uniform's black, gold and gray color scheme was inspired by West Point's color schemes. The Golden Knights' majority owner, Bill Foley, is a West Point graduate, and he wanted black, gold and gray — the same colors Army's teams use — to be part of the color scheme.

"Bill Foley is a West Point guy, sort of using those colors," Golden Knights General Manager George McPhee said. "You know his history at West Point. You know about the classmates he had that he lost serving this country. So, those colors mean a lot to us, and will mean a lot to our players. And we're really proud of the logo. It's clean, it's symmetrical, it's kind of bold, and again it stands for something."

The jersey will have the Golden Knights main logo in the middle of the jersey, their secondary logo on the shoulders and the word "Vegas" stitched on the red collar, inside of the jersey.

“The goal was to create this logo and uniform based on strength and power,” Foley said Tuesday. “It represents going forward, never giving up and it represents Las Vegas and Nevada in a positive way. I thought we did a really good job.”

The Golden Knights also revealed a jersey with a white, gray, gold and red color scheme. The gray jersey will be the home jersey; the white jersey will be away.

With the NHL expansion draft today, Las Vegas will finally have 30 knights to wear the jersey.

 **5 Comments**

EXHIBIT B

MHOCKEY
JAN 12 | 7:05 PM
ARMY
BENTLEY

MHOCKEY
JAN 13 | 7:05 PM
ARMY
BENTLEY

MHOCKEY
JAN 20 | 7:05 PM
ROYAL MILIT...
ARMY

MHOCKEY
JAN 26 | 7:05 PM
ARMY
MERCYHURST

MHOCKEY
JAN 27 | 7:05 PM
ARMY
MERCYHURST



HEADLINES SPORTS TICKETS ARMY WEST POINT TRADITION FANS CAMPS ARMY A CLUB

HOCKEY

Schedule Roster Statistics Record Book More +



TICKETS DONATE CHAT

ARMY WEST POINT
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CAMP INFO

Black Knights Travel to #10 Minnesota for Series

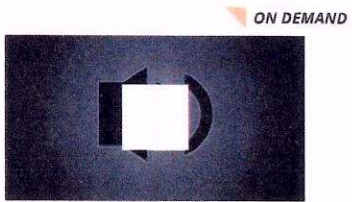
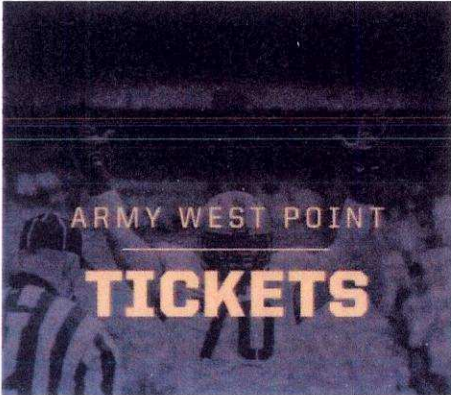
The Army West Point hockey team is back in action after a three week hiatus at #10 Minnesota for a two-game series at the 3M Arena at Mariucci.

Dec 27, 2017 / Hockey



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ARMY A-CLUB



Army Hockey: Jared Dempsey Glove Save vs. ...
Dec 04, 2017

Army Hockey: Jared Dempsey Save vs. Colgate ...
Dec 04, 2017

VS. MINNESOTA
DEC 30, 2017
PREMIUM

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EXHIBIT C



TATE RINK

[TEAM](#)

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&
STAFF](#)

[MEDIA
GALLERY](#)

[ROSTER](#)

[SCHEDULE](#)

[QUESTIONNAIRE](#)

Located next to picturesque Michie Stadium, the Holleder Center is home to West Point's Tate Rink and Army's hockey team. Tate Rink (capacity – 2,648) continues to attract fans in record numbers while providing the Black Knights with a comfortable home-ice advantage. Since their debut in Tate Rink, a 5-0 win over Ryerson on Oct. 25, 1985, Army has enjoyed much success. The Black Knights have carved out a home record of .500 or better 15 times since the 1985-86 inaugural season and boast of an overall winning percentage of better than .600 in front of the hometown faithful.

