

ESTTA Tracking number: **ESTTA442306**

Filing date: **11/21/2011**

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	11/20/2011
Address	2000 Purchase Street Purchase, NY 10577-2405 UNITED STATES
Attorney information	Robert M. Wasnofski, Jr. Dorsey & Whitney LLP 51 West 52nd Street New York, NY 10019 UNITED STATES ny.trademark@dorsey.com,mitrione.gianfranco@dorsey.com,wasnofski.robert@dorsey.com Phone:212.415.9200

Applicant Information

Application No	85040338	Publication date	05/24/2011
Opposition Filing Date	11/21/2011	Opposition Period Ends	11/20/2011
International Registration No.	NONE	International Registration Date	NONE
Applicant	Milux Holding S.A. 12, Rue Guillaume Schneider Luxembourg, L-2522 LUXEMBOURG		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Apparatus, devices and instruments, all not used in direct association with active implants, for measuring, receiving, sending, checking, controlling, driving, transferring, transmitting, processing, analyzing, conducting, switching, transforming, accumulating, and regulating electricity, energy and/or data, including physical parameters, namely, electronic storage devices in the nature of blank memory discs, memory cards and data storage media, namely, packaged semiconductors, electronic control unit and programmer which controls the working parameters of wireless communication systems and wireless powering systems, chargers in the nature of battery chargers, digital chargers and electronic chargers, electronic transmitters and electronic receivers of electronic signals, and electronic circuits; remote controls for wireless controlling, and programming wireless charger apparatus for wireless energizing and control stations for wireless controlling, programming and energizing of active implants; software, in particular for active medical implants, for measuring, receiving, sending, checking, transferring, calculating, processing, controlling, presenting and analyzing of data, namely, data about electricity, energy, physical parameters, and communication and programming data in medical implants;</p>

software, in particular for measuring, receiving, sending, checking, transferring, calculating, processing, controlling, presenting and analyzing of data, namely, data about electricity, energy, physical parameters, communication and programming data in apparatus, devices and instruments for communicating with, energizing and programming of medical implants; and data processing equipment and computers

Class 010.

All goods and services in the class are opposed, namely: Medical and surgical apparatus, instruments and devices, including active and non-active medical implants, namely, medical implants comprised of artificial material; medical and surgical apparatus, instruments and devices intended for use inside the mammal or human body, in particular manual, electrical or a combination of manual and electrical apparatus, devices and instruments, in all goods including medical hydraulic, mechanical, and pneumatic apparatus, devices and instruments, namely, medical implants comprised of artificial material; medical and surgical apparatus, instruments and devices for replacing and adding one or more bodily functions and parts inside the body, namely, medical implants comprised of artificial material; medical and surgical apparatus, instruments and devices designed for wireless programming, wireless controlling, wireless communicating and wireless energizing, namely, active implants in the nature of implants consisting of artificial materials, and a wireless transmitter and a receiver as an integral component of a surgical implant; wireless communication systems, apparatus, devices, and instruments and wireless energizing systems, apparatus, devices, and instruments for measuring, receiving, sending, switching, transforming, accumulating, regulating, storing, checking, controlling, driving, transferring, transmitting, processing and analyzing, in all the applicable aforementioned goods, of data including physical parameters, electricity, energy and data, namely, electronic transmitters for communicating with, and energizing of, and used in direct association with, active medical implants consisting of artificial materials; surgical instruments in particular to be used during operations of active or non-active medical implants; veterinary medical and surgical apparatus, instruments and devices, for use in implant surgeries; medical and surgical apparatus, instruments and devices for orthopaedic joint implants; and medical implants for collecting, receiving, sending, storing, preparing, controlling, analyzing and processing of data and energy to and from said medical implants; all above goods excluding dental goods

Class 044.

All goods and services in the class are opposed, namely: Medical services in relation to medical implants for collecting, sending, receiving, storing, preparing, controlling, presenting, calculating, analyzing and processing of data to and from patients and to and from medical implants and to and from remote controls, wireless charger apparatus and control stations for active implants; surgical and health services, namely, implantation of artificial implants to allow the implants to collect, send, receive, store, prepare, control, present, calculate, analyze, and process of data to and from patients and to and from medical implants and to and from medical implants and to and from remote controls, wireless charger apparatus and control stations for active implants; providing a medical, surgical and health database featuring medical, surgical and health information relating to medical implants that has been input, collected, received, prepared, controlled, programmed, calculated, and analyzed, from medical implants, remote controls or control stations for use by medical, surgical and health professionals for the purposes of monitoring and diagnosing medical conditions; medical and surgical services, namely, implantation of artificial implants in relation to medical implants for programming, controlling, communicating with, and energizing of, active implants; and medical and surgical services, namely, artificial implantation services for persons having a medical related condition and being candidates for or being operated on with an active or a non-active implant; all above services excluding dental services

