

ESTTA Tracking number: **ESTTA222643**

Filing date: **07/07/2008**

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	MasterCard International Incorporated
Granted to Date of previous extension	07/06/2008
Address	2000 Purchase Street Purchase, NY 10577-2509 UNITED STATES
Attorney information	Robert M. Wasnofski, Jr., Esq. Dorsey & Whitney LLP 250 Park Avenue New York, NY 10177 UNITED STATES ny.trademark@dorsey.com,wasnofski.robert@dorsey.com,mitrione.gianfranco@dorsey.com Phone:(212) 415-9200

Applicant Information

Application No	77119389	Publication date	01/08/2008
Opposition Filing Date	07/07/2008	Opposition Period Ends	07/06/2008
Applicant	Javien Digital Payment Solutions, Inc. 1616 Anderson Road, Suite 206 McLean, VA 22102 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Authentication software used to verify personal identification for financial transactions
Class 036. First Use: 2006/04/01 First Use In Commerce: 2006/04/01 All goods and services in the class are opposed, namely: Financial information processing for the purpose of clearing and reconciling financial transactions via global computer and wireless networks; electronic payment, namely, electronic processing and transmission of bill payment data

Grounds for Opposition

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. Registration	1257853	Application Date	04/02/1980
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No.			
Registration Date	11/15/1983	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/02/11 First Use In Commerce: 1980/02/11 Financial Services-Namely, Providing Bank Card Services		

U.S. Registration No.	1270220	Application Date	01/26/1981
Registration Date	03/13/1984	Foreign Priority Date	NONE
Word Mark	MASTERCARD TRAVELERS CHEQUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/12/09 First Use In Commerce: 1980/12/09 Travelers Check Services-Namely, Administration of Issuance, Redemption and Processing of Travelers Checks		

U.S. Registration No.	1285549	Application Date	09/29/1982
Registration Date	07/10/1984	Foreign Priority Date	NONE
Word Mark	MASTERCARD TRAVELERS CHEQUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/12/09 First Use In Commerce: 1980/12/09 Financial Services-Namely, Assisting Its Members in the Sale of Travelers Cheques, Integrated Funds Management Programs, and Money Order Services		

U.S. Registration No.	1494516	Application Date	10/07/1987
Registration Date	06/28/1988	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1986/02/26 First Use In Commerce: 1986/02/26 CREDIT AND DEBIT CARD SERVICES, CARD AUTHORIZATION AND SETTLEMENT SERVICES FRAUD AND COUNTERFEIT CONTROL SERVICES AND AUTOMATIC TELLER MACHINE SERVICES		

U.S. Registration No.	1723718	Application Date	10/25/1991
Registration Date	10/13/1992	Foreign Priority	NONE

		Date	
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit, debit and charge cards, travellers cheques, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit, debit and charge card, travellers cheque, cash disbursement, and transaction authorization and settlement services</p>		

U.S. Registration No.	1738276	Application Date	02/19/1991
Registration Date	12/08/1992	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	The mark consists of the words "MASTERCARD" with a globe design.		
Goods/Services	<p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit cards and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, cash disbursement, and transaction authorization and settlement services</p>		

U.S. Registration No.	1814279	Application Date	02/01/1990
Registration Date	12/28/1993	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit cards, travellers cheques, and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, travelers cheque, travel financial assistance, cash disbursement, and transaction authorization and settlement services</p>		

U.S. Registration No.	1890786	Application Date	01/21/1993
Registration Date	04/25/1995	Foreign Priority Date	NONE
Word Mark	MASTERCARD		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 006. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 metal key chains</p> <p>Class 009. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 calculators</p> <p>Class 014. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 watches, clocks, metal tie pins</p> <p>Class 016. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 pens, pencils, pen stands, paper weights, letter openers, notebooks, metal book marks</p> <p>Class 018. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 umbrellas, luggage, garment bags for travel, toiletry cases sold empty, duffel bags, attache cases, carry-on bags, tote bags, wallets, business card cases, credit card cases</p> <p>Class 020. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 non-metal key rings, luggage tags</p> <p>Class 021. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 mugs</p> <p>Class 024. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 towels</p> <p>Class 025. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 shirts, jackets, sweaters, sweat shirts, visors, caps</p> <p>Class 028. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 Christmas tree decorations, tennis balls, golf balls, soccer balls, golf tees</p>

U.S. Registration No.	2038134	Application Date	03/09/1995
Registration Date	02/18/1997	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 electronic data carriers in the form of magnetically encoded cards</p> <p>Class 016. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 printed matter and publications, namely, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 financial services, namely, providing debit card services</p>		

