

ESTTA Tracking number: **ESTTA167360**

Filing date: **10/08/2007**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	Save The Children Federation, Inc.
Granted to Date of previous extension	10/06/2007
Address	54 Wilton Road Westport, CT 06880 UNITED STATES

Name	The International Save The Children Alliance
Granted to Date of previous extension	10/06/2007
Address	44 Avenue Krieg CH-1211 Geneva 17, SWITZERLAND

Attorney information	Stephen D. Kahn Weil, Gotshal & Manges, LLP 767 Fifth Avenue New York, NY 10153 UNITED STATES stephen.kahn@weil.com, laura.protzmann@weil.com, phyllis.depaola@weil.com, vanessa.kaye@weil.com
----------------------	--

**Applicant Information**

Application No	77161103	Publication date	08/07/2007
Opposition Filing Date	10/08/2007	Opposition Period Ends	10/06/2007
Applicant	On Lok, Inc. 1333 Bush Street San Francisco, CA 94109 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 043. All goods and services in the class are opposed, namely: providing congregate, independent retirement, and assisted living housing facilities for senior adults; life care communities in the nature of assisted living facilities, senior retirement housing facilities and retirement homes; providing temporary housing accommodations for senior citizens; day care centers for adults and the elderly
--

**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	79022838	Application Date	02/17/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 004. First use: Wax candles</p> <p>Class 006. First use: metal collection boxes</p> <p>Class 009. First use: Recordings and sound, video and information media, namely, audio cassettes, video cassettes, DVD's, compact discs, CD-ROMs, pre-recorded discs, cassettes, cartridges, digital audio and video archive files, files in jpeg format, electronic images and cards; pre-recorded films and acoustic films for demonstration purposes, in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities; downloadable electronic publications, namely, audio and video broadcasting from a database or via the Internet in the nature of interviews with beneficiaries and current events and projects</p> <p>Class 014. First use: Jewelry, namely, necklaces, earrings, pendants, bracelets</p> <p>Class 016. First use: Paper goods, cardboard, goods made from these materials, namely, stamps, bank checks, checkbook covers, address labels, personal organizers, gift-wrapping paper, paper tags; printed matter, namely, brochures, informational cards, pamphlets in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities; photographs; office requisites, namely pencils, pens; printed instructional and teaching materials in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities; fountain pens; envelopes; greeting cards, note-cards, and photo-cards; writing paper, namely note pads; calendars; newsletters in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities; printed visuals in the nature of promotional printed matter in support in the form of emergency assistance, healthcare and nutrition, education, and economic opportunities; chalk boards for home use; bookends</p> <p>Class 018. First use: Bags, namely, handbags, traveling bags, canvas tote bags, backpacks, and blanket bags; umbrellas; purses; wallets; imitations of leather, namely, luggage tags</p> <p>Class 020. First use: Picture frames; pillows</p> <p>Class 021. First use: Porcelain ware and pottery, namely, ornaments; cups, namely, steel mugs;</p>		

	<p>collection boxes, namely, glass and plastic collection boxes, not of metal or coated herewith; ceramic ware, namely, cookie jars, platters, teapots, and mugs</p> <p>Class 024. First use: Fabrics, namely, cotton fabric, tapestries, bed sheets, pillowcases, comforters, pillow shams, bath towels, and beach towels</p> <p>Class 025. First use: Clothing, namely, T-shirts, sweatshirts, neckties, scarves, aprons, ties, polo shins, fleeces, and socks; hats, namely baseball caps and hats for newborns; children's playwear, namely, sweaters, pants, shorts, overalls, coveralls, jumpers, and dresses</p> <p>Class 026. First use: Pins, namely, tie and lapel pins; decorations for Christmas trees; toys, namely, plush toys</p> <p>Class 028. First use: Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees, toys and balloons</p> <p>Class 035. First use: Advertising and promotional services; public relations, publicity, and promotion for public awareness of the plight and needs of children nationally and internationally</p> <p>Class 036. First use: Financial services in connection with national and international aid to alleviate distress and poverty; collections for charity, namely, providing capital and support via fundraising; distribution and granting of charity funds, namely, administering monetary charitable contributions; information and advisory services about planned giving as charitable contributions; financial support and donations of materials or objects and other support in the form of emergency assistance, healthcare and nutrition, education, and economic opportunities</p> <p>Class 039. First use: Transport, storage and delivery of subsistence goods such as foodstuffs, clothing, medicines and petrol for charity and support operations via truck and van</p> <p>Class 041. First use: Educational services, namely, providing of training in the form of workshops in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities, namely, teacher training, psycho-social training for post-emergency situations, and literacy training; sporting and cultural activities, namely, educational and training services in the form of sporting events for physical fitness and nutrition for the benefit of children nationally and internationally; publication of manuals, in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities</p> <p>Class 042. First use: Scientific and technological services and research and design relating thereto, namely, academic research, longitudinal studies, program design and data collection; license granting services, namely licensing of intellectual property</p> <p>Class 043. First use: Information and advisory services in the field of health and nutrition for children and communities in need</p> <p>Class 044. First use: Advisory services, in the field of health and nutrition for children and communities in need</p>
--	--

