

ESTTA Tracking number: **ESTTA501012**

Filing date: **10/19/2012**

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	MasterCard International Incorporated
Granted to Date of previous extension	01/09/2013
Address	2000 Purchase Street Purchase, NY 10577-2405 UNITED STATES
Attorney information	Paul J. Reilly Baker Botts, L.L.P. 30 Rockefeller Plaza New York, NY 10112 UNITED STATES nytmdpt@bakerbotts.com Phone:212-408-2500

Applicant Information

Application No	79104041	Publication date	09/11/2012
Opposition Filing Date	10/19/2012	Opposition Period Ends	01/09/2013
International Registration No.	1094535	International Registration Date	05/16/2011
Applicant	RICOH COMPANY, LTD. 3-6, 1-Chome Naka-Magome,; Ohta-Ku,; Tokyo 143-8555 JAPAN		

Goods/Services Affected by Opposition

<p>Class 002. All goods and services in the class are opposed, namely: Pigments; toners for copying, printing, and imaging machines; ink for copying, printing, and imaging machines; filled toner cartridges for copying machines; filled toner cartridges for computer printers; filled toner cartridges for laser printers; filled ink cartridges for inkjet printers; filled ink cartridges for copying machines; filled ink cartridges for computer printers</p>
<p>Class 009. All goods and services in the class are opposed, namely: Computer software for business management in the nature of computer printing and scanning and facsimile operation and photocopying management; computer software for database management; computer software for educational training in the field of computer printing and scanning and facsimile operation and photocopying management; computer software for educational training in the field of computer printing and scanning and facsimile and photocopying operation; computer software for controlling the operation of computer printers and scanners, facsimile machines and copiers; computer software for document management; communications software used to facilitate computer printing and</p>

scanning and facsimile operation and photocopying; computer software used for architectural designing and engineering of buildings and building components; camera operation software used to operate computer cameras; computer database software used to manage input-output storage of data ; computer software used to manage retrieval of data from databases; computer software used for data processing; computer security software used for communication authentication, encryption, and decryption of data; computer software used to display printing of data; computer software, namely, printer drivers and printer operational software; computer software for use in communicating detailed printing instructions to printers; printers for use with computers; electronic copying machines; scanners; electronic copying machines with functions of printer, scanner and facsimile machine; personal computers; server computers; computers; computer peripherals, namely, printer control software, computer monitors, keyboards, and computer mouse; computer printer replacement parts, namely, staple cartridges, transfer belts, charger rollers, transfer rollers, fusers, filters, photoconductors, waste bottles, and oil coating rollers; print head for printers; electric connectors; electric sockets, electric plugs and electric contacts; facsimile machines

Class 016.

All goods and services in the class are opposed, namely: Paper; printed publications, namely, instructional manuals, service manuals, user's manuals, product documentation for printers and printer peripherals, newsletters, periodicals, pamphlets, books, catalogs, product and system application notes and technical bulletins, in the field of printers and printing

Class 020.

All goods and services in the class are opposed, namely: Furniture, namely chairs and tables

Class 035.

All goods and services in the class are opposed, namely: Advertising services; business administration consultancy; consumer marketing research; providing information on commercial sales; providing information on sales of goods in the nature of consumer product information; reproducing documents for others; office functions, namely, filing documents or magnetic-tapes; offering business management assistance in the operation of businesses that repair and maintain computers, typewriters, teletext machines and other similar office machines; rental of typewriters, word processors, printers, and copying machines

Class 037.

All goods and services in the class are opposed, namely: Repair and maintenance of printers, electronic copying machines, scanners, facsimile machines, electronic copying machines with functions of printer, scanner and facsimile machines, personal computers, other computers and parts therefor

Class 040.

All goods and services in the class are opposed, namely: Collection, sorting and disposal of industrial waste and trash; recycling of waste and trash; provision of information, advice and consultancy in relation to collection, sorting and disposal of industrial waste and trash; provision of information, advice and consultancy in relation to recycling of waste and trash; bookbinding; rental of bookbinding machines; commercial printing services; rental of printing machines

Class 042.

