

ESTTA Tracking number: **ESTTA485576**

Filing date: **07/25/2012**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Kindercare Learning Centers LLC
Granted to Date of previous extension	08/15/2012
Address	650 N. Holladay Street Suite 1400 Portland, OR 97232 UNITED STATES

Name	Knowledge Universe Education LLC		
Entity	Corporation	Citizenship	Delaware
Address	650 NE Holladay Street Portland, OR 97232 UNITED STATES		

Attorney information	Camille M. Miller Cozen O'Connor 1900 Market Street Philadelphia, PA 19103 UNITED STATES cmiller@cozen.com Phone:215-665-7273
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Applicant Information

Application No	85063188	Publication date	04/17/2012
Opposition Filing Date	07/25/2012	Opposition Period Ends	08/15/2012
International Registration No.	NONE	International Registration Date	NONE
Applicant	Mid Services S.A. 57 Rue de Kirchberg Luxembourg, L-1858 LUXEMBOURG		

Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: Babysitting services; Social service, namely, companionship services for pre-school children

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. Registration No.	905288	Application Date	10/17/1968
Registration Date	12/29/1970	Foreign Priority Date	NONE
Word Mark	CHILDREN'S WORLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U107 (International Class 041). First use: First Use: 1967/06/02 First Use In Commerce: 1967/06/02 PROVIDING PRESCHOOL, KINDERGARTEN, AND ELEMENTARY SCHOOL FACILITIES		

U.S. Registration No.	1606796	Application Date	05/19/1989
Registration Date	07/17/1990	Foreign Priority Date	NONE
Word Mark	CHILDREN'S WORLD LEARNING CENTERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1988/01/15 First Use In Commerce: 1988/01/15 EDUCATIONAL SERVICES-NAMELY, OFFERING INSTRUCTION ON THE KINDERGARTEN [AND THE ELEMENTARY SCHOOL] LEVELS, NURSERY SCHOOL SERVICES [AND CAMP SERVICES] Class 042. First use: First Use: 1988/01/15 First Use In Commerce: 1988/01/15 NURSERY AND DAY CARE SERVICES, AND CHILD CARE SERVICES		

Attachments	Notice_of_Opposition_US_Trademark_App_No__85_063_188_CHILDREN_S_WORLD.pdf (5 pages)(33145 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	/Camille M. Miller/
Name	Camille M. Miller
Date	07/25/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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KINDERCARE LEARNING CENTERS LLC, and	:	
	:	
KNOWLEDGE UNIVERSE EDUCATION LLC	:	
	:	
	:	Opposition No. _____
v.	:	Serial No. 85/063,188
	:	Filed: June 15, 2010
MID SERVICES S.A.	:	Published: April 17, 2012
	:	Mark: CHILDREN’S WORLD &
	:	DESIGN
Applicant.	:	
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NOTICE OF OPPOSITION

Kindercare Learning Centers LLC, a Delaware corporation with a principal place of business at 650 NE Holladay Street, Portland, Oregon 97232 (“Kindercare”) and Knowledge Universe Education LLC, a Delaware corporation with a principal place of business at 650 NE Holladay Street, Portland, Oregon 97232 (“Knowledge Universe”) (collectively, “Opposer”), each believes that it will be damaged by registration of the mark CHILDREN’S WORLD & DESIGN, which is the subject of application Serial No. 85/063,188, published in the April 17, 2012 *Official Gazette*, and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Upon information and belief, Mid Services S.A. (“Applicant”) is a Luxembourg corporation having an address of 57 Rue de Kirchberg, Luxembourg, L-1858.
2. Upon information and belief, Applicant filed an application to register the mark CHILDREN’S WORLD & DESIGN for “Babysitting services; Social service, namely,

companionship services for pre-school children” in International Class 45 in the United States Patent and Trademark Office on June 15, 2010 (the “Application”).

3. Applicant’s mark published in the Official Gazette on April 17, 2012.

4. Knowledge Universe is the owner of Registration No. 0,905,288 for the mark CHILDREN’S WORLD, for use in connection with “providing preschool, kindergarten, and elementary school facilities” in International Class 41.

5. Knowledge Universe is the owner of Registration No. 1,606,796 for the mark CHILDREN’S WORLD LEARNING CENTERS, for use in connection with “educational services-namely, offering instruction on the kindergarten [and the elementary school] levels, nursery school services [and camp services]” in International Class 41, and “nursery and day care services, and child care services” in International Class 42.

6. Knowledge Universe is an owner of Kindercare.

7. TESS/TARR printouts for the foregoing registrations are attached hereto as Exhibit A.

8. The CHILDREN’S WORLD and CHILDREN’S WORLD LEARNING CENTERS marks owned by Opposer, and described herein, are inherently distinctive and represent the exceedingly valuable goodwill of Knowledge Universe’s wide range of services.

9. The CHILDREN’S WORLD and CHILDREN’S WORLD LEARNING CENTERS marks owned by Opposer, and described herein, have become well known through their use.

10. There has been significant market success of Opposer’s services offered under the CHILDREN’S WORLD and CHILDREN’S WORLD LEARNING CENTERS marks owned by Opposer, and described herein, and the relevant public has come to rely upon and

recognize Opposer's services through the CHILDREN'S WORLD and CHILDREN'S WORLD LEARNING CENTERS marks owned by Opposer, and described herein. As a result, these marks have substantial goodwill associated with them.

LIKELIHOOD OF CONFUSION PURSUANT TO SECTION 2(D)

11. Opposer's CHILDREN'S WORLD and CHILDREN'S WORLD LEARNING CENTERS marks are confusingly similar to Applicant's claimed mark CHILDREN'S WORLD & DESIGN in sound, appearance, and meaning. Opposer's CHILDREN'S WORLD and CHILDREN'S WORLD LEARNING CENTERS marks and Applicant's claimed mark CHILDREN'S WORLD & DESIGN create similar, if not the same, commercial impressions.

12. Upon information and belief, the services associated with Opposer's CHILDREN'S WORLD and CHILDREN'S WORLD LEARNING CENTERS marks, and the services identified in the Application, would be sold in the same channels of trade.

13. If Applicant is permitted to register its mark, and, thereby, obtain the prima facie exclusive right to use the mark CHILDREN'S WORLD & DESIGN in the marketplace, confusion is likely to result and damage Opposer.

14. Applicant's use of its mark CHILDREN'S WORLD & DESIGN in connection with the services in its Application is likely to cause confusion or mistake or to deceive, within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

15. Allowance of Applicant's application and registration of Applicant's proposed mark CHILDREN'S WORLD & DESIGN would result in damage and injury to Opposer.

WHEREFORE, Opposer prays that allowance of Serial No. 85/063,188 be

refused and that this Opposition be sustained.

Respectfully submitted,



Date: July 25, 2012

Camille M. Miller, Esq.
David M. Albert, Esq.
COZEN O'CONNOR, P.C.
1900 Market Street
Philadelphia, PA 19103
Telephone: (215) 665-7273
Facsimile: (215) 701-2273

Attorneys for Opposer

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing document was electronically filed with the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board on July 25, 2012, and will be mailed on July 25, 2012 via First Class Mail, postage prepaid to Applicant at the following address:

Sarah E. Tallent Esq.
Reinhardt LLP
44 Wall Street, Floor 10
New York, NY 10005-2415



Camille M. Miller, Esq.

Date: July 25, 2012