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
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 No.	1186117	Application Date	04/25/1980
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Registration Date	01/12/1982	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.	1604606	Application Date	10/12/1989
Registration Date	07/03/1990	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1980/12/00 First Use In Commerce: 1980/12/00 PRINTED MATTER AND PUBLICATIONS, NAMELY BANK CARDS, PAMPHLETS, BROCHURES, NEWSLETTERS AND MAGAZINES OF A FINANCIAL NATURE		

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	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 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

U.S. Registration No.	1257853	Application Date	04/02/1980
Registration Date	11/15/1983	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	Class 036. First use: First Use: 1980/02/11 First Use In Commerce: 1980/02/11 Financial Services-Namely, Providing Bank Card Services
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U.S. Registration No.	1292519	Application Date	09/29/1982
Registration Date	08/28/1984	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	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
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U.S. Registration No.	2212783	Application Date	10/09/1997
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Registration Date	12/22/1998	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1980/02/00 First Use In Commerce: 1980/02/00 Magnetic encoded cards; magnetic encoded card readers; telecommunications equipment, namely point of transaction terminals; and computer software for transmitting, displaying and storing transaction, identification and financial information for use in the financial services, banking and telecommunications industries		

U.S. Registration No.	1572346	Application Date	12/15/1986
Registration Date	12/19/1989	Foreign Priority Date	NONE
Word Mark	MASTERASSIST		
Design Mark	MASTERASSIST		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1986/06/00 First Use In Commerce: 1986/06/00 PROVIDING MEDICAL INSURANCE COVERAGE FOR TRAVELERS Class 038. First use: First Use: 1986/06/00 First Use In Commerce: 1986/06/00 EMERGENCY MESSAGE TRANSMITTAL SERVICES FOR TRAVELERS Class 039. First use: First Use: 1986/06/00 First Use In Commerce: 1986/06/00 PROVIDING MEDICAL TRANSPORTATION SERVICES FOR TRAVELERS Class 042. First use: First Use: 1986/06/00 First Use In Commerce: 1986/06/00 PROVIDING INFORMATION ON HOSPITALS AND MEDICAL FACILITIES FOR TRAVELERS; [CONVALESCENT HOTEL SERVICES FOR TRAVELERS,] ARRANGING FOR THE REPLACEMENT OF LOST OR STOLEN TRAVEL TICKETS		

U.S. Registration No.	1580432	Application Date	02/13/1989
Registration Date	01/30/1990	Foreign Priority Date	NONE
Word Mark	MASTERLEGAL		

Design Mark	MasterLegal
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1988/04/07 First Use In Commerce: 1988/04/07 LEGAL REFERRAL SERVICES FOR CARDHOLDERS Class 042. First use: First Use: 1988/04/07 First Use In Commerce: 1988/04/07 LEGAL ASSISTANCE SERVICES FOR CARDHOLDERS

U.S. Registration No.	1594527	Application Date	02/08/1989
Registration Date	05/01/1990	Foreign Priority Date	NONE
Word Mark	MASTERRENTAL		
Design Mark	MasterRental		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1988/04/07 First Use In Commerce: 1988/04/07 ADMINISTERING CAR RENTAL INSURANCE FOR CARDHOLDERS Class 037. First use: First Use: 1988/04/07 First Use In Commerce: 1988/04/07 AUTOMOTIVE ROADSIDE ASSISTANCE SERVICES FOR CARDHOLDERS		

U.S. Registration No.	1597804	Application Date	02/13/1989
Registration Date	05/22/1990	Foreign Priority Date	NONE
Word Mark	MASTERTRIP		
Design Mark	MasterTrip		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1988/04/07 First Use In Commerce: 1988/04/07 CASH REPLACEMENT SERVICES RENDERED BY CREDIT CARD Class 038. First use: First Use: 1988/04/07 First Use In Commerce: 1988/04/07 EMERGENCY MESSAGE TRANSMITTAL SERVICES FOR TRAVELERS Class 039. First use: First Use: 1988/04/07 First Use In Commerce: 1988/04/07 TRAVEL INFORMATION SERVICES RENDERED BY CREDIT CARD Class 042. First use: First Use: 1988/04/07 First Use In Commerce: 1988/04/07		

	ARRANGING FOR THE REPLACEMENT OF LOST OR STOLEN TRAVEL TICKETS AND TRAVEL DOCUMENTS RENDERED BY CREDIT CARD		
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U.S. Registration No.	1604948	Application Date	11/08/1989
Registration Date	07/03/1990	Foreign Priority Date	NONE
Word Mark	MASTERCOVERAGE		
Design Mark	<h1 style="text-align: center;">MasterCoverage</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1989/05/22 First Use In Commerce: 1989/05/22 PROVIDING LIABILITY PROTECTION FOR CREDIT CARD ISSUERS AND THEIR CORPORATE CLIENTS		