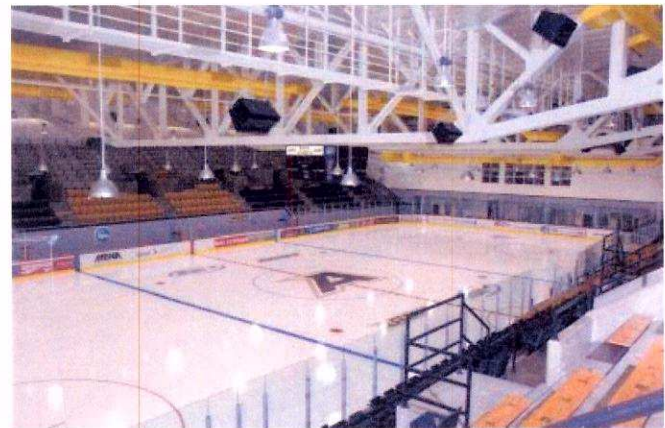


EXHIBIT D



[\(/goldenknights\)](#)

[TICKETS \(/GOLDENKNIGHTS/TICKETS\)](#)

[SCHEDULE \(HTTPS://WWW.NHL.COM/GOLDENKNIGHTS/SCHEDULE\)](https://www.nhl.com/goldenknights/schedule)

Saturday, Jan 13

NHLTV FREE GAME



@



EDM

VGK

7:00 PM PT
: CBC, SN, ATTSN-RM



[GAMECENTER \(/gamecenter/2017020676\)](#)

[TICKETS \(https://www.nhl.com/goldenknights/tickets\)](https://www.nhl.com/goldenknights/tickets)



[Lawless and Order \(https://www.nhl.com/goldenknights/news/lawless-and-order/c-294800992\)](https://www.nhl.com/goldenknights/news/lawless-and-order/c-294800992)

EXHIBIT E

Army officials to review hockey team's use of Golden Knights

By Steve DeVane Staff writer

Posted Nov 27, 2016 at 12:01 AM

Updated Nov 27, 2016 at 5:17 PM

A National Hockey League expansion team that plans to call itself the Golden Knights has caught the attention of Army officials because of the parachute team that goes by the same name.

The Vegas Golden Knights, who begin play next year, announced their moniker Tuesday.

The U.S. Army Parachute Team, which is based at Fort Bragg, has used the Golden Knights name since the 1960s, said Alison Bettencourt, a spokeswoman for the Army Marketing and Research Group in Arlington, Virginia. The group serves as the Army-level headquarters of the Golden Knights.

The Army parachute demonstration teams perform at more than 100 events per year, according to the group's website. The teams have appeared in more than 16,000 shows in 50 states and 48 countries, the website says.

Bettencourt said the group learned of the NHL team's name through media accounts Wednesday.

"We're reviewing the situation and figuring out what the way ahead would be," she said.

Officials with the hockey team could not be reached for comment Wednesday. Bill Foley, the billionaire businessman who owns the new franchise, is a graduate of the U.S. Military Academy at West Point.

Foley reportedly wanted to call his team the Black Knights, which is used by the academy's sports teams, but a number of factors, including concern from Army officials, kept him from using that name.

The owner is aware of the parachute team's name, according to the Las Vegas Review-Journal

"We wanted to have the Golden Knights drop in for the ceremony, but it got kind of complicated," Foley told the paper.

The shared name hasn't gone unnoticed on social media. The Twitter account of a blog that covers the New York Islanders hockey team tweeted Tuesday that the Las Vegas team stole the Army's nickname.

"Rather unpatriotic if you ask me," the author tweeted.

Foley said in a video on the hockey team's website he wanted to call the team the Knights, which he called the "highest element of the warrior class."

"The concept of a knight who is honorable, who always defends those who cannot defend themselves," he said.

Bettencourt said the Army parachute team got the name because of its gold-winning performances in skydiving competitions around the world.

"We understand that one of the Las Vegas team owners has Army connections, and will likely understand our interest in this announcement is meant to protect the proud history of the Army's Golden Knights and their vital role in telling the Army story and connecting America with their Army," Bettencourt said.

