

ESTTA Tracking number: **ESTTA322796**

Filing date: **12/18/2009**

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	Heidelberg University
Granted to Date of previous extension	12/20/2009
Address	310 E. Market Street Tiffin, OH 44883 UNITED STATES

Attorney information	Gregg W. Emch MacMillan, Sobanski & Todd, LLC 720 Water Street Toledo, OH 43604 UNITED STATES docketing@mstfirm.com, emch@mstfirm.com Phone:(419) 255-5900
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Applicant Information

Application No	77636839	Publication date	06/23/2009
Opposition Filing Date	12/18/2009	Opposition Period Ends	12/20/2009
Applicant	Heidelberg University Grabengasse 1 D-69115 Heidelberg, GERMANY		

Goods/Services Affected by Opposition

Class 036. First Use: 2008/10/10 First Use In Commerce: 2008/10/10 All goods and services in the class are opposed, namely: financial services, namely, providing educational grants, providing funding for research fellowships, providing educational scholarships, providing educational and research endowments, providing financial funding for paid internships for course work and research; charitable fundraising; organizing and conducting charitable fundraising events; administering scholarship programs
Class 041. First Use: 1793/12/11 First Use In Commerce: 1793/12/11 All goods and services in the class are opposed, namely: Educational services, namely, providing instruction and training at the undergraduate, graduate and post-graduate levels; educational research

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	HEIDELBERG		
Goods/Services	financial services, namely, providing educational grants, providing funding for research fellowships, providing educational scholarships, providing educational and research endowments, providing financial funding for paid internships for course work and research; charitable fundraising; organizing and conducting charitable fundraising events; administering scholarship programs; and educational services, namely, providing instruction and training at the undergraduate, graduate and post-graduate levels; educational research		

Attachments	51094--Notice of Opposition.pdf (5 pages)(143320 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	/Gregg W. Emch/
Name	Gregg W. Emch
Date	12/18/2009

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

In the Matter of Trademark Application Serial No. 77/636,839
Mark: HEIDELBERG UNIVERSITY
Filed: December 19, 2008
Publication Date: June 23, 2009

HEIDELBERG UNIVERSITY,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
HEIDELBERG UNIVERSITY,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Heidelberg University, an Ohio corporation, located and doing business at 310 E. Market Street, Tiffin, Ohio 44883 (hereinafter “Opposer”), believes that it will be damaged by registration of the mark HEIDELBERG UNIVERSITY shown in Application Serial No. 77/636,839, filed on December 19, 2008, by Heidelberg University, a German corporation, having an address of record of Grabengasse 1, D-69115 Heidelberg, Germany (“Applicant”), and published in the Official Gazette of June 23, 2009 (“Application”), and hereby opposes the same in both International Classes 36 and 41 for all of the services recited in the Application.

The grounds for the opposition are as follows:

1. Opposer is the owner of the mark HEIDELBERG for, among other things, financial services, namely, providing educational grants, providing funding for research fellowships, providing educational scholarships, providing educational and research

endowments, providing financial funding for paid internships for course work and research; charitable fundraising; organizing and conducting charitable fundraising events; administering scholarship programs; and educational services, namely, providing instruction and training at the undergraduate, graduate and post-graduate levels; educational research (“Opposer’s Services”).

2. Opposer has continuously used since at least as early as 1850, and is currently using, the mark HEIDELBERG in commerce for, among other things, Opposer’s Services. This date is well prior to the filing date of the Application.

3. As a result of Opposer’s extensive advertising, marketing, and sales in commerce, Opposer’s HEIDELBERG mark is famous and well known to the general consuming public.

4. By virtue of Opposer’s extensive use and promotion of the mark HEIDELBERG in commerce, Opposer has established valuable goodwill in the mark, and it is widely recognized by the public that the mark indicates that Opposer’s Services originate from Opposer.

5. The Application recites the services as follows:

International Class 36: financial services, namely, providing educational grants, providing funding for research fellowships, providing educational scholarships, providing educational and research endowments, providing financial funding for paid internships for course work and research; charitable fundraising; organizing and conducting charitable fundraising events; administering scholarship programs; and

International Class 41: educational services, namely, providing instruction and training at the undergraduate, graduate and post-graduate levels; educational research.

6. The services recited in the Application are identical to Opposer's Services provided under the mark HEIDELBERG by Opposer.

7. Opposer has priority and superior rights in and to the mark HEIDELBERG in commerce with respect to Applicant for, among other things, Opposer's Services.

8. Applicant's use of the mark HEIDELBERG UNIVERSITY in commerce for, among other things, services that are identical to Opposer's Services is likely to cause confusion, or to cause mistake, or to deceive with respect to Opposer's mark and services, which would damage Opposer.

9. Registration of the mark HEIDELBERG UNIVERSITY shown in the Application and use of the mark by Applicant in commerce is likely dilutive of Opposer's famous HEIDELBERG mark.

10. Registration of the mark HEIDELBERG UNIVERSITY shown in the Application will result in damage to Opposer under the provisions of 15 U.S.C. §§1052, 1063, and 1125, pursuant to the allegations stated above.

11. If Applicant is granted the registration herein opposed, it would obtain at least *prima facie* exclusive ownership and rights to the mark HEIDELBERG UNIVERSITY, which would further damage Opposer.

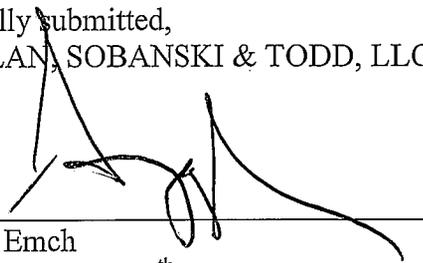
WHEREFORE, Opposer requests that this opposition be sustained and that the application for the mark HEIDELBERG UNIVERSITY, Serial No. 77/636,839, for all of

the services identified therein, in both International Class 36 and International Class 41, be refused registration.

Please charge any necessary fee regarding this Opposition to the Deposit Account of MacMillan, Sobanski & Todd, LLC, 13-0005, and credit any overpayment to such deposit account.

Dated: Toledo, Ohio
December 18, 2009

Respectfully submitted,
MacMILLAN, SOBANSKI & TODD, LLC



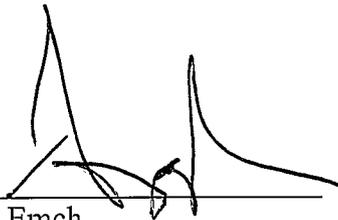
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Notice of Opposition to be sent this 18th day of December 2009, by prepaid first-class mail to Applicant's attorney of record as follows:

Lara A. Holzman, Esq.
Alston & Bird LLP
90 Park Ave.
New York, NY 10016-1301



Gregg W. Emch