All goods and services in the class are opposed, namely: Computer software design, computer programming, and maintenance of computer software; computer network design; rental of computers; rental of computer software

Grounds for Opposition

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.	2590740	Application Date	09/08/2000
Registration Date	07/09/2002	Foreign Priority Date	NONE

Word Mark	MASTERCARD RPPS
Design Mark	MASTERCARD RPPS
Description of Mark	NONE
Goods/Services	<p>Class 036. First use: First Use: 2000/03/28 First Use In Commerce: 2000/03/28 Financial services, namely electronic processing of business-to-business payments and associated remittance data; providing electronic bill presentment and payment services to billers, customer service provider organizations and payment providers; transaction authorization and settlement services related to electronic funds and currency transfers; processing and transmitting billing and remittance data for others over a global computer information network</p> <p>Class 038. First use: First Use: 2000/03/28 First Use In Commerce: 2000/03/28 Providing secure electronic delivery of billing remittance data and funds generated by remote banking, walk-in payment providers, balance transfer providers, and credit counseling payment providers; electronic transmission of bills and payment of such bills via computer terminals connected to networks and the global computer network</p>

U.S. Registration No.	3120653	Application Date	08/15/2005
Registration Date	07/25/2006	Foreign Priority Date	NONE

Word Mark	RPPS
Design Mark	RPPS
Description of Mark	NONE
Goods/Services	<p>Class 038. First use: First Use: 2000/03/28 First Use In Commerce: 2000/03/28 PROVIDING SECURE ELECTRONIC DELIVERY OF BILLING REMITTANCE DATA AND FUNDS GENERATED BY REMOTE BANKING, WALK-IN PAYMENT PROVIDERS, BALANCE TRANSFER PROVIDERS, AND CREDIT COUNSELING PAYMENT PROVIDERS; ELECTRONIC TRANSMISSION OF BILLS AND PAYMENT OF SUCH BILLS VIA COMPUTER TERMINALS CONNECTED TO NETWORKS AND THE GLOBAL COMPUTER NETWORK</p>

U.S. Registration	3198274	Application Date	08/15/2005
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No.			
Registration Date	01/16/2007	Foreign Priority Date	NONE
Word Mark	RPPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2000/03/28 First Use In Commerce: 2000/03/28 FINANCIAL SERVICES, NAMELY ELECTRONIC PROCESSING OF BUSINESS-TO-BUSINESS PAYMENTS AND ASSOCIATED REMITTANCE DATA; PROVIDING ELECTRONIC BILL PRESENTMENT AND PAYMENT SERVICES TO BILLERS, CUSTOMER SERVICE PROVIDER ORGANIZATIONS AND PAYMENT PROVIDERS; TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES RELATED TO ELECTRONIC FUNDS AND CURRENCY TRANSFERS; PROCESSING AND TRANSMITTING BILLING AND REMITTANCE DATA FOR OTHERS OVER A GLOBAL COMPUTER INFORMATION NETWORK		

Attachments	76125237#TMSN.gif (1 page)(bytes) 78692663#TMSN.jpeg (1 page)(bytes) 78692639#TMSN.jpeg (1 page)(bytes) Notice of Opposition - RPPS.PDF (8 pages)(3262873 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 Overnight Courier on this date.

Signature	/Suzanne M. Hengl/
Name	Suzanne M. Hengl
Date	10/19/2012

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

IN THE MATTER OF APPLICATION

Applicant: Ricoh Company, Ltd.
Mark: **RPPS**
Serial No.: 79/104,041
Filed: May 16, 2011
Published in
the Official Gazette: September 11, 2012

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MASTERCARD INTERNATIONAL	:	
INCORPORATED	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
RICOH COMPANY, LTD.	:	
	:	
Applicant.	:	
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NOTICE OF OPPOSITION

Opposer, MasterCard International Incorporated, a Delaware corporation, having a place of business at 2000 Purchase Street, Purchase, New York 10577 (hereinafter referred to as "Opposer" unless otherwise specified), believes that it will be damaged by registration of Application Serial No. 79/104,041, filed May 16, 2011, by Ricoh Company, Ltd. (hereinafter "Applicant" unless otherwise specified) for the mark RPPS for goods and services in International Classes 2, 9, 16, 20, 35, 37, 40 and 42, and having previously been granted an extension of time to oppose, hereby opposes same.

The specific grounds for this opposition are as follows:

1. Opposer MasterCard International Incorporated (hereinafter referred to as "MasterCard") is a leading global payments solutions company that provides a variety of

services in support of 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 fund and currency transfer services, electronic payment services, and network services to facilitate payments. MasterCard owns and administers the MASTERCARD payment card program.

