

ESTTA Tracking number: **ESTTA134421**

Filing date: **04/09/2007**

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	Vistage Worldwide, Inc.
Granted to Date of previous extension	04/07/2007
Address	11452 El Camino Real Suite 400 San Diego, CA 92130 UNITED STATES
Correspondence information	Bernard R. Gans, Esq. Attorney for Opposer Jeffer, Mangels, Butler & Marmaro LLP 1900 Avenue of the Stars Seventh Floor Los Angeles, CA 90067 UNITED STATES trademarkdocket@jmbm.com Phone:3102038080

Applicant Information

Application No	76240151	Publication date	02/06/2007
Opposition Filing Date	04/09/2007	Opposition Period Ends	04/07/2007
Applicant	INSTITUTO TECNOLOGICO Y DE ESTUDIOS SUPERIORES DE MONTERREY Ave. Eugenio Garza Sada Sur #2501 Col. Tecnologico, Monterrey Nuevo Leon, C.P. 64849, MEXICO		

Goods/Services Affected by Opposition

<p>Class 035. All goods and services in the class are opposed, namely: Rental of advertising space; advertising agencies, namely, promoting educational services through the distribution of printed and audio promotional materials; employment counseling and recruiting; organization of commercial or advertising expositions; publication of publicity texts; publicity agents; production and distribution of radio and television commercials; conducting public opinion poll surveys for non-business, non-marketing purpose; conducting public opinion poll surveys for business research</p>
<p>Class 038. All goods and services in the class are opposed, namely: Telecommunications services, namely electronic transmission of messages and data; electronic transmission of data and documents via computer terminals; radio and television broadcasting; providing telecommunications to a global computer network</p>
<p>Class 041. All goods and services in the class are opposed, namely: Educational services, namely, conducting classes, seminars, conferences and workshops in all fields of education; arranging and conducting educational conferences; educational services in the nature of correspondence schools; classes in</p>

the fields of technology and economics; libraries, computer services, namely, publication of online articles, books and magazines in the field of technology and economics

Class 042.

All goods and services in the class are opposed, namely: Scientific research; computer programming for others; recovery of computer data; computer software design for others; technical consultation in the field of electronics, technology and economics; updating of computer software for others

Attachments	59554-9044 Notice of Opposition.pdf (4 pages)(139278 bytes)
Signature	/bernard r gans/
Name	Bernard R. Gans, Esq.
Date	04/09/2007

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

Vistage Worldwide, Inc.,

Opposer,

v.

Instituto Tecnológico y de Estudios
Superiores de Monterrey,

Applicant.

Opposition No. _____

Appl. Serial No.: 76/240,151

Mark: TEC

Published for Opposition:

February 6, 2007

Atty. Ref. No.: 59554-9044

NOTICE OF OPPOSITION

United States Patent And Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Vistage Worldwide, Inc., a Delaware corporation, located at 11452 El Camino Real, Suite 400, San Diego, California 92130 ("Opposer"), believes that it is and will be damaged by the registration on the Principal Register of TEC (the "Mark"), the subject of Application Serial No. 76/240,151 (the "Application"), and Opposer hereby opposes registration of the foregoing mark.

As grounds for this Opposition, it is alleged that:

1. On information and belief, Applicant is a Mexico corporation with a principal place of business at Ave. Eugenio Garza Sada Sur #2501, Col. Tecnológico, Monterrey, Nuevo Leon, C.P. 64849.
2. The Application was filed on or about April 12, 2001, based on an alleged intent to use the Mark in connection with goods and services in Int. Cls. 16, 18, 20, 21, 25, 35,

38, 41 and 42.

3. The Application was published for opposition on February 6, 2007 in connection with the following services, among others ("Applicant's Services"):

- Int. Cl. 35: Rental of advertising space; advertising agencies, namely, promoting educational services through the distribution of printed and audio promotional materials; employment counseling and recruiting; organization of commercial or advertising expositions; publication of publicity texts; publicity agents; production and distribution of radio and television commercials; conducting public opinion poll surveys for non-business, non-marketing purpose; conducting public opinion poll surveys for business research;
- Int. Cl. 38: Telecommunications services, namely electronic transmission of messages and data; electronic transmission of data and documents via computer terminals; radio and television broadcasting; providing telecommunications to a global computer network;
- Int. Cl. 41: Educational services, namely, conducting classes, seminars, conferences and workshops in all fields of education; arranging and conducting educational conferences; educational services in the nature of correspondence schools; classes in the fields of technology and economics; libraries, computer services, namely, publication of online articles, books and magazines in the field of technology and economics; and
- Int. Cl. 42: Scientific research; computer programming for others; recovery of

computer data; computer software design for others; technical consultation in the field of electronics, technology and economics; updating of computer software for others.

4. Since at least as early as December 31, 1958, and long prior to April 12, 2001, the filing date of the Application, Opposer and its predecessors-in-interest have used TEC in connection with conducting seminars and technical interchange groups for corporate chief executives, and with other related business, financial, and education-related activities.

5. Since at least as early as December 31, 1968, and long prior to April 12, 2001, the filing date of the Application, Opposer and its predecessors-in-interest have used TEC in connection with business, financial, and education-related services.

6. Since long prior to April 12, 2001, the filing date of the Application, Opposer and its predecessors-in-interest have advertised and promoted TEC in connection with Opposer's business and services with the result that TEC has become a well-known mark associated with Opposer in the United States.

7. Since long prior to April 12, 2001, the filing date of the Application, Opposer and its predecessors-in-interest have used TEC as a trade name in connection with Opposer's s business and services with the result that TEC has become a well-known mark associated with Opposer in the United States.

8. Opposer is the owner of a family of TEC marks and registrations thereof in the U.S. Patent and Trademark Office, including, but not limited to the following (collectively, the "TEC Registrations"):

a. TEC (in standard characters), Reg. No. 1,433,330 issued on March 17, 1987 in connection with conducting seminars and technical interchange groups for corporate

chief executives;

b. TEC (in standard characters), Reg. No. 1,764,791 issued on April 13, 1993 in connection with business consulting services;

9. Applicant's mark TEC so resembles Opposer's TEC mark as to be likely, when used in connection Applicant's Services, to cause confusion, or to cause mistake, or to deceive.

10. Registration of Applicant's mark TEC will falsely suggest a connection with Opposer.

11. Opposer does not believe Applicant has a bona fide intention to use the mark in connection with all of the services in Int. Cls. 35, 38, 41 and 42 of the Application.

WHEREFORE, and in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063), Opposer prays that this Opposition be sustained and that Application Serial No. 76/240,151 be refused registration.

Please charge the required fee of one-thousand two hundred dollars (\$1,200) to Deposit Account No. 10-0440. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0440.

Respectfully submitted,

Dated: April 9, 2007

By: Bernard R. Gans
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