

ESTTA Tracking number: **ESTTA288756**

Filing date: **06/09/2009**

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	Knowledge Learning Corporation
Granted to Date of previous extension	06/10/2009
Address	650 N.E. Holladay Street Portland, OR 97232 UNITED STATES

Attorney information	Scott Bradley Schwartz Cozen O'Connor 1900 Market Street Philadelphia, PA 19103 UNITED STATES sschwartz@cozen.com Phone:2156652771
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Applicant Information

Application No	77576125	Publication date	02/10/2009
Opposition Filing Date	06/09/2009	Opposition Period Ends	06/10/2009
Applicant	Children's Learning Adventure Licensing, LLC 3131 E. Camelback Road Phoenix, AZ 85016 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 041. All goods and services in the class are opposed, namely: Education services for children, namely, pre-schools; providing courses of instruction at the kindergarten level; providing after-school educational programs for children in grades pre-K through 8; entertainment services for children, namely, providing after-school programs comprising activities and events in the areas of school readiness, social skill development, general academic instruction, dramatic arts, music, arts and crafts, sports, and cultural enrichment; instruction and tutoring services for children in the areas of school readiness, social skill development, and general academic instruction; educational services, namely, developing curriculum for others in the areas of school readiness, social skill development, general academic instruction, dramatic arts, music, arts and crafts, sports, and cultural enrichment</p>
<p>Class 043. All goods and services in the class are opposed, namely: Childcare services provided in children's educational centers</p>

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.	3296777	Application Date	01/05/2007
Registration Date	09/25/2007	Foreign Priority Date	NONE
Word Mark	KELSEY'S LEARNING ADVENTURES		
Design Mark	 <p style="text-align: center;">KELSEY'S LEARNING ADVENTURES</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06 Printed instructional, educational, and teaching materials, in the subjects of mathematics, reading, phonics, writing, and foreign language skills and foreign culture, at the kindergarten and the elementary and middle school levels; pencils</p> <p>Class 041. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06 educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith</p>		

U.S. Registration No.	3296778	Application Date	01/05/2007
Registration Date	09/25/2007	Foreign Priority Date	NONE
Word Mark	KELSEY'S MATH ADVENTURES		
Design Mark	 <p style="text-align: center;">KELSEY'S MATH ADVENTURES</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06 Printed instructional, educational, and teaching materials, in the subject of mathematics, at the kindergarten and the elementary and middle school levels</p> <p>Class 041. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06</p>		

	educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith
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U.S. Registration No.	3296780	Application Date	01/05/2007
Registration Date	09/25/2007	Foreign Priority Date	NONE
Word Mark	KELSEY'S READING ADVENTURES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2006/10/01 First Use In Commerce: 2006/10/01 Printed instructional, educational, and teaching materials, in the subject of reading, at the kindergarten and the elementary and middle school levels</p> <p>Class 041. First use: First Use: 2006/10/01 First Use In Commerce: 2006/10/01 educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith</p>		

U.S. Registration No.	3322735	Application Date	01/05/2007
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	KELSEY'S SPANISH ADVENTURES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06 Printed instructional, educational, and teaching materials, in the subjects of foreign language skills and foreign culture, at the kindergarten and the elementary and middle school levels</p>		

	Class 041. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06 educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith
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U.S. Registration No.	3322736	Application Date	01/05/2007
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	KELSEY'S PHONICS ADVENTURES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06 printed instructional, educational, and teaching materials, in the subjects of phonics, reading, and writing, at the kindergarten and the elementary and middle school levels</p> <p>Class 041. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06 educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith</p>		

U.S. Registration No.	3460978	Application Date	09/12/2007
Registration Date	07/08/2008	Foreign Priority Date	NONE
Word Mark	HANDS-ON SCIENCE FUN! SCIENCE ADVENTURES A DIVISION OF KLC SCHOOL PARTNERSHIPS		
Design Mark			
Description of Mark	The mark consists of cartoon figure holding a stylized figure of an atom stepping out of a sign with the literal element on it.		
Goods/Services	Class 041. First use: First Use: 2002/08/00 First Use In Commerce: 2002/08/00		

