

ESTTA Tracking number: **ESTTA459914**

Filing date: **03/05/2012**

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	University of Mary Hardin-Baylor
Granted to Date of previous extension	03/04/2012
Address	UMHB Station Box 8003 900 College Street Belton, TX 76513 UNITED STATES

Attorney information	Susan J. Hightower Pirkey Barber LLP 600 Congress Avenue, Suite 2120 Austin, TX 78701 UNITED STATES tmcentral@pirkeybarber.com, svale@pirkeybarber.com, shightower@pirkeybarber.com, jmatthysse@pirkeybarber.com, eolson@pirkeybarber.com Phone:512.322.5200
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Applicant Information

Application No	85200344	Publication date	09/06/2011
Opposition Filing Date	03/05/2012	Opposition Period Ends	03/04/2012
Applicant	Campus Crusade for Christ, Inc. 100 Lake Hart Drive-3500 Attn: General Counsel's Office IP Team Orlando, FL 32832 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Pre-recorded CDs, DVDs, audiotapes, videotapes, downloadable MP3 files, music and sound recordings, audio discs, downloadable pod casts, downloadable online discussion boards, featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and building and strengthening relationships; downloadable electronic publications, namely, articles, newsletters, books, and manuals, featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and building and strengthening relationships
Class 016. All goods and services in the class are opposed, namely: Paper goods and printed matter, namely, books, pamphlets, booklets, notebooks, newspapers, brochures, leaflets, magazines, newsletters, bookmarks, training manuals, printed teaching materials and instructional guides, featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and building and strengthening relationships
Class 035.

All goods and services in the class are opposed, namely: On-line retail store featuring books, CDs, DVDs, and other materials featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships; charitable services, namely, organizing and conducting volunteer programs, community service projects, and short-term missionary projects in the fields of disaster relief to benefit suffering people and victims of natural disasters, to increase support and morale of members of the U.S. military, and promote public awareness of poverty; charitable services, namely, coordination of the procurement and distribution of food and clothing donations from others, specifically individuals, religious institutions, manufacturers, wholesalers, and retailers to benefit suffering people, victims of natural disasters, and the needy; developing and co-coordinating volunteer projects for charitable organizations

Class 038.

All goods and services in the class are opposed, namely: Streaming of audio and video material on the Internet, featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships; providing on-line forums for transmission of messages among computer users featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships

Class 041.

All goods and services in the class are opposed, namely: Educational services, namely, conducting seminars, conferences not relating to business, workshops, and weekly meetings not relating to business in the fields of religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships, and distribution of course materials in connection therewith; educational services, namely, providing educational materials on-line and via email, namely, articles, newsletters, manuals, and documents featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships; educational services, namely, providing instruction in the fields of religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships via a global computer network; entertainment services, namely, continuing biblically-based programs about religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships provided through radio broadcasts

Class 045.

All goods and services in the class are opposed, namely: Evangelistic and Christian ministerial services directed towards college students; religious services, namely, providing ministerial, missionary, evangelical and counseling services featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships; evangelistic and ministerial services, namely, conducting spiritual retreats that assist individuals in achieving spiritual growth, developing character, and developing and strengthening relationships; providing information in the fields of religion, spiritual, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships via a global computer network

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. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CRU		
Goods/Services	including but not limited to academic services, athletic programs and events, performing arts productions, newsletters, career services, yearbooks, retail store services, community and volunteer services, clothing, athletics publications, key chains, student cash card		

	services, cups, and fitness services, as well as numerous teaching, counseling, ministry, and other services associated with its Christian mission
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	THE CRU		
Goods/Services	including but not limited to academic services, athletic programs and events, performing arts productions, newsletters, career services, yearbooks, retail store services, community and volunteer services, clothing, athletics publications, key chains, student cash card services, cups, and fitness services, as well as numerous teaching, counseling, ministry, and other services associated with its Christian mission		

Attachments	NOO (UMHB002).pdf (21 pages)(2926389 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	/SJH/
Name	Susan J. Hightower
Date	03/05/2012

2. In addition to providing high-quality educational services and religious services, Opposer provides entertainment services, such as college athletics and performing arts events. Opposer's sports teams have achieved considerable success and publicity, including its varsity football team that has been ranked fifth or higher in the national NCAA Division III standings for the past eight years, and has won the American Southwest Conference Championship in eight of the past nine years. Its varsity men's basketball team has played in the NCAA's national Division III tournament in twelve of the last thirteen years. Its varsity women's golf team has played in the NCAA's national Division III tournament in eleven of the past fourteen years.