U.S. Registration No.	1649713	Application Date	07/18/1990
Registration Date	07/02/1991	Foreign Priority Date	NONE
Word Mark	MASTERCOM		
Design Mark	<h1 style="text-align: center;">MasterCom</h1>		
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1988/05/00 First Use In Commerce: 1988/05/00 communication services, namely transmission of data through the use of electronic image processing		

U.S. Registration No.	1682471	Application Date	11/17/1989
Registration Date	04/07/1992	Foreign Priority Date	NONE
Word Mark	MASTER ROADASSIST		
Design Mark	<h1 style="text-align: center;">MASTER ROADASSIST</h1>		
Description of Mark	NONE		

Goods/Services	Class 036. First use: First Use: 1990/03/09 First Use In Commerce: 1990/03/09 CREDIT CARD SERVICES FOR USE IN PURCHASING EMERGENCY AUTOMOTIVE ASSISTANCE		
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U.S. Registration No.	1708663	Application Date	10/02/1991
Registration Date	08/18/1992	Foreign Priority Date	NONE
Word Mark	MASTERASSIST MEDICAL PROTECTION		
Design Mark	MASTERASSIST MEDICAL PROTECTION		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1990/03/00 First Use In Commerce: 1990/03/00 providing medical insurance coverage for travelers Class 038. First use: First Use: 1990/03/00 First Use In Commerce: 1990/03/00 emergency message transmittal services for travelers Class 039. First use: First Use: 1990/03/00 First Use In Commerce: 1990/03/00 providing medical transportation services for travelers Class 042. First use: First Use: 1990/03/00 First Use In Commerce: 1990/03/00 providing information on hospitals and medical facilities for travelers, convalescent hotel services for travelers, arranging for the replacement of lost or stolen travel tickets		

U.S. Registration No.	1774449	Application Date	09/02/1992
Registration Date	06/01/1993	Foreign Priority Date	NONE
Word Mark	MASTERCOM		
Design Mark	Master  M		
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1991/12/00 First Use In Commerce: 1992/06/00 communication services; namely, transmission of data through the use of electronic image processing		

U.S. Registration No.	2182243	Application Date	06/19/1997
Registration Date	08/18/1998	Foreign Priority Date	NONE
Word Mark	MASTERPURCHASE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 036. First use: First Use: 1988/11/07 First Use In Commerce: 1988/11/07 arranging for extended warranty coverage for items purchased with a credit card

U.S. Registration No.	2213329	Application Date	11/15/1996
Registration Date	12/22/1998	Foreign Priority Date	NONE

Word Mark	WORLD MASTERCARD
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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: 1997/07/00 First Use In Commerce: 1997/07/00 financial services, namely, providing credit card, debit card, charge card [and stored-value prepaid card, travelers cheque,] cash disbursement, and transaction authorization and settlement services
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U.S. Registration No.	2243624	Application Date	07/11/1997
Registration Date	05/04/1999	Foreign Priority Date	NONE

Word Mark	MASTERMONEY BUSINESSCARD
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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: 1997/01/00 First Use In Commerce: 1997/01/00 financial services, namely, providing debit card, funds transfer and card account information services to financial institutions and for corporate and business accounts
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U.S. Registration No.	2317875	Application Date	04/03/1998
Registration Date	02/15/2000	Foreign Priority Date	NONE

Word Mark	PLATINUM MASTERCARD
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Design Mark	PLATINUM MASTERCARD
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 1997/10/00 First Use In Commerce: 1997/10/00 Electronic data carriers in the form of magnetically encoded cards Class 036. First use: First Use: 1997/10/00 First Use In Commerce: 1997/10/00 Financial services, namely providing credit card, debit card, charge card, cash disbursement, and transaction authorization and settlement services
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U.S. Registration No.	2487725	Application Date	06/24/1994
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Registration Date	09/11/2001	Foreign Priority Date	NONE
Word Mark	MASTERMONEY		
Design Mark	MASTERMONEY		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 financial services, namely providing debit card services		

U.S. Registration No.	2779650	Application Date	11/21/2002
Registration Date	11/04/2003	Foreign Priority Date	NONE
Word Mark	MASTERDELIVERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Mail services, namely, sorting, handling and receiving packages, letters, magazines and parcel Class 039. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Mail forwarding services, namely forwarding of shipments received at a United States address to international locations		

