

ESTTA Tracking number: **ESTTA185992**

Filing date: **01/11/2008**

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	InterVarsity Christian Fellowship/USA
Granted to Date of previous extension	02/20/2008
Address	6400 Schroeder Road Madison, WI 53711 UNITED STATES

Attorney information	Bryce J. Maynard Buchanan Ingersoll & Rooney, P.C. P.O. Box 1404 Alexandria, VA 22313-1404 UNITED STATES bryce.maynard@bipc.com
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Applicant Information

Application No	78926417	Publication date	10/23/2007
Opposition Filing Date	01/11/2008	Opposition Period Ends	02/20/2008
Applicant	The National Christian Charitable Foundation, Inc. 1100 Johnson Ferry Rd., Suite 900 Atlanta, GA 30342 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 036. All goods and services in the class are opposed, namely: Charitable fund raising services; donor-advised investment of funds for charitable purposes; Charitable fund management, namely, accepting and administering monetary charitable contributions; raising and distributing charitable funds; Managing donor-advised funds for charitable purposes; managing endowment funds for charitable purposes; administration of private foundations in connection with philanthropic contributions for charitable purposes; financial consultation, namely, investment consulting in the field of donor-advised funds and philanthropic contributions for charitable purposes; providing information in the fields of donor-advised funds for charitable purposes, philanthropic contributions for charitable purposes, and charitable fund management namely, accepting and administering monetary charitable contributions</p>
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	897506	Application Date	02/11/1969
Registration Date	08/25/1970	Foreign Priority Date	NONE
Word Mark	NCF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U100 (International Class 042). First use: First Use: 1952/06/21 First Use In Commerce: 1952/06/21 PROMOTION OF RELIGIOUS AWARENESS AMONG NURSES AND NURSING STUDENTS BY ORGANIZATION AND GUIDANCE OF INTER-DENOMINATIONAL CHRISTIAN GROUPS		

U.S. Registration No.	2827147	Application Date	09/27/2002
Registration Date	03/30/2004	Foreign Priority Date	NONE
Word Mark	NCF PRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2002/09/24 First Use In Commerce: 2002/09/25 SPIRITUAL, RELIGIOUS AND HEALTH BOOKS, LEAFLETS, AND BROCHURES		

Attachments	76455176#TMSN.gif (1 page)(bytes) NCF LEGACY FUND opposition.pdf (6 pages)(223945 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Bryce J. Maynard/
Name	Bryce J. Maynard
Date	01/11/2008

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

RE: U.S. Trademark Application Serial No. 78/926,417
Published in the *Official Gazette* on October 23, 2007

InterVarsity Christian Fellowship/USA)	
)	
Opposer,)	
)	Opposition No. _____
-v-)	
)	
The National Christian Charitable Foundation, Inc.)	
)	
Applicant.)	
)	
Attorney Docket No. 1030776-000052)	
_____)	

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Commissioner:

In the matter of U.S. Trademark Application Serial No. 78/926,417, filed on July 11, 2006 by The National Christian Charitable Foundation, Inc. (“Applicant”), to register the mark NCF LEGACY FUND (“Applicant’s NCF LEGACY FUND mark”) in connection with “Charitable fund raising services; donor-advised investment of funds for charitable purposes; Charitable fund management, namely, accepting and administering monetary charitable contributions; raising and

distributing charitable funds; Managing donor-advised funds for charitable purposes; managing endowment funds for charitable purposes; administration of private foundations in connection with philanthropic contributions for charitable purposes; financial consultation, namely, investment consulting in the field of donor-advised funds and philanthropic contributions for charitable purposes; providing information in the fields of donor-advised funds for charitable purposes, philanthropic contributions for charitable purposes, and charitable fund management namely, accepting and administering monetary charitable contributions” in International Class 36 (“Applicant’s Services”), and published in the *Official Gazette* on October 23, 2007, InterVarsity Christian Fellowship/USA (“Opposer”) believes that it will be damaged by registration of Applicant’s NCF LEGACY FUND Mark and hereby opposes same. The grounds for this opposition are as follows:

1. Applicant is the record owner of Application Serial No. 78/926,417 for the mark NCF LEGACY FUND for Applicant’s Services.

2. Upon information and belief, Applicant did not use Applicant’s NCF LEGACY FUND Mark in connection with Applicant’s Services prior to July 11, 2006, the filing date of Application Serial No. 78/926,417.