3. In connection with Opposer's well-known services, and to promote the services through the sale of licensed products, Opposer has adopted and has continuously used for decades the marks CRU and THE CRU (the "CRU Marks") for its collegiate academic, ministerial and athletics programs. Opposer has extensively used its CRU Marks in association with its educational, spiritual, and athletics services, most prominently as the nickname of its sports teams.

4. Opposer offers a variety of products and services featuring the CRU Marks, including but not limited to academic services, athletic programs and events, performing arts productions, newsletters, career services, yearbooks, retail store services, community and volunteer services, clothing, athletics publications, key chains, student cash card services, cups, and fitness services, as well as numerous teaching, counseling, ministry, and other services associated with its Christian mission. Many of these products are available online at Opposer's "Cru Store." See cruathletics.com. Various examples of such products and services are shown in Exhibit A.

5. Opposer's CRU Marks are inherently distinctive, serving to identify and indicate the source of Opposer's goods and services to the consuming public, and to distinguish Opposer's goods and services from those of others.

6. As a result of Opposer's extensive use and promotion of its CRU Marks, the marks have become distinctive and are recognized by consumers. Opposer has invested significant efforts and resources in advertising and promoting its CRU Marks and the goods and services sold under those marks, with the result that the purchasing public has come to know, rely on, and recognize the goods and services of Opposer by those marks. Opposer has established significant goodwill in its CRU Marks.

7. On December 17, 2010, Campus Crusade for Christ, Inc. (the "Applicant") filed Application Serial No. 85/200,344 (the "Application") to register the mark CRU on an intent-to-use basis under Section 1051(b) of the Lanham Act. The Application covers the following goods and services:

- Class 9: Pre-recorded CDs, DVDs, audiotapes, videotapes, downloadable MP3 files, music and sound recordings, audio discs, downloadable pod casts, downloadable online discussion boards, featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and building and strengthening relationships; downloadable electronic publications, namely, articles, newsletters, books, and manuals, featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and building and strengthening relationships
- Class 16: Paper goods and printed matter, namely, books, pamphlets, booklets, notebooks, newspapers, brochures, leaflets, magazines, newsletters, bookmarks, training manuals, printed teaching materials and instructional guides, featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and building and strengthening relationships
- Class 35: On-line retail store featuring books, CDs, DVDs, and other materials featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships; charitable services, namely, organizing and conducting volunteer programs, community service projects, and short-term missionary projects in the fields of disaster

relief to benefit suffering people and victims of natural disasters, to increase support and morale of members of the U.S. military, and promote public awareness of poverty; charitable services, namely, coordination of the procurement and distribution of food and clothing donations from others, specifically individuals, religious institutions, manufacturers, wholesalers, and retailers to benefit suffering people, victims of natural disasters, and the needy; developing and co-coordinating volunteer projects for charitable organizations

- Class 38: Streaming of audio and video material on the Internet, featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships; providing on-line forums for transmission of messages among computer users featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships
- Class 41: Educational services, namely, conducting seminars, conferences not relating to business, workshops, and weekly meetings not relating to business in the fields of religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships, and distribution of course materials in connection therewith; educational services, namely, providing educational materials on-line and via email, namely, articles, newsletters, manuals, and documents featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships; educational services, namely, providing instruction in the fields of religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships via a global computer network; entertainment services, namely, continuing biblically-based programs about religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships provided through radio
- Class 45: Evangelistic and Christian ministerial services directed towards college students; religious services, namely, providing ministerial, missionary, evangelical and counseling services featuring and dealing with religion, spiritual, cultural, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships; evangelistic and ministerial services, namely, conducting spiritual retreats that assist individuals in achieving spiritual growth, developing character, and developing and strengthening relationships; providing information in the fields of religion, spiritual, and religious issues and values, achieving personal spiritual growth, developing character, and developing and strengthening relationships via a global computer network

8. Opposer has priority based on its prior use of the CRU Marks in the United States.

9. Applicant's CRU mark is confusingly similar to Opposer's CRU Marks and, indeed, identical to Opposer's mark CRU.

10. The many products and services in the Application that are the subject of this opposition are directly competitive with, or are similar or related to, the goods and services for which Opposer has used its CRU Marks.