U.S. Registration No.	2906145	Application Date	06/27/2002
Registration Date	11/30/2004	Foreign Priority Date	NONE
Word Mark	MASTERCARD SECURECODE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2002/10/01 First Use In Commerce: 2002/10/01 Computer software for encrypting and protecting the integrity of data and electronic communications over computer networks; computer software for implementing encryption and authentication within computer networks and through external connections; computer software for implementing security methodology involving encryption of payment card numbers and related data and transmission over computer networks; user manuals and guides for all of the foregoing distributed as a unit with the software		

U.S. Registration No.	2926826	Application Date	05/20/2002
Registration Date	02/15/2005	Foreign Priority Date	NONE
Word Mark	MASTERCARD OPEN DATA STORAGE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2002/10/00 First Use In Commerce: 2002/10/00 COMPUTER HARDWARE IN THE NATURE OF SMART CARDS CONTAINING AN INTEGRATED CIRCUIT CHIP FOR ELECTRONIC BUSINESS TRANSACTIONS COMPUTER SOFTWARE FOR SECURE DATA STORAGE AND RETRIEVAL AND TRANSMISSION OF CONFIDENTIAL CUSTOMER INFORMATION USED BY INDIVIDUALS, BANKING AND FINANCIAL INSTITUTIONS; AND SMART CARDS CONTAINING AN INTEGRATED CIRCUIT CHIP FOR ELECTRONIC BUSINESS TRANSACTIONS; COMPUTER SOFTWARE FOR TRANSMITTING, DISPLAYING AND STORING TRANSACTION, IDENTIFICATION, AND FINANCIAL INFORMATION FOR USE IN THE FINANCIAL SERVICES, BANKING AND INDUSTRIES

U.S. Registration No.	2997071	Application Date	12/01/2003
Registration Date	09/20/2005	Foreign Priority Date	NONE

Word Mark	MASTERCOM
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 038. First use: First Use: 1988/05/00 First Use In Commerce: 1988/05/00 Communication services, namely, transmission of data through the use of electronic image processing Class 042. First use: First Use: 1988/05/00 First Use In Commerce: 1988/05/00 Providing electronic signature verification services for credit and debit card transactions
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U.S. Registration No.	3189792	Application Date	06/05/2001
Registration Date	12/26/2006	Foreign Priority Date	NONE

Word Mark	MASTERCARD SMARTLINK
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2001/05/14 First Use In Commerce: 2001/05/14 computer software for use in integrating corporate purchasing card data and enterprise resource planning systems, software for secure data storage and retrieval and transmission of confidential consumer information used by
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	corporate purchasing card customers, banking and financial institutions; software for use in connection with electronic procurement systems
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U.S. Registration No.	3386610	Application Date	01/23/2006
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	MASTERCARD CARD CUSTOMIZATION SERVICES		
Design Mark	 <p style="text-align: center;">MASTERCARD CARD CUSTOMIZATION SERVICES</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2005/11/14 First Use In Commerce: 2005/11/14 Computer hardware and software to enable the uploading and downloading of information and images to credit and debit cards; computer equipment and computer programs, all for entering, scanning, storing, retrieving, displaying, manipulating, transmitting and printing images and data</p> <p>Class 041. First use: First Use: 2005/11/14 First Use In Commerce: 2005/11/14 Providing services, namely, digital imaging services for the uploading of images and photographs for personalization of credit and debit cards</p> <p>Class 042. First use: First Use: 2005/11/14 First Use In Commerce: 2005/11/14 Providing services, namely, providing application service provider (ASP) services featuring software for the uploading of images and photographs for personalization of credit and debit cards; providing services, namely, providing on-line non-downloadable software for the uploading of images and photographs for personalization of credit and debit cards</p>		

U.S. Registration No.	3435685	Application Date	10/09/2007
Registration Date	05/27/2008	Foreign Priority Date	NONE
Word Mark	GOLD MASTERMONEY		
Design Mark	 <p style="text-align: center;">GOLD MASTERMONEY</p>		

Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 1994/09/00 First Use In Commerce: 1994/09/00 Magnetic encoded cards, magnetic encoded card readers, telecommunications equipment, namely, point of sale transaction terminals and computer software for transmitting, displaying and storing transaction, identification and financial information for use in the financial services, banking and telecommunications industries</p> <p>Class 036. First use: First Use: 1994/09/00 First Use In Commerce: 1994/09/00 Financial services, namely, providing debit card services; electronic funds and currency transfer services, cash disbursement services, transaction authorization and settlement services; advisory services relating to all the aforesaid services</p>

U.S. Registration No.	3472261	Application Date	12/13/2005
Registration Date	07/22/2008	Foreign Priority Date	NONE

Word Mark	MASTERCARD MOBILE AUTHENTICATION
Design Mark	 <p>The design mark consists of the words "MASTERCARD MOBILE AUTHENTICATION" in a large, bold, serif font, centered within a rectangular border.</p>

Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2006/05/02 First Use In Commerce: 2006/05/02 Computer hardware and peripherals, computer software for encrypting and protecting the integrity of data and electronic communications over computer networks, computer software for implementing encryption, authentication, access control and other security features within computer networks and through external connections; computer software for implementing security methodology involving encryption of payment card numbers and related data and transmission over computer networks; user manuals and guides for all of the foregoing distributed as a unit with the software</p>

U.S. Registration No.	3720048	Application Date	02/09/2005
Registration Date	12/01/2009	Foreign Priority Date	NONE
Word Mark	MASTERCARD PAYABLES ACCOUNT		

Design Mark	<p style="text-align: center;">MASTERCARD PAYABLES ACCOUNT</p>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2008/10/01 First Use In Commerce: 2008/10/01 Operating software for facilitating payment transactions by electronic means; operating software for use in connection with electronic procurement systems

U.S. Registration No.	3835171	Application Date	02/04/2008
Registration Date	08/17/2010	Foreign Priority Date	NONE

Word Mark	MASTERCARD WORLDWIDE
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Design Mark	
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Description of Mark	The mark consists of intersecting circles above the wording "MASTERCARD WORLDWIDE".
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Goods/Services	<p>Class 009. First use:</p> <p>Blank magnetic data carriers, data processing equipment; computer software for the development, maintenance and use of local and wide area computer networks, for facilitating payment transactions by electronic means and for secure data storage and retrieval and transmission of confidential customer information used by individuals, banking and financial institutions; electronic apparatus for recording, transmitting and reproducing data comprising sound and images; electronic apparatus and computer software for searching, managing and analyzing financial accounts using a global computer network; downloadable electronic publications in the field of banking and finance, computer hardware and software for facilitating electronic payment transactions; computer hardware and software for encoding using encoding keys, digital certificates and digital signatures; computer software for guaranteeing data storage and transmission of confidential customer information, carried out by physical persons and banking and financial institutions; encoded magnetic cards and cards containing an integrated circuit chip, namely, containing a blank smart card; bank cards, namely, bank cards with magnetic memories and integrated circuit memories; electronic data media cards, coded magnetic card readers, readers for electronic data media cards; computer software designed for use in</p>
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the telecommunications, banking, finance and insurance industry; computer software designed to enable smart cards to interact with terminals and readers; computer chips embedded in telephones; telecommunications equipment, namely, radio frequency identification devices, namely, transponders; point of sale transaction terminals and software for transmitting, displaying and storing transactions, identifications and financial information for use in the financial services, banking and telecommunications sectors; electronic verification apparatus for verifying electronically the authenticity of purchase cards, bank cards, credit cards, debit cards and payment cards, cash withdrawal machines, namely, automated teller machines (ATM)

Class 035. First use:

Advertising services; business management; business administration; providing office functions; business management assistance services for industrial and commercial enterprises; business appraisals; advisory services in connection with business management; marketing research services; conducting marketing studies; providing business statistical information; preparation of statements of financial accounts; bookkeeping; public relations; publication of advertising texts; publication of advertising leaflets; computerized database management

Class 036. First use:

Insurance services, namely, travel insurance; financial services, namely, banking and credit services; services of credit, debit, purchasing, cash payment and prepayment cards; financial services relating to payment of bills; automated teller machine services; processing of cardholder financial credit, debit, purchasing, stored value and/or prepaid card transactions both online via a computer database or through telecommunications and at points of sale; services for processing services for financial transactions carried out by cardholders through automated teller machines; provision of financial account details, namely, cash balances, deposits and withdrawals to cardholders through automatic teller machines; financial settlement and authorization services, namely, the settling of international and commercial transactions through obtaining the proceeds of a sale in cash in exchange for formal debt instructions; financial account settlement services, namely, the settling of international and commercial transactions through obtaining the proceeds of a sale in cash or in exchange for formal debt instructions; electronic funds transfer and foreign exchange services; providing financial information over the internet and other computer networks; financial services for facilitating the use of electronic payments, namely, electronic processing and transmission of electronic wallets, transactions and data; foreign currency transfers; electronic payment services, namely, electronic processing and transmission of bill payment data; cardholder financial authorization and debt settlement services; offer of debit and credit transaction services by means of radio frequency identification devices and transponders; provision of debit and credit transaction services by means of communication and telecommunications devices; cheque verification services; issue and redemption services, all in connection with travellers' cheques and travel vouchers; provision of financial support services, namely, payment services to retail services provided online, via networks or other electronic media using electronically digitized data; services for exchanging securities, namely, the secure exchange of securities, namely, payment in electronic cash via computer networks accessible by smart cards; online banking services

Class 038. First use:

Electronic data transmission using a global data processing network via the Internet; telecommunication services for transmitting data from a data bank stored on computers or on the Internet; data transmission using electronic image processing by means of a telephone link; provision of access to a global computer network for processing debit or credit transactions over a telephone link or other telecommunication means; electronic mail services, namely, receiving and sending messages; providing access, for multiple users, to databases for a wide range of information in the financial services sector; rental

	<p>of access time to global computer networks; broadcasting services via all means of telecommunication, namely, radio, television, cable, satellite, the Internet or mobile devices</p> <p>Class 042. First use:</p> <p>Scientific and technological services, namely, the design and development of computer hardware and software and research and design services relating thereto; computer services, namely, application service provider, namely, providing on-line electronic databases via a global computer network concerning secure communications, data encryption and decryption, local area network security and financial information data decryption</p>
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U.S. Registration No.	3928836	Application Date	07/16/2007
Registration Date	03/08/2011	Foreign Priority Date	NONE
Word Mark	MASTERCARD INTEGRATED PROCESSING SOLUTIONS		
Design Mark	<p style="text-align: center;">MASTERCARD INTEGRATED PROCESSING SOLUTIONS</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2008/04/01 First Use In Commerce: 2008/04/01 COMPUTER HARDWARE AND SOFTWARE PLATFORM FOR FACILITATING AND ADMINISTERING PAYMENT, BANKING, CREDIT CARD, DEBIT CARD, PAYMENT CARD, AUTOMATIC TELLER MACHINE, STORED VALUE, ELECTRONIC FUNDS TRANSFER, ELECTRONIC PAYMENTS, ELECTRONIC PROCESSING AND TRANSMISSION OF BILL PAYMENT DATA, CASH DISBURSEMENT, TRANSACTION AUTHENTICATION, ROUTING, AUTHORIZATION AND SETTLEMENT SERVICES, RECONCILIATION, CASH MANAGEMENT, CONSOLIDATED FUNDING, CONSOLIDATED DISPUTE PROCESSING, DATA REPOSITORY AND CLIENT PROFILE INFORMATION SERVICES, AND RELATED SWITCHING, GATEWAY, SETTLEMENT RECONCILIATION, AND FUNDS MOVEMENT SERVICES IN THE FIELD OF PAYMENT CARDS, FRAUD DETECTION AND CONTROL, DISASTER RECOVERY AND ENCRYPTION SERVICES</p>		

Attachments	<p>73259545#TMSN.gif (1 page)(bytes) 73830812#TMSN.gif (1 page)(bytes) 74140100#TMSN.gif (1 page)(bytes) 73256484#TMSN.gif (1 page)(bytes) 73392886#TMSN.gif (1 page)(bytes) 73635288#TMSN.gif (1 page)(bytes) 73780848#TMSN.gif (1 page)(bytes) 73779834#TMSN.gif (1 page)(bytes) 73780847#TMSN.gif (1 page)(bytes) 73837395#TMSN.gif (1 page)(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	/rmw/
Name	Robert M. Wasnofski, Jr.
Date	11/21/2011

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

IN THE MATTER OF APPLICATION

Mark: MASTER
Applicant: Milux Holding S.A.
Serial No.: 85040338
Filed: May 17, 2010
Published in
the Official Gazette: May 24, 2011

_____	X		
	:		
MASTERCARD INTERNATIONAL	:		
INCORPORATED,	:		
	:	Opposer,	Opposition No. _____
	:		
v.	:		
	:		
MILUX HOLDING S.A.,	:		
	:	Applicant.	
_____	X		

NOTICE OF OPPOSITION

MasterCard International Incorporated, a Delaware corporation located and doing business at 2000 Purchase Street, New York 10577-2509 (hereinafter referred to as “MasterCard” or “Opposer”), believes that it will be damaged by the registration of application Serial No. 85040338, filed on May 17, 2010, by Milux Holding S.A. for the above-referenced mark covering goods and services in International Classes 9, 10 and 44 (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 a leading global payments solutions company that provides a variety of services in support of the credit, debit and related payment programs of over 22,000

financial institutions and other entities that are its customers. MasterCard's purpose is, *inter alia*, to facilitate various financial services transactions, including the interchange of funds through payment cards, credit cards, debit cards and smart cards as well as provide banking, credit and payment card services, electronic funds and currency transfer services, electronic payment services, and network services to facilitate financial payments. To facilitate financial service transactions and the exchange of funds and financial information, Opposer utilizes various electronic devices, including various software and hardware products. MasterCard owns and administers the MASTERCARD payment card program.

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. Opposer initially owned and administered the celebrated MASTER CHARGE payment card program, but since 1980 has owned and administered the MASTERCARD payment card program.