2. MasterCard is the owner of multiple U.S. Trademark registrations for RPPS and variants for financial products and services in International Classes 36 and 38, including the following:

Mark	Reg. No.	Reg. Date	Class/Goods	First Use
MASTERCARD RPPS	2,590,740	07/09/2002	36/ Financial services, namely electronic processing of business-to-business payments and associated remittance data; providing electronic bill presentment and payment services to billers, customer service provider organizations and payment providers; transaction authorization and settlement services related to electronic funds and currency transfers; processing and transmitting billing and remittance data for others over a global computer information network. 38/ Providing secure electronic delivery of billing remittance data and funds generated by remote banking, walk-in payment providers, balance transfer providers, and credit counseling payment providers; electronic transmission of bills and payment of such bills via computer terminals connected to networks and the global computer network.	03/28/2000
RPPS	3,120,653	07/25/2006	38/ Providing secure electronic delivery of billing remittance data and funds generated by remote banking, walk-in payment providers, balance transfer providers, and credit counseling payment	03/28/2000

			providers; electronic transmission of bills and payment of such bills via computer terminals connected to networks and the global computer network.	
RPPS	3,198,274	01/16/2007	36/ Financial services, namely, electronic processing of business-to-business payments and associated remittance data; providing electronic bill presentment and payment services to billers, customer service provider organizations and payment providers; transaction authorization and settlement services related to electronic funds and currency transfers; processing and transmitting billing and remittance data for others over a global computer information network.	03/28/2000

3. The foregoing registrations are valid and subsisting, uncancelled and unrevoked, and in full force and effect. Hereinafter, Opposer's RPPS mark and variants thereof, including those registered and/or used in commerce are referred to individually and/or collectively as the "RPPS Marks" which are inherently distinctive.

4. Since at least as early as March 2000, MasterCard has continuously marketed, promoted and offered in commerce financial, banking and payment services, including but not limited to electronic bill payments, transaction authorization, and electronic funds and currency transfers under and in connection with the RPPS Marks. Indeed, MasterCard has marketed and promoted the RPPS Marks in brochures and/or on the Internet since introducing the services in March 2000. Much of these services demand communication authentication and data management. MasterCard also provides customer support services, technical support, computer programming, maintenance and network design. All of the foregoing are offered in connection with MasterCard's RPPS Marks. As a result of its continued marketing, promotion, sale and exclusive use, the RPPS Marks as applied to the financial, banking and payment services are

now associated by consumers with MasterCard, thereby symbolizing the goodwill that MasterCard now enjoys throughout the United States in connection with the marks.

5. On information and belief, on May 16, 2011, well after MasterCard first used the RPPS Marks or obtained registrations for such marks, Applicant filed U.S. Application Serial No. 79/104,041 to register the term RPPS for the following goods and services in International Classes 2, 9, 16, 20, 35, 37, 40 and 42, based on International Registration No. 1094535:

Class	Goods
2	Pigments; toners for copying, printing, and imaging machines; ink for copying, printing, and imaging machines; filled toner cartridges for copying machines; filled toner cartridges for computer printers; filled toner cartridges for laser printers; filled ink cartridges for inkjet printers; filled ink cartridges for copying machines; filled ink cartridges for computer printers.
9	Computer software for business management in the nature of computer printing and scanning and facsimile operation and photocopying management; computer software for database management; computer software for educational training in the field of computer printing and scanning and facsimile operation and photocopying management; computer software for educational training in the field of computer printing and scanning and facsimile and photocopying operation; computer software for controlling the operation of computer printers and scanners, facsimile machines and copiers; computer software for document management; communications software used to facilitate computer printing and scanning and facsimile operation and photocopying; computer software used for architectural designing and engineering of buildings and building components; camera operation software used to operate computer cameras; computer database software used to manage input-output storage of data ; computer software used to manage retrieval of data from databases; computer software used for data processing; computer security software used for communication authentication, encryption, and decryption of data; computer software used to display printing of data; computer software, namely, printer drivers and printer operational software; computer software for use in communicating detailed printing instructions to printers; printers for use with computers; electronic copying machines; scanners; electronic copying machines with functions of printer, scanner and facsimile machine; personal computers; server computers; computers; computer peripherals, namely, printer control software, computer monitors, keyboards, and computer mouse; computer printer replacement parts, namely, staple cartridges, transfer belts, charger rollers, transfer rollers, fusers, filters, photoconductors, waste bottles, and oil coating rollers; print head for printers. electric connectors; electric sockets, electric plugs and electric contacts; facsimile machines.
16	Paper; printed publications, namely, instructional manuals, service manuals, user's manuals, product documentation for printers and printer peripherals, newsletters, periodicals, pamphlets, books, catalogs, product and system application notes and technical bulletins, in the field of printers and printing.
20	Furniture, namely chairs and tables.
35	Advertising services; business administration consultancy; consumer marketing research; providing information on commercial sales; providing information on sales of goods in the nature of consumer product information; reproducing documents for others; office functions, namely, filing documents or magnetic-tapes; offering business management assistance in the