The Army Golden Knights have earned 2,148 gold, 1,117 silver, and 693 bronze medals in national and international competition, according to the team's website. Team members have broken 348 world records, it said.

Staff writer Steve DeVane can be reached at devanes@fayobserver.com or 486-3572.



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EXHIBIT F

The Washington Post

Early Lead

Despite U.S. Army's concerns, NHL expansion team's owner sticking by nickname choice

By [Marissa Payne](#) December 1, 2016

The NHL's newest expansion franchise, the Vegas Golden Knights, is already facing some stiff competition, but not on the ice. The team's first challenge, it appears, is descending on them from above — in the form of the U.S. Army Parachute Team, which has been called the Golden Knights since the 1960s. The Army isn't quite sure it approves of the hockey team borrowing its name.

"We're reviewing the situation and figuring out what the way ahead would be," Army spokeswoman Alison Bettencourt told the Fayetteville Observer this week.

Bettencourt confirmed to The Post that the Army has enlisted its legal team to review the matter, which she said the Army only found out about last Wednesday, a day after Vegas Golden Knights owner Bill Foley announced it in a high-profile ceremony at the T-Mobile Arena on the Las Vegas Strip.

Foley, a graduate of the U.S. Military Academy at West Point, was aware of the name of the parachute team when he chose Golden Knights. He even tried to get the parachute team to make an appearance at last week's ceremony "but we couldn't make it work," he told the Las Vegas Review-Journal on Tuesday.

Foley did not elaborate on the details of why the plan failed, but Bettencourt said a nonprofit organization sent a request to the Golden Knights parachute team on Oct. 31 asking that they make an appearance on behalf of a professional sports team at an event. The request was short on details, including the name of the professional sports team, but because of its ties to the unnamed for-profit entity, the request was immediately denied per Army policy.

Since then, Bettencourt said the Vegas Golden Knights have made no effort to reach out, a notion Foley confirmed to the Review-Journal on Tuesday.

"We didn't check with the Army on the name Golden Knights because once we copyrighted and trademarked it, our lawyers and the NHL's lawyers didn't feel we needed to," Foley said.

Foley's business group Black Knight Sports and Entertainment applied to trademark the name (along with the Silver Knights and Desert Knights, just in case) in August. The case is being reviewed.

Foley made the move to trademark the new names after the Army pushed back on his original plan to name the team the Black Knights, the nickname used by sports teams at West Point. Unlike the parachute team's nickname, West Point has a legal claim to the name the Black Knights.

"For us, the bottom line is the (perceived) connection between the Army and the professional sports team," Bettencourt said, declining to answer whether the Army will ask the Vegas Golden Knights to change their name before the military's review is completed.

Bettencourt said the Army's main concern is being able to maintain its independent identity apart from the Vegas sports franchise and protect the more than 50-year history of the Golden Knights parachute team has built.

"We look forward to the team communicating and determining a way forward," she said.

In addition to the parachute team, the Golden Knights nickname is also used by Clarkson University and the University of Central Florida, both of which also have also had legal claims to the name. According to Yahoo Sports, Foley got permission from the schools to use the moniker for the NHL franchise before he announced it last week.

The Vegas Golden Knights are scheduled to play their first NHL season next year.

57 Comments


Marissa Payne writes for The Early Lead, where she focuses on what she calls the "cultural anthropological" side of sports, a.k.a. "mostly the fun stuff."  Follow @marissapayne

EXHIBIT G

We were going to be the Black Knights

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13.2K Tweets

#BestBoyBand
1.06M Tweets

#راسب_ولكن
44.4K Tweets

#COAC2018P2
2,963 Tweets

#OTDirecto10E
85.9K Tweets

يوسف سيف
2,036 Tweets

7-Eleven
18.7K Tweets

Omar Pérez
4,197 Tweets

Erazo
2,052 Tweets

Jack White
6,109 Tweets



TSN Radio Vancouver @TSN1040 · 14 Nov 2017

George McPhee @GoldenKnights : **We were going to be the Black Knights**, but **we** already had **the** Blackhawks in **the** league, so **the** league was trying to get us to come up with another name, so another named used at West Point is **the** Golden **Knights** for **the** parachute team #NowYouKnow

3

4

8