U.S. Registration No.	2077221	Application Date	04/23/1996
Registration Date	07/08/1997	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1993/04/00 First Use In Commerce: 1993/04/00 travelers cheque services, namely the administration of [issuance,] redemption and processing of travelers cheques

U.S. Registration No.	2168736	Application Date	01/29/1993
Registration Date	06/30/1998	Foreign Priority Date	NONE

Word Mark	MASTERCARD
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 electronic data carriers in the form of magnetically encoded cards</p> <p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications, namely, credit, debit and charge cards, travelers cheques, and pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services, namely, providing credit, debit and charge card services, administration of the issuance, redemption and processing of travelers cheques, travel financial assistance, cash disbursement and transaction authorization and settlement services</p> <p>Class 039. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 travel assistance services, namely, arranging travel tours, making replacement and emergency reservations and booking for transportation</p>
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U.S. Registration No.	2212340	Application Date	04/21/1997
Registration Date	12/22/1998	Foreign Priority Date	NONE

Word Mark	MASTERCARD CORPORATE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 1997/01/31 First Use In Commerce: 1997/01/31 financial services, namely, providing credit card, debit card, [charge card and stored value prepaid card,] cash disbursement, and transaction authorization and settlement services
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U.S. Registration No.	2607150	Application Date	03/12/2001
Registration Date	08/13/2002	Foreign Priority Date	NONE

Word Mark	MASTERCARD SMALL BUSINESS CONNECTIONS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00
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	Promoting the sale of the goods and services of others through electronic links to merchants and retailer web sites Class 036. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 Financial services, namely, providing credit card, debit card and charge card services, cash advances rendered by credit or debit cards; electronic funds and currency transfer services; automated teller machine service; and transaction authorization and settlement services		
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U.S. Registration No.	3352378	Application Date	08/09/2006
Registration Date	12/11/2007	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark			
Description of Mark	The mark consists of the words MASTERCARD WORLDWIDE in the color gray and the design of intersecting circles that fades from red to pink to orange to yellow. The mark is depicted on a gray background and the gray background is not claimed as a feature of the mark but merely depicts depth.		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

U.S. Registration No.	3356377	Application Date	08/10/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

U.S. Registration No.	3356407	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark			
Description of Mark	The mark consists of the words MASTERCARD WORLDWIDE in the color gray and the design of intersecting circles that fade from red to pink to orange to yellow. The mark is depicted on a gray background. No claim is made to the gray background, the background merely indicates depth.		
Goods/Services	Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF		

	<p>ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET</p>
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U.S. Registration No.	3356408	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT		

	<p>SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET</p>
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U.S. Registration No.	3356409	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.		
Goods/Services	Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE		

	<p>ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET</p>
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U.S. Registration No.	3356410	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD		

SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET

U.S. Registration No.	3365851	Application Date	08/10/2006
Registration Date	01/08/2008	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

U.S. Registration No.	3376085	Application Date	08/09/2006
Registration Date	01/29/2008	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

Attachments	73256484#TMSN.gif (1 page)(bytes) 73294257#TMSN.gif (1 page)(bytes) 73392883#TMSN.gif (1 page)(bytes) 73688490#TMSN.gif (1 page)(bytes) 74215678#TMSN.gif (1 page)(bytes) 74140100#TMSN.gif (1 page)(bytes) 74024596#TMSN.gif (1 page)(bytes) 74350765#TMSN.gif (1 page)(bytes) 74644110#TMSN.gif (1 page)(bytes) 75095085#TMSN.gif (1 page)(bytes) 74353604#TMSN.gif (1 page)(bytes) 75278277#TMSN.gif (1 page)(bytes) 76225000#TMSN.gif (1 page)(bytes) 78948646#TMSN.jpeg (1 page)(bytes) 78949716#TMSN.jpeg (1 page)(bytes) 78954545#TMSN.jpeg (1 page)(bytes) 78954605#TMSN.jpeg (1 page)(bytes) 78954618#TMSN.jpeg (1 page)(bytes) 78954627#TMSN.jpeg (1 page)(bytes) 78949725#TMSN.jpeg (1 page)(bytes) 78948678#TMSN.jpeg (1 page)(bytes) 77119389 Notice of Opposition.pdf (7 pages)(260409 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	/rmw/
Name	Robert M. Wasnofski, Jr., Esq.
Date	07/07/2008

