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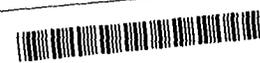
NOTICE OF OPPOSITION  
UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Trademark Trial and Appeal Board

In the matter of:

APPLICATION SERIAL NO.: 75/893882

TRADEMARK: E-Learning

PUBLISHED IN THE OFFICIAL GAZETTE on April 30, 2002

  
06-04-2002  
U.S. Patent & TMOs/TM Mail Rcpt Dt. #11

Advanstar Communications Inc.,

Opposer,

v.

Opposition No.: \_\_\_\_\_

Root Learning, Inc.,

Applicant.

06/10/2002 MAY11 00000235 75893882

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NOTICE OF OPPOSITION

Advanstar Communications Inc. ("Advanstar") believes it will be damaged by the registration of the mark, *E-Learning*, shown in Serial No. 75/893882, in International Class 35 and opposes the same.

As grounds for the opposition, Advanstar alleges that:

1. Applicant seeks to register *E-Learning* as a service mark in conjunction with "providing business information via the global computer network".
2. The application was filed as an intent-to-use application.
3. Advanstar has a pending trademark application for the mark *E-Learning Magazine*, for filing on the supplemental register in conjunction with a "magazine in the field of distributed learning for business executives and upper management". Advanstar begin using its mark on June 19, 2000. The mark is filed as Serial No. 75/877057.
4. Advanstar opposes registration of Applicant's mark on the grounds that Applicant's mark is merely descriptive.

5. "E-Learning" is a term in common use in the information technology and business industries relating to technology-enabled learning and training. As stated in an "E-learning glossary" on the Internet at [www.learningcircuits.org/glossary.html#E](http://www.learningcircuits.org/glossary.html#E), "E-Learning":

Covers a wide set of applications and processes, such as web-based learning, computer-based learning, virtual classrooms, and digital collaboration. It includes the delivery of content by Internet, Intranet/Extranet (LAN/WAN), audio and video tape, satellite broadcasts, interactive television and CD-ROM.

6. Applicant, in its [www.rootlearning.com](http://www.rootlearning.com) website, uses the term "E-Learning" descriptively to refer to "revolutionized learning solutions" for the business world.

7. Similarly, Advanstar publishes a magazine, *E-Learning Magazine*, also geared toward advanced learning solutions for the business world, such as network infrastructure, hardware and software related to developing and delivering advanced learning environments for local and remote employees and customers.

8. If the Applicant is granted the registration of *E-Learning*, it would obtain at least a prima facie exclusive right to use of its mark. Such registration would be a source of damage and injury to the Opposer and others in the information technology industries and business industries who use the designation E-Learning extensively, requiring Opposer and the trade to abandon their use and change their promotional and advertising tactics, all to the great expense and detriment of Opposer.

**WHEREFORE**, the Opposer prays that the Application Serial No. 75/893882 be rejected and that the mark sought for the services specified in International Clause 35 be denied and refused.

#### **DECLARATION**

The undersigned, being warned that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such wilful statements may jeopardize the validity of this opposition, declares that she is properly authorized to execute this opposition on behalf of

Advanstar Communications Inc., that the allegations made in this opposition are true, except as to the matters stated therein to be alleged upon information and belief, and as to those matters, she believes them to be true.

Dated: June 3, 2002.

**ADVANSTAR COMMUNICATIONS INC.**

By 

Martha M. Markusen  
Fryberger, Buchanan, Smith &  
Frederick, P.A.  
700 Lonsdale Building  
302 West Superior Street  
Duluth, Minnesota 55802  
(218) 722-0861  
ATTORNEYS FOR OPPOSER

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LAW OFFICES

FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.

HAROLD A. FREDERICK  
DEXTER LARSEN  
JAMES H. STEWART  
ROBERT E. TOFTEY  
MICHAEL K. DONOVAN  
NEAL J. HESSEN  
JOSEPH J. MIHALEK  
SHAWN M. DUNLEVY  
DAVID R. OBERSTAR  
MICHAEL COWLES  
MARTHA M. MARKUSEN  
STEPHANIE A. BALL  
PAUL B. KILGORE  
MARY FRANCES SKALA  
TERESA M. O'TOOLE  
DANIEL D. MADDY  
PAUL A. LORAAS  
REBEKAH R. SYCK  
AMY J. FEDDEMA  
BRIAN P. LUNDRGREN

700 LONSDALE BUILDING  
302 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802-1863  
TELEPHONE (218)722-0861  
FAX [218]725=6800  
www.fryberger.com

R. BRUCE BUCHANAN, COUNSEL  
NICK SMITH, COUNSEL

H.B. FRYBERGER, JR. (1906-1997)  
LOREN W. SANFORD (1931-1978)  
AMASA E. WHEELER (1889-1970)  
H.B. FRYBERGER, SR. (1865-1937)

ST. PAUL OFFICE  
386 NORTH WABASHA STREET  
SUITE 1190  
ST. PAUL, MINNESOTA 55102  
(651)221-1044  
FAX [651]221=1035

KEVIN T. WALLI  
MICHAEL J. MAHONEY

SUPERIOR OFFICE  
1419 TOWER AVENUE  
SUITE 102  
SUPERIOR, WISCONSIN 54880  
(715)392-7405  
FAX [715]392=7407

IRON MOUNTAIN OFFICE  
500 SOUTH STEPHENSON AVENUE  
SUITE 301  
IRON MOUNTAIN, MICHIGAN 49801  
(906) 776-4000  
FAX [218] 725=6800

\*ALSO LICENSED IN WISCONSIN  
‡ALSO LICENSED IN ARIZONA  
‡ALSO LICENSED IN MICHIGAN

June 4, 2002

Writer's Direct Line: (218) 725-6840

E-mail address: mmarkusen@fryberger.com

Assistant Commissioner for Trademarks  
Box TTAB-Fee  
2900 Crystal Drive  
Arlington, VA 22202-3513



06-04-2002

U.S. Patent & TMOfr/TM Mail RcptDt. #11

**RE: In the Matter of Application Serial No. 75/893882 for Registration of E-Learning  
Published in the Official Gazette on April 30, 2002  
Advanstar Communications Inc. v. Root Learning, Inc.**

Enclosed for filing please find the following:

1. Original and one copy of the Notice of Opposition in Class 35 by Advanstar Communications Inc.;
2. Check in the amount of \$300.00 payable to the Assistant Commissioner of Trademarks, payment of the filing fee for this opposition;
3. A return receipt postcard which indicates the elements of this mailing. Please date stamp this card and return it to us for our records.

Yours truly,

Martha M. Markusen

MMM/smw

Enclosures

cc: Advanstar Communications

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" mailing label number E1092182942US I hereby certify that this correspondence is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on 06/04/02.

SUE WARD

(Printed or typed name of the person mailing the paper or fee)

(Signature of the person mailing the paper or fee)

06/04/02

(Date of signature)

TRADEMARK TRIAL AND  
APPEAL BOARD  
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