U.S. Registration	1080066	Application Date	01/04/1977
-------------------	---------	------------------	------------

No.			
Registration Date	12/20/1977	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1976/10/18 First Use In Commerce: 1976/10/18 ELEEMOSYNARY SERVICES-NAMELY, PROVIDING COUNSEL AND FINANCIAL AID TO IMPOVERISHED CHILDREN AND THEIR FAMILIES		

U.S. Registration No.	2617998	Application Date	10/10/2001
Registration Date	09/10/2002	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1939/11/30 First Use In Commerce: 1939/11/30 CHARITABLE FUND-RAISING SERVICES; ELEEMOSYNARY SERVICES, NAMELY, PROVIDING FINANCIAL AID TO IMPOVERISHED CHILDREN AND THEIR FAMILIES		

Attachments	79022838#TMSN.jpeg ( 1 page )( bytes ) 73111456#TMSN.gif ( 1 page )( bytes ) 76323465#TMSN.gif ( 1 page )( bytes ) 77161103 On Lok Opp.PDF ( 11 pages )(653691 bytes )
-------------	---

Signature	/Stephen D. Kahn/
Name	Stephen D. Kahn
Date	10/08/2007

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

INTERNATIONAL SAVE THE CHILDREN  
ALLIANCE AND SAVE THE CHILDREN  
FEDERATION, INC.

Opposers,

v.

ON LOK, INC.,

Applicant.

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

Serial No. : 77/161,103

Filing Date : April 19, 2007

Mark : **Design Mark**

Class : 043

Published : August 7, 2007

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

**NOTICE OF OPPOSITION**

International Save the Children Alliance, a non-profit association organized under the laws of Switzerland and located at 44 Avenue Krieg, CH-1211, Geneva 17, Switzerland, and Save the Children Federation, Inc., a Connecticut corporation located at 54 Wilton Road, Westport, CA 06880 (each, an "Opposer," and collectively, "Opposers") believe they will be damaged by the above-identified registration and hereby oppose the registration.

As grounds for this opposition, it is alleged that:

1. Opposer International Save the Children Alliance is the owner of the design trademark and service mark, as shown in U.S. Application Serial No.

79/022,838 (the “Mark”) (*see* Exhibit A), which seeks registration on the Principal Register of the United States Patent and Trademark Office for, *inter alia*, “information and advisory services in the field of health and nutrition for children and communities in need” in International Class 43. The filing date of the application is February 17, 2006.

2. Opposer International Save the Children Alliance is an international relief and development organization of which Opposer Save the Children Federation, Inc. is a member. Opposer Save the Children Federation, Inc. is also licensed to use the Mark. Opposers have used the Mark in interstate commerce in the United States since May 2002.

3. Opposers are both leading international relief and development organizations that provide health, education, living essentials and other assistance for children and their families throughout the world. Opposers are among the best known and most respected charitable organizations in the United States.

4. Opposers have used various forms of the Mark since 1977; for example, U.S. Registration Nos. 1,080,066 and 2,617,998 for, *inter alia*, charitable fundraising services.

5. Through a substantial amount of time and effort in advertising and promotion by Opposers, the excellence of the goods and services provided in connection with the Mark, and the unsolicited media attention accorded to the Mark, the Mark has become a strong trademark, and is widely recognized by the relevant consuming public so as to create enormous goodwill in the Mark inuring to the benefit of the Opposers.

