

ESTTA Tracking number: **ESTTA344854**

Filing date: **04/29/2010**

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	The College Board		
Entity	Not-for-profit	Citizenship	New York
Address	45 Columbus Ave New York, NY 10023 UNITED STATES		

Attorney information	Sharon Zink 45 Columbus Ave New York, NY 10023 UNITED STATES szink@collegeboard.org
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### Applicant Information

Application No	77844120	Publication date	03/30/2010
Opposition Filing Date	04/29/2010	Opposition Period Ends	04/29/2010
Applicant	Catalyst SAT & College Prep, LLC 316 North Oakhurst Drive, #201 Beverly Hills, CA 90210 UNITED STATES		

### Goods/Services Affected by Opposition

Class 016. First Use: 2009/08/15 First Use In Commerce: 2009/08/15  
All goods and services in the class are opposed, namely: Educational books featuring SAT practice exam questions

### Grounds for Opposition

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

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1067665	Application Date	03/15/1976
Registration Date	06/14/1977	Foreign Priority Date	NONE
Word Mark	SAT		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 016. First use: First Use: 1947/05/00 First Use In Commerce: 1947/05/00 PRINTED TESTS AND TEST BOOKLETS		
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U.S. Registration No.	2472862	Application Date	08/25/1999
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Registration Date	07/31/2001	Foreign Priority Date	NONE
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Word Mark	SAT		
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Design Mark	<b>SAT</b>		
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Description of Mark	NONE		
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Goods/Services	Class 009. First use: First Use: 1995/11/00 First Use In Commerce: 1995/11/00 computer software for use in the field of standardized test preparation, review and strategy; computer software featuring standardized tests, and instruction manuals sold therewith; pre-recorded videos in the field of standardized test preparation, review and strategy; pre- recorded audio cassettes and booklet sold as a unit, in the field of test preparation, review and strategy		
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U.S. Registration No.	2475047	Application Date	08/25/1999
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Registration Date	08/07/2001	Foreign Priority Date	NONE
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Word Mark	SAT		
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Design Mark	<b>SAT</b>		
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Description of Mark	NONE		
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Goods/Services	Class 016. First use: First Use: 1947/05/00 First Use In Commerce: 1947/05/00 PUBLICATIONS, NAMELY, BULLETINS, PAMPHLETS AND BOOKLETS IN THE FIELD OF REGISTRATION INFORMATION, SCHEDULES AND MATERIALS FOR TEST PREPARATION Class 041. First use: First Use: 1947/05/00 First Use In Commerce: 1947/05/00 TEST PERFORMANCE BY SELECTED SUBGROUPS OF TEST TAKERS, TEST CHARACTERISTICS, AND EFFECTS OF COACHING; CONDUCTING		
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	<p>SEMINARS IN THE FIELD OF STATISTICAL ANALYSIS OF TEST PERFORMANCE SCORES; ADVISORY SERVICES TO STUDENTS AND EDUCATIONAL PROFESSIONALS IN THE AREA OF TEST REGISTRATION INFORMATION, SCHEDULES AND MATERIALS</p> <p>Class 042. First use: First Use: 1947/05/00 First Use In Commerce: 1947/05/00</p> <p>PREPARING, ADMINISTERING AND SCORING STANDARDIZED TESTS; PROVIDING REGISTRATION INFORMATION, SCHEDULES AND MATERIALS FOR STANDARDIZED TEST PREPARATION VIA A GLOBAL COMPUTER NETWORK; PREPARATION OF STATISTICAL REPORTS BASED ON STANDARDIZED TEST PERFORMANCES, NAMELY, PREDICTING COLLEGE PERFORMANCE OF TEST TAKERS, COMPARISON OF GROUP SCORES</p>
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Attachments	<p>75784351#TMSN.gif ( 1 page )( bytes )</p> <p>75784350#TMSN.gif ( 1 page )( bytes )</p> <p>Naked Truth about the SAT.Opposition Notice.pdf ( 1 page )(20120 bytes )</p>
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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	/sharonzink/
Name	Sharon Zink
Date	04/29/2010

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

In the matter of trademark application Serial No. 77-844,120  
For the mark: The Naked Truth about the SAT  
Published in the Official Gazette on 3/30/10

**THE COLLEGE BOARD**  
**V.**  
**Catalyst SAT & College Prep, LLC**

**NOTICE OF OPPOSITION**

1. The College Board, incorporated in the State of New York, located at 45 Columbus Ave, New York, NY 10023
2. The above-identified opposer, having previously registered the SAT trademark, registration numbers: 1067665, 2472862, and 2475047 in the International Classes: 009, 016, 0041, 0042 and has been used in commerce since May of 1947, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.
3. The grounds for opposition are as follows:
  - (a) The registration of and continued use by the College Board of its various SAT trademarks.
  - (b) Permitting this registration would infringe on the College Board's exclusive right to use the SAT trademark in commerce in the classes as identified above.
  - (c) Permitting a registration that incorporates the SAT trademark would indicate that the College Board's trademark is generic and descriptive. SAT is not a descriptive term and therefore should not be the subject of a disclaimer.
  - (d) Permitting this registration would result in a likelihood of confusion to the public because the requested mark is confusingly similar to the College Board trademarks.

By: Sharon A. Zink, Associate General Counsel on behalf of the College Board  
Date: April 29, 2010