

2. On December 6, 2001 Applicant filed a trademark application to register the mark **R 2 ACADEMY** for “multimedia software recorded on CD-ROM, pre-recorded videocassettes, laser discs, video compact discs, digital video discs, recordable compact discs, DVD-ROMS, DVD-RAMS, video discs containing instructional content in the field of compliance with laws and regulations governing auditing” in the United States Patent and Trademark Office based on Applicants *bona fide* intent to use the mark in commerce.

3. SAP owns U.S. Trademark Registration No. 2,308,412 for the mark **R/2** for “computer software for use in enterprise resource planning in the fields of business, banking, finance, government, education and science” in International Class 9; for “written materials, namely, computer program manuals and handbooks” in International Class 16; for “educational services, namely, training in the use and application of computer software” in International Class 41; and for “consultation services in the use of computer software” in International Class 42. This registration issued on January 18, 2000 and remains in full force and effect.

4. SAP owns U.S. Trademark Registration No. 2,204,708 for the mark **R/3** for “computer software for use in the fields of business, banking and finance, government, education and science, namely, enterprise resource planning software” in International Class 9; for “written materials, namely, computer program manuals and handbooks” in International Class 16; for “educational services, namely, training in the use of computer software” in International Class 41, and for “consultation services in the use of computer software” in International Class 42. This registration issued on November 24, 1998 and remains in full force and effect..

5. SAP's **R/2** and **R/3** are inherently distinctive and represent the exceedingly valuable good will of SAP's products and services.

6. SAP has developed an excellent reputation for its products and has been recognized as a leader in the software and e-business industries. SAP's **R/2** and **R/3** marks have become well known throughout the world.

7. The sale of SAP's products and services under the **R/2** and **R/3** brands has been extraordinary, and the relevant public has come to rely upon and recognize SAP's **R/2** and **R/3** products and the substantial goodwill associated with them.

8. SAP's **R/2** and **R/3** are similar to Applicant's claimed mark "**R 2 ACADEMY**" in sound, appearance, and meaning. The marks create the same commercial impression and are confusingly similar.

9. The goods listed in Applicant's application are similar and/or related to the products and services SAP provides under its **R/2** and **R/3** marks.

10. Applicant's use of **R 2 ACADEMY** began after SAP's use of its **R/2** and **R/3** marks.

11. If Applicant is permitted to register its mark, and, thereby, obtain the *prima facie* exclusive right to use the mark **R 2 ACADEMY** in commerce on products that are closely related to SAP's products and services, confusion is likely to result, and Opposers will be damaged thereby.

12 Applicant's proposed use of the mark **R 2 ACADEMY** is likely to cause confusion or mistake or to deceive, within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

13. Allowance of Applicant's application and registration of Applicant's mark **R 2 ACADEMY** would result in damage and injury to Opposers, who have expended considerable sums and effort in promoting and developing their **R/2** and **R/3** trademarks.

14. A duplicate copy of this Notice of Opposition and the fee required in §2.6(1) are enclosed herewith.

WHEREFORE, Opposers pray that allowance of Serial No. 76/345,698 be refused and that this Opposition be sustained.

Respectfully submitted,

Date: 5/19/03

Laura G. Miller
Laura Genovese Miller
Brian J. Urban

COZEN O'CONNOR, P.C.
1900 Market Street
Philadelphia, PA 19103
(215) 665-2000
Attorneys for Opposers

TTAB

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

03 MAY 29 09:31

SAP America, Inc. and
SAP AG,

Opposers,

v.

R Squared Academy, Ltd.

Applicant.

:
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: Opposition No.
:
: Serial No. 76/345,698
: Filed: December 6, 2001
:
: Published: February 18, 2003
: Mark: **R 2 ACADEMY**
:

Box TTAB, FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513



05-19-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Dear Sir:

TRANSMITTAL

Enclosed herewith is a Notice of Opposition, in duplicate. Please charge the required filing fee in the amount of \$300 to our deposit account 50-1275.

Respectfully submitted,

Date: 5/19/03

Laura G. Miller
Laura Genovese Miller
lmiller@cozen.com

COZEN O'CONNOR, P.C.
1900 Market Street
Philadelphia, PA 19103
(215) 665-2000
Attorneys for Opposer

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Date of Deposit: May 19, 2003
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