

ESTTA Tracking number: **ESTTA365997**

Filing date: **08/31/2010**

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	MRA International, Inc.
Granted to Date of previous extension	10/06/2010
Address	1616 Walnut Street Suite 2200 Philadelphia, PA 19103 UNITED STATES

Attorney information	Timothy D. Pecsénye Blank Rome LLP One Logan Square 130 N. 18th Street Philadelphia, PA 19103 UNITED STATES pecseny@blankrome.com,oleksiuk@blankrome.com Phone:2155695619
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Applicant Information

Application No	77921784	Publication date	06/08/2010
Opposition Filing Date	08/31/2010	Opposition Period Ends	10/06/2010
Applicant	Elizabeth Victoria Seelye 990 Cook St. Denver, CO 80206 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: A series of books and written articles in the field of career, entrepreneurship, lifestyle, personal development, self improvement, self-help, adventure, travel; A series of books, written articles, handouts and worksheets in the field of career, entrepreneurship, lifestyle, personal development, self improvement, self-help, adventure, travel

Grounds for Opposition

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

U.S. Registration No.	3532497	Application Date	10/17/2005
Registration Date	11/11/2008	Foreign Priority Date	NONE
Word Mark	PROTIREMENT		

Design Mark	PROTIREMENT
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2008/09/11 First Use In Commerce: 2008/09/11 BOOKS, WORKBOOKS AND MAGAZINES WITH CONTENT OF INTEREST TO PERSONS CONSIDERING ALTERNATIVES TO TRADITIONAL RETIREMENT

Attachments	78734194#TMSN.jpeg (1 page)(bytes) Notice of Opposition PRETIREMENT 77921784.pdf (6 pages)(13921 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	/Timothy D. Pecsénye/
Name	Timothy D. Pecsénye
Date	08/31/2010

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

In re Application of Elizabeth Victoria Seelye

Application No.: 77/921,784

Filed: October 3, 2008

Mark: PRETIREMENT

MRA INTERNATIONAL, INC.,	:	
a Delaware corporation,	:	
	:	
Opposer,	:	Serial No.: 77/921,784
	:	
v.	:	Opposition No.: _____
	:	
Elizabeth Victoria Seelye,	:	
an individual,	:	
	:	
Applicant.	:	

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

Attn.: Trademark Trial and Appeal Board

NOTICE OF OPPOSITION

Madam:

Opposer MRA International, Inc., a Delaware corporation having an address of 1616 Walnut Street, Suite 2200, Philadelphia, Pennsylvania 19103, believes that it would be damaged by the registration of the mark shown in Application Serial No. 77/921,784 and hereby opposes the same under the provision of Section 13 of the Trademark Act of July 5, 1946, as amended, 15 U.S.C. § 1063.

As grounds of opposition, it is alleged that:

1. Opposer is the Owner of all right, title and interest in and to the PROTIREMENT mark, as evidenced by U.S. Registration No. 3,532,497, a trademark registration having a priority date of October 17, 2005. Opposer's registration for PROTIREMENT is in connection with "books, workbooks and magazines with content of interest to persons considering alternatives to traditional retirement" in International Class 16.

2. Opposer has made continuous and extensive use of the PROTIREMENT mark since at least as early as September 11, 2008.

3. Through extensive and continuous use of the PROTIREMENT mark, Opposer has established substantial goodwill in the PROTIREMENT mark in connection with its goods.

**APPLICANT'S MARK IS CONFUSINGLY
SIMILAR TO THE MARK OWNED BY OPPOSER**

4. Opposer's extensive promotion and use of the PROTIREMENT mark with a priority date of October 17, 2005 has caused customers, prospective purchasers, and the public generally to immediately associate the PROTIREMENT mark with Opposer and to expect a variety of books, workbooks and magazines bearing the PROTIREMENT mark to have a connection with, or association with, Opposer.

5. On January 27, 2010, Applicant filed an application for registration of the nearly identical mark, PRETIREMENT (hereinafter "Applicant's Mark"), used to identify "a series of books and written articles in the field of career, entrepreneurship, lifestyle, personal development, self improvement, self-help, adventure, travel; a series of books, written articles, handouts and worksheets in the field of career, entrepreneurship, lifestyle, personal development, self improvement, self-help, adventure, travel" in International Class 16. Applicant's Mark was published for opposition in the Official Gazette of June 8, 2010.

6. Applicant's basis for filing was intent-to-use in commerce, pursuant to Section 1(b) of the Lanham Act. Applicant has not alleged that it uses Applicant's Mark in commerce.

7. Opposer's priority date of October 17, 2005 for the PROTIREMENT mark predates Applicant's priority date of January 27, 2010.

8. Applicant's Mark is nearly identical in every respect, including phonetically and in appearance and commercial impression, to Opposer's mark.

9. The use and registration of Applicant's Mark to identify its goods is likely to cause confusion, mistake and deception as to the source, origin, sponsorship or association of Applicant's goods, and will injure Opposer.

10. Any defects, objections or faults found with the goods sold and rendered by Applicant under Applicant's Mark, because of the false association with Opposer, would inflict upon and seriously injure the reputation of Opposer.

11. The grant of a Certificate of Registration to Applicant for the subject mark would be inconsistent with and in derogation of Opposer's prior rights and would therefore cause damage and injury to Opposer and deception of and confusion to the public.

For the reasons set forth in the foregoing paragraphs one through eleven, Opposer believes that it would be damaged by the registration of Applicant's Mark, and thus Applicant should be denied registration of the mark.

WHEREFORE, Opposer prays that this opposition be sustained and that Application Serial No. 77/921,784 be refused registration.

Respectfully submitted,

MRA INTERNATIONAL, INC.

Date: August 31, 2010

By: /Timothy D. Pecsénye/
Timothy D. Pecsénye
John Paul Oleksiuk
Its Attorneys

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is addressed to the Trademark Trial and Appeal Board, Hon. Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, and is being deposited via the Electronic System for Trademark Trials and Appeals (ESTTA) on August 31, 2010.

/John Paul Oleksiuk/
John Paul Oleksiuk