11. Applicant's goods and services will travel in the same or similar channels of trade as Opposer's goods and services, and will be purchased and used by the same or similar types of consumers who purchase and use Opposer's goods and services.

12. Opposer has not given Applicant permission or approval to use or register the mark CRU.

13. Applicant's CRU mark so resembles Opposer's CRU Marks as to be likely, when used on or in connection with Applicant's identified products and services, to cause confusion, or to cause mistake, or to deceive. Purchasers and prospective purchasers are likely to mistakenly believe that the products and services offered under Applicant's CRU mark are produced, sponsored, endorsed, or approved by the same source that produces or offers Opposer's goods and services, or are in some way affiliated, connected, or associated with Applicant or its products and services sold under the CRU Marks. Registration therefore should be refused under 15 U.S.C. § 1052(d).

14. Registration of Applicant's Mark on the Principal Register would be inconsistent with Opposer's rights under common law and would be damaging to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 85/200,344 be rejected, and that registration of the mark therein be refused.

This Notice of Opposition is being filed electronically, along with the filing fee required by 37 C.F.R. § 2.6(a)(17). The Commissioner is authorized to draw on the Deposit Account of Pirkey Barber LLP, Account No. 50-3924/UMHB:002/STV, if there is any problem with the processing of the electronically submitted fee.

Respectfully submitted,

Date: March 5, 2012

/Susan J. Hightower/
Shannon T. Vale
Susan J. Hightower
Jered E. Matthyse
PIRKEY BARBER LLP
600 Congress Avenue, Suite 2120
Austin, Texas 78701
(512) 322-5200
ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSTION was served via first-class mail, postage pre-paid, on March 5, 2012 on Applicant's attorney:

Dennis R. Kasper
Campus Crusade for Christ, Inc.
100 Lake Hart Drive #3500
Attn: General Counsel's Office IP Team
Orlando, FL 32832-0100

/Susan J. Hightower/

EXHIBIT A



CruCard

- Home
- Where Can I Use It?
- Manage My ID
- Frequently Asked Questions
- Contact Us

What is a CruCard?

CruCards are the primary form of identification for the UMHB campus. All students must obtain a CruCard. Along with identifying you as a member of the campus community, your CruCard gives you access to various privileges on campus.

Your CruCard allows you to

- Access your residence hall or apartment
- Use your meal plan
- Access library privileges
- Access the Mayborn Exercise Facility

Your CruCard also contains a discretionary balance account that allows you to deposit funds to use at

- Various Off-Campus Merchants
- Selected Vending Machines
- UMHB Bookstore
- UMHB Post Office
- UMHB Library
- GoPrint Locations
- Crusader Café
- Freshens
- Hardy Hall
- Counseling, Testing & Health Services
- Mayborn Concessions
- Campus Activities

What are the benefits of having a CruCard?

Services

Your CruCard gives you access to a variety of services on and off campus. Carrying your CruCard on you at all times means you'll always be able to take advantage of these services. Your ID card has always been your key to using your meal plan and getting into your dorm after hours, but now your card can benefit you off-campus as well. Your card does everything from getting you into the football game to paying for your sandwich at a local participating vendor.

Simplicity

With your CruCard, there's no need to carry around numerous forms of payment. By depositing CruCash onto your card, you can get a burger at the SUB, buy a scantron at the bookstore, mail a package at the Post Office and get a soda from the vending machine with one single card. The system's swipe-and-go design means you won't get stuck waiting for change or for your debit card to be approved.

Safety

With our new online system, Manage My ID, you can monitor your CruCash account and report your card lost as soon as you realize it. This new option allows us to work towards a more secure campus. The new CruCard design makes it clear to see who is authorized to be on campus, and the clear picture makes identification easier. Plus, by keeping your funds on your CruCash account, you don't need to worry about the safety concerns of walking around with large amounts of cash or cards.