6. On Lok, Inc. (“Applicant”) filed an intent-to-use application for registration of a design mark, as shown in Exhibit B (“Applicant’s Mark”), on the

Principal Register of the United States Patent and Trademark Office on April 19, 2007 for “providing congregate, independent retirement, and assisted living housing facilities for senior adults; life care communities in the nature of assisted living facilities, senior retirement housing facilities and retirements homes; providing temporary housing accommodations for senior citizens; day care centers for adults and the elderly” in International Class 43, pursuant to Section 1(b) of the Trademark Act. Upon information and belief, no statement or amendment alleging use has been filed by Applicant.

7. Applicant’s application was assigned Serial No. 77/161,103 and published for opposition in the Official Gazette on August 7, 2007.

8. Since that time, Opposers have obtained extensions of their time to oppose the registration of Applicant’s Mark due to ongoing negotiations between the parties. The most recent deadline for filing an opposition or obtaining a request for an extension expires on October 6, 2007. At this time, negotiations between the parties have come to a standstill.

9. Applicant’s Mark is virtually identical to Opposers’ Mark. In addition, the services cited by Applicant in its application overlap significantly with the services provided by Opposers. In view of the similarity of the respective marks and the services of the respective parties, Applicant’s Mark so resembles Opposers’ Mark as to be likely to cause confusion, or to cause mistake, or to deceive within §2(d) of the Trademark Act of 1946, 15 U.S.C. §1052(d). Opposers will therefore be damaged by the registration of Applicant’s Mark.

10. Because Applicant’s Mark has not yet been used in interstate commerce, Opposers’ Mark has senior rights due to its priority use date of May 2002.

11. In view of the above allegations, Applicant is not entitled to federal registration of its mark in that Applicant is not entitled to exclusive use—or, indeed, any use—of said mark in commerce in connection with the services specified.

11. This Notice of Opposition is being submitted with the requisite \$300.00 fee.

WHEREFORE, Opposers respectfully request that application Serial No. 77/161,103 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposers.

Dated: October 8, 2007

Respectfully Submitted,

Laura Protzmann *WKW*

Stephen Kahn

Laura Protzmann

WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, NY 10153  
Tel: (212) 310-8000

*Attorneys for Opposers*

# EXHIBIT A



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks > Trademark Electronic Search System (TESS)

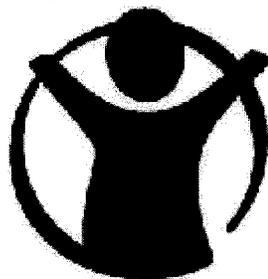
TESS was last updated on Sat Oct 6 04:07:02 EDT 2007

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



#### Goods and Services

IC 004. US 001 006 015. G & S: Wax candles

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper goods, cardboard, goods made from these materials, namely, stamps, bank checks, checkbook covers, address labels, personal organizers, gift-wrapping paper, paper tags; printed matter, namely, brochures, informational cards, pamphlets in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities; photographs; office requisites, namely pencils, pens; printed instructional and teaching materials in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities; fountain pens; envelopes; greeting cards, note-cards, and photo-cards; writing paper, namely note pads; calendars; newsletters in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities; printed visuals in the nature of promotional printed matter in support in the form of emergency assistance, healthcare and nutrition, education, and economic opportunities; chalk boards for home use; bookends

IC 018. US 001 002 003 022 041. G & S: Bags, namely, handbags, traveling bags, canvas tote bags, backpacks, and blanket bags; umbrellas; purses; wallets; imitations of leather, namely, luggage tags

IC 020. US 002 013 022 025 032 050. G & S: Picture frames; pillows

IC 021. US 002 013 023 029 030 033 040 050. G & S: Porcelain ware and pottery, namely, ornaments; cups, namely, steel mugs; collection boxes, namely, glass and plastic collection boxes, not of metal or coated herewith; ceramic ware, namely, cookie jars, platters, teapots, and mugs

IC 024. US 042 050. G & S: Fabrics, namely, cotton fabric, tapestries, bed sheets, pillowcases, comforters, pillow shams, bath towels, and beach towels