	operation of businesses that repair and maintain computers, typewriters, teletext machines and other similar office machines; rental of typewriters, word processors, printers, and copying machines.
37	Repair and maintenance of printers, electronic copying machines, scanners, facsimile machines, electronic copying machines with functions of printer, scanner and facsimile machines, personal computers, other computers and parts therefor.
40	Collection, sorting and disposal of industrial waste and trash; recycling of waste and trash; provision of information, advice and consultancy in relation to collection, sorting and disposal of industrial waste and trash; provision of information, advice and consultancy in relation to recycling of waste and trash; bookbinding; rental of bookbinding machines; commercial printing services; rental of printing machines.
42	Computer software design, computer programming, and maintenance of computer software; computer network design; rental of computers; rental of computer software.

6. Opposer has priority over Applicant because MasterCard's first use of the RPPS Marks in commerce in March 2000 and the filing dates for its applications to register the RPPS Marks precede any alleged use by Applicant of the mark RPPS, the filing date of the application-in-opposition, and the filing of the International Registration on which it is based.

7. Registration of Applicant's alleged mark which is the subject of the application-in-opposition is barred by the provisions of Section 2(d) of the Trademark Act of 1946 because said mark consists of or comprises a mark which so resembles a mark previously applied for in the United States Patent and Trademark Office and/or used in the United States by Opposer and not abandoned, as to be likely, when used in connection with the alleged goods and services of the Applicant, to cause confusion, mistake or deception.

8. Applicant's alleged mark, RPPS, is confusingly similar to Opposer's aforementioned RPPS Marks. On information and belief, the services which are intended to be offered by Applicant in connection with its alleged mark RPPS are similar, complementary to or of related nature to the services offered by MasterCard in connection with its RPPS Marks.

9. Applicant's alleged mark which is the subject of the application-in-opposition so resembles Opposer's RPPS Marks and its use of RPPS as to be likely to cause confusion, to

cause mistake or deceive. The likelihood of confusion, mistake or deception that would arise from concurrent use and registration of Applicant's applied for mark, RPPS, with Opposer's RPPS Marks is that consumers are likely to believe that Applicant and its goods/services are in some way connected or affiliated with, sponsored, approved, endorsed or licensed by Opposer, when, in fact, they are not. Accordingly, registration of Applicant's mark which is the subject of the application-in-opposition is barred by the provisions of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d).

10. Applicant's alleged mark which is the subject of the application-in-opposition so resembles Opposer's RPPS Marks as to be likely, when used in connection with Applicant's goods and services, to cause confusion, to cause mistake or to deceive and/or constitutes a false representation that Applicant's services are approved or sponsored by Opposer or that Applicant's mark which is the subject of the application-in-opposition is a version of Opposer's mark and/or products/services, thereby deceiving the public, causing confusion or mistake and causing damage to Opposer within the meaning of 15 U.S.C. § 1063.

11. 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/or deceptive use of Applicant's alleged mark which is the subject of the application-in-opposition, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

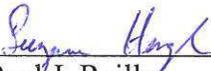
12. In view of the foregoing, issuance of a registration to Applicant for its claimed mark which is the subject of Application Serial No. 79/104,041 would, therefore, be damaging to Opposer and its RPPS Marks within the meaning of Section 13 of the Lanham Act, 15 U.S.C. § 1063.

WHEREFORE, Opposer prays that this opposition be sustained, that registration be denied to Applicant on its Application Serial No. 79/104,041, and that this Honorable Board grant any and all further relief in favor of Opposer that is necessary and just.

Respectfully submitted,
BAKER BOTTS L.L.P.

Dated: October 19, 2012

By



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Attorneys for Opposers

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served via Federal Express to Applicant as follows:

Richoh Company, Ltd.
1-Chome Naka-Magome
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JAPAN

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Date: October 19, 2012



Suzanne M. Hengl