SEARCH

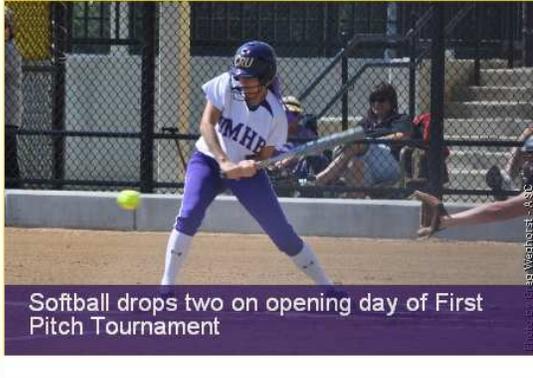






SCOREBOARD << >>

MEN'S SPORTS WOMEN'S SPORTS ATHLETICS DEPT RECRUITING FACILITIES ATHLETIC TRAINING THE CRU ZONE SPORT CAMPS SPORTS MARKETING THE CRU STORE



Softball drops two on opening day of First Pitch Tournament

Softball | 3.2.2012

Farmers Branch, TX— The University of Mary Hardin-Baylor softball team kept it close against a pair of nationally-ranked teams, but the Cru came up short in both games, going 0-2 on the opening day of the American Southwest Conference First Pitch Tournament Friday in Farmers Branch. UMHB fell to U.T.-Tyler 11-6 and to Louisiana College 6-4 to drop to 3-6 on the season.

[Read Full Story](#)

OTHER STORIES



Baseball | 3.2.12

Baseball edges Ozarks 6-5

UMHB's baseball team won its 11th straight game on Friday, dropping the Eagles to 7-4 on the year with the victory. The loss drops the Eagles to 5-6 on the year.



General, Women's Tennis | 3.2.12

Women's Tennis Wins Two Matches in Alpine

RECENT HEADLINES

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Men's Basketball stunned by Trinity in NCAA Tournament

3.2.12 | Men's Basketball
Follow this weekend's NCAA Tournament action on-line

3.1.12 | Men's Basketball
Men's Basketball to open NCAA Play tomorrow

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18	19	20	21	22	23	24	25	26	27
28	29	30	31						

Mon, Mar. 05, 2012

Men's Golf
at Mississippi Coll. Invitational/Black Bear GC
All Day

View Composite Schedule

Whitworth coach Matt Logie discusses second round playoff win.MP4



Whitworth coach Matt Logie discusses second round playoff win.MP4
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Head coach Ken DeWeese talks about UMHB's NCAA loss.MP4
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ATHLETES OF THE WEEK



Victoria Gomez



Kitrick Bell

POLL

Now that UMHB has earned the right to host the ASC Men's Basketball Tournament, how will you follow the action?

- I'll be there!
- Watch the Video Stream
- Live Stats

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Product Description

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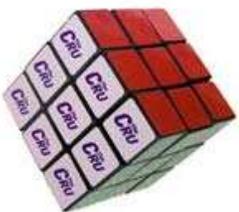
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The CRU Rubiks Cube

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CruCard

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What is a CruCard?

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- Use your meal plan
- Access library privileges
- Access the Mayborn Exercise Facility

Your CruCard also contains a discretionary balance account that allows you to deposit funds to use at

- Various Off-Campus Merchants
- Selected Vending Machines
- UMHB Bookstore
- UMHB Post Office
- UMHB Library
- GoPrint Locations
- Crusader Café
- Freshens
- Hardy Hall
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Simplicity

With your CruCard, there's no need to carry around numerous forms of payment. By depositing CruCash onto your card, you can get a burger at the SUB, buy a scantron at the bookstore, mail a package at the Post Office and get a soda from the vending machine with one single card. The system's swipe-and-go design means you won't get stuck waiting for change or for your debit card to be approved.

Safety

With our new online system, Manage My ID, you can monitor your CruCash account and report your card lost as soon as you realize it. This new option allows us to work towards a more secure campus. The new CruCard design makes it clear to see who is authorized to be on campus, and the clear picture makes identification easier. Plus, by keeping your funds on your CruCash account, you don't need to worry about the safety concerns of walking around with large amounts of cash or cards.

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Antenna Balls

Our Price: \$1.49

Ships next business day

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Purple

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Product Description

Purple foam ball.

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Foam Finger

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Football Key Tag

Our Price: **\$7.99**

Ships next business day

qty:

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