	Educational services, namely, providing courses of instruction and programs at the kindergarten and the elementary school levels; providing before and after school educational programs for kindergarten and elementary school students in the areas of reading, writing, history, science, math, and art; recreational camp services
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U.S. Registration No.	3430921	Application Date	09/24/2007
Registration Date	05/20/2008	Foreign Priority Date	NONE
Word Mark	SCIENCE ADVENTURES		
Design Mark	<p style="text-align: center;">SCIENCE ADVENTURES</p>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 Educational services, namely, providing courses of instruction and programs at the kindergarten and the elementary school levels; providing before and after school educational programs for kindergarten and elementary school students in the areas of reading, writing, history, science, math, and art; recreational camp services		

U.S. Application No.	77467579	Application Date	05/07/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LEARNING ADVENTURES		
Design Mark	<p style="text-align: center;">LEARNING ADVENTURES</p>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith		

U.S. Application No.	77467633	Application Date	05/07/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ACTIVE ADVENTURES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith		

U.S. Application No.	77467603	Application Date	05/07/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MATH ADVENTURES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith		

U.S. Application No.	77467584	Application Date	05/07/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PHONICS ADVENTURES		

Design Mark	PHONICS ADVENTURES
Description of Mark	NONE
Goods/Services	Class 041. First use: educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith

U.S. Application No.	77467618	Application Date	05/07/2008
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SPANISH ADVENTURES		
Design Mark	SPANISH ADVENTURES		
Description of Mark	NONE		
Goods/Services	Class 041. First use: educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith		

U.S. Application No.	77467625	Application Date	05/07/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	READING ADVENTURES		

Design Mark	READING ADVENTURES
Description of Mark	NONE
Goods/Services	Class 041. First use: educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith

Attachments	77077042#TMSN.jpeg (1 page)(bytes) WHERE LEARNING IS THE GREATEST ADVENTURE OF ALL.pdf (10 pages) (481047 bytes) 77077074#TMSN.jpeg (1 page)(bytes) 77077098#TMSN.jpeg (1 page)(bytes) 77077061#TMSN.jpeg (1 page)(bytes) 77077084#TMSN.jpeg (1 page)(bytes) 77277239#TMSN.jpeg (1 page)(bytes) 77286739#TMSN.jpeg (1 page)(bytes) 77467579#TMSN.jpeg (1 page)(bytes) 77467633#TMSN.jpeg (1 page)(bytes) 77467603#TMSN.jpeg (1 page)(bytes) 77467584#TMSN.jpeg (1 page)(bytes) 77467618#TMSN.jpeg (1 page)(bytes) 77467625#TMSN.jpeg (1 page)(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	/Scott B. Schwartz/
Name	Scott Bradley Schwartz
Date	06/09/2009

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

KNOWLEDGE LEARNING CORPORATION:	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	Serial No. 77/576125
	:	Filed: September 22, 2008
	:	Published: February 10, 2009
	:	Mark: WHERE LEARNING IS THE
	:	GREATEST ADVENTURE OF
	:	ALL
CHILDREN'S LEARNING ADVENTURE	:	
LICENSING, LLC	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Knowledge Learning Corporation, a Delaware corporation, with a place of business at 650 N.E. Holladay Street, Portland, Oregon 97232 (“Opposer”), believes that it will be damaged by registration of the mark WHERE LEARNING IS THE GREATEST ADVENTURE OF ALL, which is the subject of application Serial No. 77/576,125 (the “Application”), published in the February 10, 2009 *Official Gazette*, and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Upon information and belief, applicant, Children’s Learning Adventure Licensing, LLC (“Applicant”), is an Arizona limited liability company with a principal place of business located at 3131 East Camelback Road, Phoenix, Arizona 85016.