3. Upon information and belief, Applicant did not use Applicant’s NCF LEGACY FUND Mark on or in connection with Applicant’s Services in interstate commerce in the United States prior to July 11, 2006, the filing date of Application Serial No. 78/926,417.

4. Opposer is an Illinois Non-Profit Corporation located and doing business at P.O. Box 7895, 6400 Schroeder Road, Madison, Wisconsin 53707-7895.

5. Opposer is the owner of U.S. Trademark Registration No. 897,506 for the mark NCF in connection with “promotion of religious awareness among nurses and nursing students by organization and guidance of inter-denominational Christian groups.” Opposer is also the owner of U.S. Registration No. 2,827,147 for the mark NCF PRESS in connection with “spiritual, religious and health books, leaflets, and brochures.” The marks in U.S. Registration Nos. 897,506 and 2,827,147 are hereinafter referred to collectively as “Opposer’s NCF Marks,” and the goods and services covered by these registrations are hereinafter referred to collectively as “Opposer’s Goods and Services.” Opposer has used Opposer’s NCF Marks in commerce in the United States since at least as early as 1952.

6. Commencing long prior to the filing date of Applicant’s NCF LEGACY FUND Mark, Opposer has used and is now using Opposer’s NCF Marks in connection with Opposer’s Goods and Services.

7. Due to Opposer’s longstanding and continuous use of Opposer’s NCF Marks in connection with Opposer’s Goods and Services, Opposer’s NCF Marks have become well known as designating Opposer’s Goods and Services throughout the United States. Opposer’s NCF Marks have also become famous long prior to the filing date of Applicant’s NCF LEGACY FUND Mark.

8. Opposer enjoys substantial and exclusive goodwill throughout the United States in connection with Opposer’s NCF Marks.

9. Applicant’s NCF LEGACY FUND Mark in Application Serial No. 78/926,417 is highly similar to Opposer’s NCF Marks in sight, sound, and commercial impression.

10. Applicant has disclaimed the term LEGACY FUND in Application Serial No. 78/926,417. Upon information and belief, the term LEGACY FUND is descriptive and/or generic and does not serve to distinguish Applicant's NCF LEGACY FUND Mark from Opposer's previously used and registered NCF Marks.

11. Applicant's Services and Opposer's Goods and Services are identical and/or closely related and are sold or will be sold to identical or highly similar types of consumers through identical or highly similar channels of trade.

12. Applicant's NCF LEGACY FUND Mark in Application Serial No. 78/926,417 so resembles Opposer's previously registered and used NCF Marks as to be likely, when applied to Applicant's Services, to cause confusion, to cause mistake, or to deceive, by creating the erroneous impression that Applicant's Services originate from or are associated with Opposer, or that Applicant's Services are authorized, endorsed or sponsored by Opposer.

13. The registration of Applicant's NCF LEGACY FUND Mark in Application Serial No. 78/926,417 is likely to cause dilution of Opposer's NCF Marks by blurring the distinctive qualities of Opposer's NCF Marks.

14. Applicant's filing of Application Serial No. 78/926,417 for Applicant's NCF LEGACY FUND Mark is without license, authorization or permission from Opposer.

15. The granting of a trademark registration to Applicant for Applicant's NCF LEGACY FUND Mark would violate and diminish the prior and superior rights of Opposer in Opposer's NCF Marks and would be in violation of 15 U.S.C. § § 1052(d) and 1125(c).

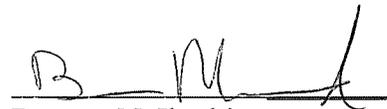
16. Opposer would be damaged if Application Serial No. 78/926,417 is allowed to register because Applicant will obtain statutory rights in Applicant's NCF LEGACY FUND Mark in violation and derogation of the established prior rights of Opposer in Opposer's NCF Marks.

WHEREFORE, Opposer requests that its Opposition be sustained, that Application Serial No. 78/926,417 be rejected and that the registration of NCF LEGACY FUND as a trademark to Applicant be refused, and for such other relief as may be deemed just and proper.

Respectfully submitted,

**INTERVARSITY CHRISTIAN
FELLOWSHIP/USA**

Date: January 10, 2008



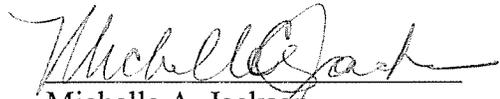
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served this 11th day of January, 2008 by first-class mail, postage prepaid, on the following counsel for Applicant:

Nancy Oliver Lesourd
Gammon & Grange, P.C.
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Mclean, VA 22102-4905


Michelle A. Jackson