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

IN THE MATTER OF APPLICATION

Mark: JVN & Design
Applicant: Javien Digital Payment Solutions, Inc.
Serial No.: 77/119,389
Filed: March 3, 2007
Published in
the **Official Gazette**: January 8, 2008

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MASTERCARD INTERNATIONAL :
INCORPORATED, :

Opposer, : Opposition No. ____,__

v. :

JAVIEN DIGITAL PAYMENT :
SOLUTIONS, INC., :

Applicant. :

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NOTICE OF OPPOSITION

MasterCard International Incorporated, a Delaware corporation located and doing business at 2000 Purchase Street, Purchase, New York 10577-2509 (hereinafter referred to as “Opposer”) believes that it will be damaged by the registration of application Serial No. 77/119,389, filed on March 3, 2007, by Javien Digital Payment Solutions, Inc. (hereinafter referred to as “Applicant”) for the above-referenced mark covering “authentication software used to verify personal identification for financial transactions” in International Class 9 and “financial information processing for the purpose of clearing and reconciling financial transactions via global computer and wireless networks; electronic payment, namely, electronic processing and

transmission of bill payment data” in International Class 36 (hereinafter “Alleged Mark”) and, having previously been granted extensions of time to oppose, hereby opposes same.

The specific grounds for this opposition are as follows:

1. Opposer is an incorporated association of banks and other domestic and foreign financial institutions whose purpose is, inter alia, to facilitate various financial services transactions, including the interchange of funds through payment cards, on a worldwide basis. Among the many services Opposer offers are banking services, credit card and payment card services, electronic funds and currency transfer services, electronic payment services, and transaction authorization and settlement services. To facilitate financial service transactions and the exchange of funds and financial information, Opposer utilizes various electronic devices, including various software and hardware products.

2. Opposer has been in the payment card business since 1966 and has become well and favorably known to members of the public, as well as to members of the banking and financial services community, as a leader in the payment card field. Since 1966, Opposer has used a prominent design, namely, the famous “Two Interlocking Circles” device, to identify its various products and services. Opposer initially owned and administered the celebrated MASTER CHARGE payment card program, but since 1980 has owned and administered the MASTERCARD payment card program. There are approximately 935 million MASTERCARD payment cards in circulation worldwide bearing the “Two Interlocking Circles” device, which have been issued by approximately 25,000 licensed member banks and financial institutions having more than 200,000 branches. Approximately half of these cards are currently in circulation in the United States. Opposer’s MASTERCARD payment cards are accepted at more than 24 million locations, including ATMs, merchants and cash advance locations, and

billions of dollars worth of purchases or cash advances were transacted over the last several years using a payment card at the point of sale bearing the MASTERCARD and “Two Interlocking Circles” device marks. Each retail establishment, ATM and cash advance location which accepts Opposer’s payment cards is required to post decals bearing the MASTERCARD and “Two Interlocking Circles” device marks at the point of sale. During the last 3 years alone, Opposer has expended in excess of \$600,000,000 in advertising its payment card services and other related services and products offered in connection with the MASTERCARD and “Two Interlocking Circles” device marks and variants thereof in North America and, in years prior thereto, spent comparably substantial sums.

3. Each and every MASTER CHARGE and MASTERCARD payment card that has ever been issued and virtually all advertising therefore has borne Opposer’s famous and highly distinctive “Two Interlocking Circles” device.

4. As a result of enormous advertising, promotion, card usage, point of sale signage and other extensive usage, the “Two Interlocking Circles” device has become one of the most renowned brands in the United States and represents an asset of enormous goodwill of inestimable value to Opposer.

5. Since at least as early as 2006, Opposer has used another prominent design, namely, the “Three Interlocking Circles” device in connection with services that are the same as, closely related and/or complementary to those that are advertised, promoted and offered in connection with Opposer’s famous “Two Interlocking Circles” device.

6. In addition to its common law rights in its “Two Interlocking Circles” device and “Three Interlocking Circles,” Opposer is also the owner of numerous federal registrations that consist of or incorporate one of these devices or a variant, including:

Mark	U.S. Reg. No.
MASTERCARD and Interlocking Circles Design	1,257,853
MASTERCARD TRAVELERS CHEQUE and Interlocking Circles Design	1,270,220
MASTERCARD TRAVELERS CHEQUE and Interlocking Circles Design	1,285,549
Interlocking Circles Design	1,494,516
Interlocking Circles Design	1,723,718
Interlocking Circles Globe Hologram Design	1,738,276
MASTERCARD and Interlocking Circles Design	1,814,279
MASTERCARD and Interlocking Circles Design	1,890,786
Interlocking Circles Design	2,038,134
MASTERCARD and Interlocking Circles Design	2,077,221
MASTERCARD and Interlocking Circles Design	2,168,736
MASTERCARD CORPORATE and Interlocking Circles Design	2,212,340
MASTERCARD SMALL BUSINESS CONNECTIONS and Interlocking Circles Design	2,607,150
MASTERCARD WORLDWIDE and Three Interlocking Circles Design	3,352,378
Interlocking Circles Design	3,356,377
MASTERCARD WORLDWIDE and Interlocking Circles Design	3,356,407
MASTERCARD WORLDWIDE and Interlocking Circles Design	3,356,408
Interlocking Circles Design	3,356,409
Interlocking Circles Design	3,356,410
Interlocking Circles Design	3,365,851
MASTERCARD WORLDWIDE and Interlocking Circles Design	3,376,085

Many of the registrations referenced herein are incontestable pursuant to 15 U.S.C. § 1065.

7. Opposer has used its “Two Interlocking Circles” device and/or “Three Interlocking Circles” device in connection with financial services and related services and products since long prior to the filing date of the opposed application.

8. Opposer’s “Two Interlocking Circles” device and/or “Three Interlocking Circles” device are distinctive and became famous long prior to the filing of the opposed application and use of the Alleged Mark in interstate commerce by Applicant.

9. As a result of the long, extensive and widespread use, advertising and registration of the “Two Interlocking Circles” device and/or “Three Interlocking Circles” device on and in association with Opposer’s various services and products, consumers have become accustomed to associate marks consisting of or containing a prominent interlocking or overlapping circles device with Opposer.

10. By the application opposed herein, Applicant seeks to register the Alleged Mark in regards to “authentication software used to verify personal identification for financial transactions” in International Class 9 and “financial information processing for the purpose of clearing and reconciling financial transactions via global computer and wireless networks; electronic payment, namely, electronic processing and transmission of bill payment data” in International Class 36.

11. To the extent the Alleged Mark includes a prominent design component containing interlocking or overlapping circles, said mark so resembles Opposer’s aforementioned previously used and registered “Two Interlocking Circles” device and “Three Interlocking Circles” device as to be likely, when used in connection with Applicant’s goods and services, to cause confusion, to cause mistake, or to deceive, with consequent injury to Opposer and the public.

12. Specifically, and without limitation, the marketing and sale of Applicant’s aforementioned goods and services under the Alleged Mark is likely to cause consumers to believe that Applicant’s goods and services are those of Opposer, that Applicant’s goods and services are connected with the services and products of Opposer, and/or that Applicant is somehow related to or sponsored by Opposer. Accordingly, Applicant’s Alleged Mark is not entitled to registration pursuant to 15 U.S.C. §1052(d).

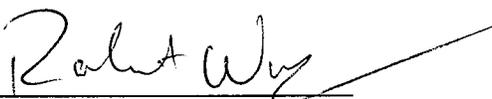
13. Further, registration of the Alleged Mark is likely to cause dilution by blurring or dilution by tarnishment of Opposer's famous and distinctive "Two Interlocking Circles" device and/or "Three Interlocking Circles" device in violation of 15 U.S.C. §§ 1125(c) and 1052(f).

14. Opposer will be damaged by the registration sought by Applicant within the meaning of 15 U.S.C. §1063 because such registration would support and assist Applicant in the confusing, misleading and dilutive use of Applicant's Alleged Mark, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained and that the registration sought by Applicant be denied.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: July 7, 2008

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

IN THE MATTER OF APPLICATION

Mark: JVN and Design
Applicant: Javien Digital Payment Solutions, Inc.
Serial No.: 77/119,389
Filed: March 3, 2007
Published in
the **Official Gazette**: January 8, 2008

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MASTERCARD INTERNATIONAL :
INCORPORATED, :

Opposer,

Opposition No. ____, __

v.

JAVIEN DIGITAL PAYMENT :
SOLUTIONS, INC., :

Applicant. :

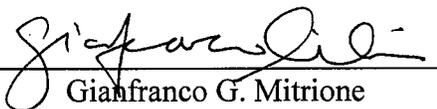
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Opposition is being served upon a representative of Applicant and its "Attorney of Record" by mailing a true copy thereof by first class mail, postage prepaid, addressed to:

Janet P. Peyton
McGuireWoods LLP
901 E Cary Street
Richmond, Virginia 23219-4030

on July 7, 2008.


Gianfranco G. Mitrone