2. Applicant filed an application to register the mark WHERE LEARNING IS THE GREATEST ADVENTURE OF ALL for “[e]ducation services for children, namely, pre-

schools; providing courses of instruction at the kindergarten level; providing after-school educational programs for children in grades pre-K through 8; entertainment services for children, namely, providing after-school programs comprising activities and events in the areas of school readiness, social skill development, general academic instruction, dramatic arts, music, arts and crafts, sports, and cultural enrichment; instruction and tutoring services for children in the areas of school readiness, social skill development, and general academic instruction; educational services, namely, developing curriculum for others in the areas of school readiness, social skill development, general academic instruction, dramatic arts, music, arts and crafts, sports, and cultural enrichment” in International Class 41 in the United States Patent and Trademark Office on September 22, 2008.

3. The Application was assigned serial number 77/576,125 and is based on Applicant’s intent-to-use the WHERE LEARNING IS THE GREATEST ADVENTURE OF ALL mark. Applicant has not yet identified a date of first use for the mark.

4. Applicant’s mark published in the *Official Gazette* on February 10, 2009. Opposer filed a thirty-day request for extension of time on March 9, 2009, thereby granting Opposer until April 11, 2009 to file its Notice of Opposition or extend the deadline further.

5. Opposer filed an additional sixty-day request for extension of time on April 12, 2009, thereby granting Opposer until June 10, 2009 to file its Notice of Opposition.

6. On January 5, 2007, Opposer filed an application for registration of the mark KELSEY’S LEARNING ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/077,042 and covers the use of this mark in conjunction with “[p]rinted

instructional, educational, and teaching materials, in the subjects of mathematics, reading, phonics, writing, and foreign language skills and foreign culture, at the kindergarten and the elementary and middle school levels; pencils” in International Class 16 and “educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as March 6, 2006. This application was published for opposition on July 10, 2007 by the Patent and Trademark Office and issued as Registration No. 3,296,777 on September 25, 2007.

7. On January 5, 2007, Opposer filed an application for registration of the mark KELSEY’S MATH ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/077,074 and covers the use of this mark in conjunction with “[p]rinted instructional, educational, and teaching materials, in the subject of mathematics, at the kindergarten and the elementary and middle school levels” in International Class 16 and “educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as March 6, 2006. This application was published for opposition on July 10, 2007 by the Patent and Trademark Office and issued as Registration No. 3,296,778 on September 25, 2007.

8. On January 5, 2007, Opposer filed an application for registration of the mark KELSEY’S READING ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/077,098 and covers the use of this mark in conjunction with “[p]rinted

instructional, educational, and teaching materials, in the subject of reading, at the kindergarten and the elementary and middle school levels” in International Class 16 and “educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as October 1, 2006. This application was published for opposition on July 10, 2007 by the Patent and Trademark Office and issued as Registration No. 3,296,780 on September 25, 2007.

9. On January 5, 2007, Opposer filed an application for registration of the mark **KELSEY’S SPANISH ADVENTURES** in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/077,061 and covers the use of this mark in conjunction with “[p]rinted instructional, educational, and teaching materials, in the subjects of foreign language skills and foreign culture, at the kindergarten and the elementary and middle school levels” in International Class 16 and “educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as March 6, 2006. This application was published for opposition on August 14, 2007 by the Patent and Trademark Office and issued as Registration No. 3,322,735 on October 30, 2007.

10. On January 5, 2007, Opposer filed an application for registration of the mark **KELSEY’S PHONICS ADVENTURES** in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/077,084 and covers the use of this mark in conjunction with “[p]rinted instructional, educational, and teaching materials, in the subjects of phonics, reading, and

writing, at the kindergarten and the elementary and middle school levels” in International Class 16 and “educational services, namely providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as March 6, 2006. This application was published for opposition on August 14, 2007 by the Patent and Trademark Office and issued as Registration No. 3,322,736 on October 30, 2007.