3. There are over 1 billion MASTERCARD payment cards in circulation worldwide bearing the MASTERCARD mark, which have been issued by approximately 22,000 licensed member financial institutions. Approximately 300 million of these cards are currently in circulation in the United States. Opposer's MASTERCARD payment cards are accepted at approximately 32 million locations, including retail merchants, automated teller machines ("ATMs"), and cash advance locations, and over \$2.7 trillion dollars worth of purchases or cash advances were transacted in 2010 using a payment card bearing the MASTERCARD mark. Each retail establishment, ATM and cash advance location which accepts MasterCard's payment cards is required to post decals bearing the MASTERCARD mark at the point of sale. During each of the last three years, MasterCard has expended in excess of \$700,000,000 per year in

advertising and promoting its payment card services and other related products and services in connection with the MASTERCARD mark.

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

5. The MASTERCARD mark has been used continuously by Opposer since 1980. In addition to its common law rights in the MASTERCARD mark, Opposer is the owner of numerous federal registrations for its MASTERCARD mark, including:

<u>Mark</u>	<u>Registration No.</u>
MASTERCARD	1,186,117
MASTERCARD	1,604,606
MASTERCARD	1,738,276
MASTERCARD	1,257,853
MASTERCARD	1,292,519
MASTERCARD	2,212,783

6. Opposer is also the owner of a large portfolio of other marks that include the term “MASTER,” including additional federal registrations that include MASTERCARD as a component. These include:

<u>Mark</u>	<u>Registration No.</u>
MASTERASSIST	1,572,346
MASTERLEGAL	1,580,432
MASTERRENTAL	1,594,527
MASTERTRIP	1,597,804
MASTERCOVERAGE	1,604,948
MASTERCOM	1,649,713
MASTER ROADASSIST	1,682,471
MASTERASSIST MEDICAL PROTECTION	1,708,663
MASTERCOM & DESIGN	1,774,449
MASTERPURCHASE	2,182,243
WORLD MASTERCARD	2,213,329

<u>Mark</u>	<u>Registration No.</u>
MASTERMONEY BUSINESSCARD	2,243,624
PLATINUM MASTERCARD	2,317,875
MASTERMONEY	2,487,725
MASTERDELIVERY	2,779,650
MASTERCARD SECURECODE	2,906,145
MASTERCARD OPEN DATA STORAGE	2,926,826
MASTERCARD	2,997,071
MASTERCARD SMARTLINK	3,189,792
MASTERCARD CUSTOMIZATION SERVICES	3,386,610
GOLD MASTERMONEY	3,435,685
MASTERCARD MOBILE AUTHENTICATION	3,472,261
MASTERCARD PAYABLES ACCOUNT	3,720,048
MASTERCARD WORLDWIDE	3,835,171
MASTERCARD INTEGRATED PROCESSING SOLUTIONS	3,928,836

Many of the registrations referenced in paragraphs 4 and 5 are incontestable pursuant to 15 U.S.C. § 1065. The marks identified in paragraphs 4 and 5 are sometimes collectively referred to herein as "family of 'MASTER' Marks."

7. MasterCard has used its family of "MASTER" Marks, including its famous mark MASTERCARD, throughout the United States since many years prior to the filing date or priority date of the opposed application and, upon information and belief, long prior to use, if any, of the Alleged Mark in interstate commerce by Applicant.

8. As a result of the long, extensive and widespread use, advertising and registration of its family of "MASTER" Marks, including its famous mark MASTERCARD, on and in association with Opposer's various financial services and products, consumers have become accustomed to associate marks containing the component "MASTER" in regards to financial services and related products, including software and hardware used to facilitate the transmission of payment data and electronic payment transactions, with Opposer.

9. Opposer's family of "MASTER" Marks, including its famous mark MASTERCARD, is distinctive and became famous long prior to the filing date or priority date of

the opposed application, and, upon information and belief, long prior to use, if any, of the Alleged Mark in interstate commerce by Applicant.

10. By the intent-to-use application opposed herein, Applicant seeks to register the Alleged Mark in regards to “Apparatus, devices and instruments, all not used in direct association with active implants, for measuring, receiving, sending, checking, controlling, driving, transferring, transmitting, processing, analyzing, conducting, switching, transforming, accumulating, and regulating electricity, energy and/or data, including physical parameters, namely, electronic storage devices in the nature of blank memory discs, memory cards and data storage media, namely, packaged semiconductors, electronic control unit and programmer which controls the working parameters of wireless communication systems and wireless powering systems, chargers in the nature of battery chargers, digital chargers and electronic chargers, electronic transmitters and electronic receivers of electronic signals, and electronic circuits; remote controls for wireless controlling, and programming wireless charger apparatus for wireless energizing and control stations for wireless controlling, programming and energizing of active implants; software, in particular for active medical implants, for measuring, receiving, sending, checking, transferring, calculating, processing, controlling, presenting and analyzing of data, namely, data about electricity, energy, physical parameters, and communication and programming data in medical implants; software, in particular for measuring, receiving, sending, checking, transferring, calculating, processing, controlling, presenting and analyzing of data, namely, data about electricity, energy, physical parameters, communication and programming data in apparatus, devices and instruments for communicating with, energizing and programming of medical implants; and data processing equipment and computers” in International Class 9; “Medical and surgical apparatus, instruments and devices, including active and non-active

