

ESTTA Tracking number: **ESTTA497185**

Filing date: **09/28/2012**

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	Grenzebach, Glier & Associates, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	401 N. Michigan Chicago, IL 60611 UNITED STATES		

Attorney information	Luke W. DeMarte Michael Best & Friedrich LLP 180 N. Stetson, Suite 2000 Chicago, IL 60601 UNITED STATES lwdemarte@michaelbest.com Phone:312.222.5795		
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Applicant Information

Application No	85437946	Publication date	09/18/2012
Opposition Filing Date	09/28/2012	Opposition Period Ends	10/18/2012
Applicant	James P. LaRose 333 Southmen Lane West Columbia, SC 29170 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2011/07/01 First Use In Commerce: 2011/07/01
All goods and services in the class are opposed, namely: Database Management for donor identification and cultivation

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.	3345799	Application Date	03/01/2006
Registration Date	11/27/2007	Foreign Priority Date	NONE
Word Mark	DONORSCAPE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 2006/04/01 First Use In Commerce: 2006/04/01 Providing temporary use of non-downloadable software for use in managing donor information as well as information about the donation level, in the field of fundraising for non-profit organizations

U.S. Registration No.	3345800	Application Date	03/01/2006
Registration Date	11/27/2007	Foreign Priority Date	NONE

Word Mark	DONORSCAPE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2006/04/01 First Use In Commerce: 2006/04/01 market research services, namely, tracking and identifying prospective donors for non-profit organizations; market research consultation services

Attachments	78826125#TMSN.jpeg (1 page)(bytes) 78826139#TMSN.jpeg (1 page)(bytes) 11948919_Notice_of_Opposition_DONORSCOPE_and_design.PDF (7 pages)(166151 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	/Luke W. DeMarte/
Name	Luke W. DeMarte
Date	09/28/2012

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

Grenzebach, Glier & Associates, Inc.,

Opposer,

v.

James P. LaRose,

Applicant.

Opposition No. _____

Serial No.: 85/437946

Mark:



NOTICE OF OPPOSITION

Grenzebach, Glier & Associates, Inc. (“Opposer”), a Delaware corporation, believes that it will be damaged by the registration by James P. LaRose (“Applicant”) of the mark DONORSCOPE.DOT COM...TRANSFORMING PROSPECT RESEARCH and Design, shown in Serial No. 85/437946, for “database management for donor identification and cultivation” in International Class 35 (the “Opposed Application”), and hereby opposes said registration.

The grounds for opposition are as follows:

1. On information and belief, Applicant is an individual with an address at 333 Southmen Lane, West Columbia, South Carolina 29170.
2. On September 18, 2012, the Opposed Application was published in the Official Gazette of the United States Patent and Trademark Office.
3. On July 31, 2012 and August 30, 2012, prior to filing this opposition, Opposer wrote to Applicant objecting to the Opposed Application. To date, Opposer has not received a response.
4. Opposer has been engaged for many years in the business of market research services, namely, tracking and identifying prospective donors for non-profit organizations;

market research consultation services; and providing temporary use of non-downloadable software for use in managing donor information as well as information about the donation level, in the field of fundraising for non-profit organizations.

5. Opposer is the owner of the registered trademarks set forth below (collectively, the “DONORSCAPE Marks”). Copies of the registration certificates are attached as Exhibit A:

<u>U.S. Reg. No.</u>	<u>Mark</u>	<u>Services</u>
3345799	DONORSCAPE	Providing temporary use of non-downloadable software for use in managing donor information as well as information about the donation level, in the field of fundraising for non-profit organizations
3345800	DONORSCAPE	Market research services, namely, tracking and identifying prospective donors for non-profit organizations; market research consultation services

6. For many years, and long before the filing date of the Opposed Application, Opposer has continuously used, and presently uses, the DONORSCAPE Marks in interstate commerce in the United States.

7. The mark DONORSCOPE.DOT COM...TRANSFORMING PROSPECT RESEARCH and Design set forth in the Opposed Application is confusingly similar to Opposer’s well known DONORSCAPE Marks.

8. The “database management for donor identification and cultivation” services set forth in the Opposed Application are identical or highly related to those services provided by Opposer under its DONORSCAPE Marks.

9. Opposer’s rights in its DONORSCAPE Marks predate any rights Applicant has in the Opposed Application or the mark shown therein.

10. If Applicant is permitted to use and register the mark set forth in the Opposed Application, such registration and use by Applicant are likely to cause confusion, deception and mistake, and will seriously damage Opposer.

11. If Applicant were granted the registration herein opposed, Applicant would thereby obtain at least a *prima facie* exclusive right to use the mark set forth in the Opposed Application. Such registration by Applicant would be a source of irreparable damage and injury to Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's application, Serial No. 85/437946, be denied and refused.

Dated: September 28, 2012

Respectfully submitted,

Grenzebach, Glier & Associates, Inc.

By: /s/ Luke W. DeMarte
One of its Attorneys

Luke W. DeMarte
Charles A. Laff
Michael Best & Friedrich LLP
Two Prudential Plaza
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Chicago, Illinois 60601
(312) 222-0800
Attorneys for Opposer

Exhibit A

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,345,799

Registered Nov. 27, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

DonorScape

GRENZEBACH, GLIER & ASSOCIATES, INC.
(DELAWARE CORPORATION)
SUITE 2800
401 NORTH MICHIGAN AVENUE
CHICAGO, IL 60611

FOR: PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE SOFTWARE FOR USE IN MANAGING DONOR INFORMATION AS WELL AS INFORMATION ABOUT THE DONATION LEVEL, IN THE FIELD OF FUNDRAISING FOR NON-PROFIT ORGANIZATIONS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-1-2006; IN COMMERCE 4-1-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-826,125, FILED 3-1-2006.

CHRISIE B. KING, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,345,800

Registered Nov. 27, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

DonorScape

GRENZEBACH, GLIER & ASSOCIATES, INC.
(DELAWARE CORPORATION)
SUITE 2800
401 NORTH MICHIGAN AVENUE
CHICAGO, IL 60611

FOR: MARKET RESEARCH SERVICES, NAME-
LY, TRACKING AND IDENTIFYING PROSPEC-
TIVE DONORS FOR NON-PROFIT
ORGANIZATIONS; MARKET RESEARCH CON-
SULTATION SERVICES, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

FIRST USE 4-1-2006; IN COMMERCE 4-1-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-826,139, FILED 3-1-2006.

CHRISIE B. KING, EXAMINING ATTORNEY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and complete copy of the foregoing Notice of Opposition has been served upon Applicant by mailing said copy on September 28, 2012 via first class mail, postage prepaid, to:

James P. LaRose
333 Southmen Lane
West Columbia, SC 29170

/s/ Luke W. DeMarte
Luke W. DeMarte