11. On September 12, 2007, Opposer filed an application for registration of the mark HANDS-ON SCIENCE FUN! SCIENCE ADVENTURES A DIVISION OF KLC SCHOOL PARTNERSHIPS and Design in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/277,239 and covers the use of this mark in conjunction with “[e]ducational services, namely, providing courses of instruction and programs at the kindergarten and the elementary school levels; providing before and after school educational programs for kindergarten and elementary school students in the areas of reading, writing, history, science, math, and art; recreational camp services” in International Class 41. The date of first use is at least as early as August 2002. This application was published for opposition on April 22, 2008 by the Patent and Trademark Office and issued as Registration No. 3,460,978 on July 8, 2008.

12. On September 24, 2007, Opposer filed an application for registration of the mark SCIENCE ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/286,739 and covers the use of this mark in conjunction with “[e]ducational services, namely, providing courses of instruction and programs at the kindergarten and the elementary school levels; providing before and after school educational programs for kindergarten and

elementary school students in the areas of reading, writing, history, science, math, and art; recreational camp services” in International Class 41. The date of first use is at least as early as 1982. This application was published for opposition on March 4, 2008 by the Patent and Trademark Office and issued as Registration No. 3,430,921 on May 20, 2008.

13. On May 7, 2008 Opposer filed an application for registration of the mark LEARNING ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/467,579 and covers the use of this mark in conjunction with “educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as June 1, 2008. This application was published for opposition by the Patent and Trademark Office on September 16, 2008 and a Notice of Allowance issued on December 9, 2008. Opposer filed the Allegation of Use on June 8, 2009.

14. On May 7, 2008 Opposer filed an application for registration of the mark ACTIVE ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/467,633 and covers the use of this mark in conjunction with “educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as June 1, 2008. This application was published for opposition by the Patent and Trademark Office on September 16, 2008 and a Notice of Allowance issued on December 9, 2008. Opposer filed the Allegation of Use on June 8, 2009.

15. On May 7, 2008 Opposer filed an application for registration of the mark MATH ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/467,603 and covers the use of this mark in conjunction with “educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as June 1, 2008. This application was published for opposition by the Patent and Trademark Office on September 16, 2008 and a Notice of Allowance issued on December 9, 2008. Opposer filed the Allegation of Use on June 8, 2009.

16. On May 7, 2008 Opposer filed an application for registration of the mark PHONICS ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/467,584 and covers the use of this mark in conjunction with “educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as June 1, 2008. This application was published for opposition by the Patent and Trademark Office on September 16, 2008 and a Notice of Allowance issued on December 9, 2008. Opposer filed the Allegation of Use on June 8, 2009.

17. On May 7, 2008 Opposer filed an application for registration of the mark READING ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/467,625 and covers the use of this mark in conjunction with “educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary

school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as June 1, 2008. This application was published for opposition by the Patent and Trademark Office on September 16, 2008 and a Notice of Allowance issued on December 9, 2008. Opposer filed the Allegation of Use on June 8, 2009.

18. On May 7, 2008 Opposer filed an application for registration of the mark SPANISH ADVENTURES in the United States Patent and Trademark Office on the Principal Register under the Lanham Act, 15 U.S.C. § 1051 et seq. This application was assigned Serial No. 77/467,618 and covers the use of this mark in conjunction with “educational services, namely, providing courses of instruction at the pre-school, kindergarten, primary, and elementary school level and providing course material in connection therewith” in International Class 41. The date of first use is at least as early as June 1, 2008. This application was published for opposition by the Patent and Trademark Office on September 16, 2008 and a Notice of Allowance issued on December 9, 2008. Opposer filed the Allegation of Use on June 8, 2009.