medical implants, namely, medical implants comprised of artificial material; medical and surgical apparatus, instruments and devices intended for use inside the mammal or human body, in particular manual, electrical or a combination of manual and electrical apparatus, devices and instruments, in all goods including medical hydraulic, mechanical, and pneumatic apparatus, devices and instruments, namely, medical implants comprised of artificial material; medical and surgical apparatus, instruments and devices for replacing and adding one or more bodily functions and parts inside the body, namely, medical implants comprised of artificial material; medical and surgical apparatus, instruments and devices designed for wireless programming, wireless controlling, wireless communicating and wireless energizing, namely, active implants in the nature of implants consisting of artificial materials, and a wireless transmitter and a receiver as an integral component of a surgical implant; wireless communication systems, apparatus, devices, and instruments and wireless energizing systems, apparatus, devices, and instruments for measuring, receiving, sending, switching, transforming, accumulating, regulating, storing, checking, controlling, driving, transferring, transmitting, processing and analyzing, in all the applicable aforementioned goods, of data including physical parameters, electricity, energy and data, namely, electronic transmitters for communicating with, and energizing of, and used in direct association with, active medical implants consisting of artificial materials; surgical instruments in particular to be used during operations of active or non-active medical implants; veterinary medical and surgical apparatus, instruments and devices, for use in implant surgeries. medical and surgical apparatus, instruments and devices for orthopaedic joint implants; and medical implants for collecting, receiving, sending, storing, preparing, controlling, analyzing and processing of data and energy to and from said medical implants; all above goods excluding dental goods” in International Class 10; and “Medical services in relation to medical implants for

collecting, sending, receiving, storing, preparing, controlling, presenting, calculating, analyzing and processing of data to and from patients and to and from medical implants and to and from remote controls, wireless charger apparatus and control stations for active implants; surgical and health services, namely, implantation of artificial implants to allow the implants to collect, send, receive, store, prepare, control, present, calculate, analyze, and process of data to and from patients and to and from medical implants and to and from medical implants and to and from remote controls, wireless charger apparatus and control stations for active implants; providing a medical, surgical and health database featuring medical, surgical and health information relating to medical implants that has been input, collected, received, prepared, controlled, programmed, calculated, and analyzed, from medical implants, remote controls or control stations for use by medical, surgical and health professionals for the purposes of monitoring and diagnosing medical conditions; medical and surgical services, namely, implantation of artificial implants in relation to medical implants for programming, controlling, communicating with, and energizing of, active implants; and medical and surgical services, namely, artificial implantation services for persons having a medical related condition and being candidates for or being operated on with an active or a non-active implant; all above services excluding dental services” in International Class 44.

11. The Alleged Mark so resembles Opposer’s previously used and registered family of “MASTER” Marks 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 offering 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 connected with the products and services of Opposer, and/or that Applicant is somehow related or sponsored by Opposer. Accordingly, Applicant's Alleged Mark is not entitled to registration pursuant to 15 U.S.C. §1052(d). Applicant's Alleged Mark also falsely suggests a connection with Opposer in violation of 15 U.S.C. §1052(a).

13. Further, registration of Applicant's Alleged Mark is likely to cause dilution by blurring or dilution by tarnishment of the Opposer's famous and distinctive family of "MASTER" Marks, including its famous mark MASTERCARD, 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: November 21, 2011

By: /rmw/
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Attorneys for Opposer

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

IN THE MATTER OF APPLICATION

Mark: MASTER
Applicant: Milux Holding S.A.
Serial No.: 85040338
Filed: May 17, 2010
Published in
the Official Gazette: May 24, 2011

_____	:	X
	:	
MASTERCARD INTERNATIONAL	:	
INCORPORATED,	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	
	:	
MILUX HOLDING S.A.,	:	
	:	
Applicant.	:	
_____	:	X

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Opposition is being served upon the Applicant's attorney of record by mailing a true copy thereof by first class mail, postage prepaid, addressed to:

Gregory P. Gulia
Duane Morris LLP
1540 Broadway, Ste. 1400
New York, NY 10036-4086

on November 21, 2011.

/rmw/
Robert M. Wasnofski, Jr.