IC 025. US 022 039. G & S: Clothing, namely, T-shirts, sweatshirts, neckties, scarves, aprons, ties, polo shins, fleeces, and socks; hats, namely baseball caps and hats for newborns; children's

playwear, namely, sweaters, pants, shorts, overalls, coveralls, jumpers, and dresses

IC 026. US 037 039 040 042 050. G & S: Pins, namely, tie and lapel pins; decorations for Christmas trees; toys, namely, plush toys

IC 028. US 022 023 038 050. G & S: Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees, toys and balloons

IC 035. US 100 101 102. G & S: Advertising and promotional services; public relations, publicity, and promotion for public awareness of the plight and needs of children nationally and internationally

IC 036. US 100 101 102. G & S: Financial services in connection with national and international aid to alleviate distress and poverty; collections for charity, namely, providing capital and support via fundraising; distribution and granting of charity funds, namely, administering monetary charitable contributions; information and advisory services about planned giving as charitable contributions; financial support and donations of materials or objects and other support in the form of emergency assistance, healthcare and nutrition, education, and economic opportunities

IC 014. US 002 027 028 050. G & S: Jewelry, namely, necklaces, earrings, pendants, bracelets

IC 039. US 100 105. G & S: Transport, storage and delivery of subsistence goods such as foodstuffs, clothing, medicines and petrol for charity and support operations via truck and van

IC 009. US 021 023 026 036 038. G & S: Recordings and sound, video and information media, namely, audio cassettes, video cassettes, DVD's, compact discs, CD-ROMs, pre-recorded discs, cassettes, cartridges, digital audio and video archive files, files in jpeg format, electronic images and cards; pre-recorded films and acoustic films for demonstration purposes, in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities; downloadable electronic publications, namely, audio and video broadcasting from a database or via the Internet in the nature of interviews with beneficiaries and current events and projects

IC 041. US 100 101 107. G & S: Educational services, namely, providing of training in the form of workshops in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities, namely, teacher training, psycho-social training for post-emergency situations, and literacy training; sporting and cultural activities, namely, educational and training services in the form of sporting events for physical fitness and nutrition for the benefit of children nationally and internationally; publication of manuals, in the field of emergency assistance, healthcare and nutrition, education, and economic opportunities

IC 042. US 100 101. G & S: Scientific and technological services and research and design relating thereto, namely, academic research, longitudinal studies, program design and data collection; license granting services, namely licensing of intellectual property

IC 043. US 100 101. G & S: Information and advisory services in the field of health and nutrition for children and communities in need

IC 044. US 100 101. G & S: Advisory services, in the field of health and nutrition for children and communities in need

IC 006. US 002 012 013 014 023 025 050. G & S: metal collection boxes

**Mark Drawing Code**

(2) DESIGN ONLY

**Design Search Code**

02.05.26 - Children - grotesque children formed by letters, numbers, punctuation or geometric shapes

26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles)

**Serial Number**

79022838

**Filing Date**

February 17, 2006

**Current Filing**

**Basis** 66A  
**Original Filing Basis** 66A  
**International Registration Number** 0865366  
**Owner** (APPLICANT) International Save The Children Alliance ASSOCIATION SWITZERLAND 44 avenue Krieg CH-1211 Genève 17 SWITZERLAND  
**Prior Registrations** 1080066;1377142;2617998  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# EXHIBIT B



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Oct 5 04:08:44 EDT 2007

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



**Goods and Services** IC 043. US 100 101. G & S: providing congregate, independent retirement, and assisted living housing facilities for senior adults; life care communities in the nature of assisted living facilities, senior retirement housing facilities and retirement homes; providing temporary housing accommodations for senior citizens; day care centers for adults and the elderly

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures  
02.01.34 - Monsters (not robots); Other grotesque including men formed by plants or objects  
26.01.01 - Circles as carriers or as single line borders  
26.01.02 - Circles, plain single line; Plain single line circles

**Serial Number** 77161103

**Filing Date** April 19, 2007

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** August 7, 2007

**Owner** (APPLICANT) On Lok, Inc. CORPORATION CALIFORNIA 1333 Bush Street San Francisco CALIFORNIA 94109

**Attorney of Record** Catherine E. Maxson

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

Live/Dead  
Indicator

LIVE

---

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

---

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)