LIKELIHOOD OF CONFUSION PURSUANT TO SECTION 2(d)

19. Opposer's marks incorporating the term ADVENTURES and Applicant's WHERE LEARNING IS THE GREATEST ADVENTURE OF ALL mark are similar in sound, appearance, and meaning. The marks create the same commercial impression and are likely to be confused.

20. Upon information and belief, the channels of trade of both Opposer's services and Applicant's services are closely related.

21. Upon information and belief, the customer base of both Opposer's services and Applicant's services are similar, if not identical.

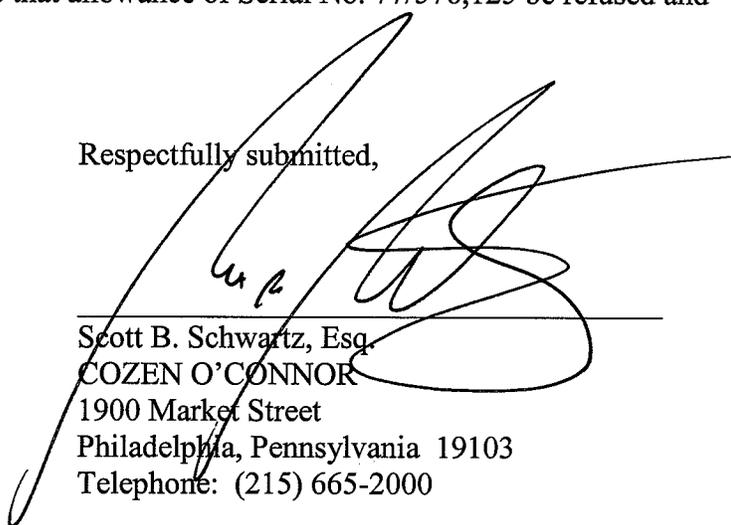
22. If Applicant is permitted to register its mark, and, thereby, obtain the *prima facie* exclusive right to use the mark LEARNING IS THE GREATEST ADVENTURE OF ALL in commerce, confusion is likely to result, and Opposer will be damaged thereby.

23. Upon information and belief, registration of LEARNING IS THE GREATEST ADVENTURE OF ALL on the Principal Register would restrict and impair Opposer's right to use, develop and expand its use of its family of ADVENTURES marks, and would otherwise cause injury and damage to Opposer's ADVENTURES marks, as well as its good will and reputation.

WHEREFORE, Opposer prays that allowance of Serial No. 77/576,125 be refused and that this Opposition be sustained.

Respectfully submitted,

Date: June 9, 2009



Scott B. Schwartz, Esq.
COZEN O'CONNOR
1900 Market Street
Philadelphia, Pennsylvania 19103
Telephone: (215) 665-2000

Attorney for Opposer

CERTIFICATE OF SERVICE

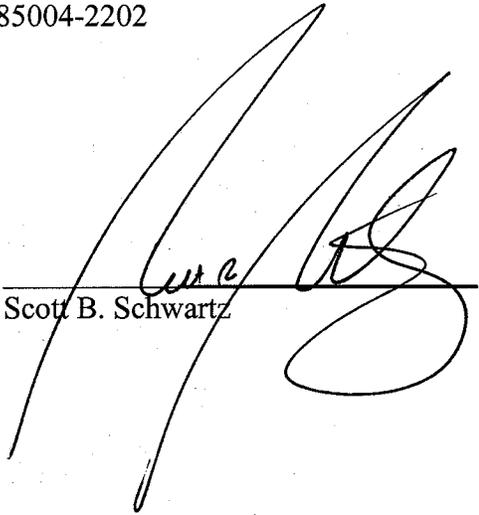
It is hereby certified that a true and correct copy of the foregoing document was mailed on June 9, 2009 via First Class Mail, postage prepaid, to Applicant and counsel for

Applicant:

Children's Learning Adventure Licensing, LLC
3131 E Camelback Road
Phoenix, AZ 85016

and

Cynthia L. Pillote
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Scott B. Schwartz