



TRADEMARK
4297-101L

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF)
MCDANIEL COLLEGE, INC.)
Serial No. 76-384,187)
Filed: March 19, 2002)
Mark: WESTERN MARYLAND COLLEGE)
Attention: Box TTAB FEE)


04-11-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #34

Published in the Official Gazette dated March 11, 2003, on page 485.

_____)
DONALD M. REMBERT)
Opposer,)
v.)
MCDANIEL COLLEGE, INC.)
Applicant.)

Opposition No.

RECEIVED

NOTICE OF OPPOSITION

Opposer, Donald M. Rembert, an individual residing at 10810 Hunt Club Road, Reston, Virginia 20190-3929, believes that he will be damaged by the registration of the mark "WESTERN MARYLAND COLLEGE" shown in the above-identified Application Serial No. 76-384,187 filed in the United States Patent and Trademark Office on March 19, 2002 (hereinafter "the Application") by Applicant, MCDANIEL COLLEGE, INC., 2 College Hill, Westminster, Maryland 21157 (hereinafter "Applicant"). Applicant's mark, which was

for

published in the Trademark Official Gazette on March 11, 2003 at page 485, lists an identification of services consisting of "Educational services, namely, providing courses of instruction at the undergraduate and graduate levels and distributing course materials in connection therewith" in International Class 41 (U.S. Classes 100, 101 and 107). Pursuant to 35 U.S.C. § 1052 (d) and 1063, by and through his attorneys, Opposer hereby opposes registration of said mark, WESTERN MARYLAND COLLEGE.

Opposer alleges solely for the purpose of this proceeding, as the grounds of Opposition, the following:

1. Applicant was previously known as "Western Maryland College" and previously used that name in connection with educational services.

2. On information and belief, on or about October 20, 2001 the Board of Trustees of Applicant voted to abandon the name "Western Maryland College." That decision to abandon the name was announced publicly on or about January 11, 2001.

3. Applicant has abandoned the name "Western Maryland College" and, thus, has no rights to that name or to registration of that name as a service mark or trademark.

4. On March 19, 2002 Applicant filed in the United States Patent and Trademark Office the above-identified Application Serial No. 76-384,187 to register the mark "WESTERN MARYLAND COLLEGE" for "Educational services, namely, providing courses of

instruction at the undergraduate and graduate levels and distributing course materials in connection therewith." Applicant failed to advise the United States Patent and Trademark Office that it had abandoned the mark.

5. Approval of the aforesaid Application Serial No. 76-384,187 was obtained by failure of Applicant to advise the United States Patent and Trademark Office of a material fact, that is, of the abandonment of the mark by the Applicant. Such approval should be withdrawn and the Application should be refused.

6. Opposer is an alumnus of the institution formerly known as Western Maryland College, now known as McDaniel College.

7. Registration of the mark WESTERN MARYLAND COLLEGE would place on Opposer, and on others similarly situated, improper and unjustified impediments to freely associating and identifying themselves as alumni of Western Maryland College, and to engaging in efforts in support of educational activities utilizing the name of "Western Maryland College."

8. For all of the foregoing reasons, registration of Applicant's mark WESTERN MARYLAND COLLEGE will result in damage to Opposer, and to others similarly situated and, therefore, registration of the mark WESTERN MARYLAND COLLEGE should be refused.

WHEREFORE, Opposer prays that this Opposition be sustained and Application Serial No. 76-384,187 be refused; and that Opposer

Application Serial No. 75/260,775

be granted such further relief as the circumstances of the case may warrant and require.

Opposer submits herewith the requisite Filing Fee in the amount of \$300.00.

This Notice of Opposition is filed in duplicate as required by the Rules of Practice in Trademark Cases.

Please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 2.6 to Deposit Account No. 02-2448.

Please address all communications to Charles Gorenstein, Esq. of Birch, Stewart, Kolasch & Birch LLP, P.O. Box 747, Falls Church, Virginia 22040-0747.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH LLP



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Date: April 11, 2003