

ESTTA Tracking number: **ESTTA507323**

Filing date: **11/26/2012**

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	MGPA Limited
Granted to Date of previous extension	11/25/2012
Address	Canon's Court, 22 Victoria Street P.O. Box HM 1179 Hamilton, BERMUDA

Attorney information	Rebecca E. McDougall Roberts Mlotkowski Safran & Cole, P.C. 7918 Jones Branch Drive Suite 500 McLean, VA 22102 UNITED STATES rmdougall@rmsclaw.com, docketing@rmsclaw.com Phone:703.584.8035
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Applicant Information

Application No	85505525	Publication date	05/29/2012
Opposition Filing Date	11/26/2012	Opposition Period Ends	11/25/2012
Applicant	Forefront Analytics, LLC 354 West Lancaster Avenue Wayne, PA 19087 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Financial and investment services, namely, asset and investment acquisition, consultation, advisory and development services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3635495	Application Date	03/26/2008
Registration Date	06/09/2009	Foreign Priority Date	09/27/2007
Word Mark	MGPA		

Design Mark	MGPA
Description of Mark	NONE
Goods/Services	Class 036. First use: Financial services, namely, investment advisory services; investment advisory services relating to real estate; financial investment in the field of real estate; financial research; advisory services relating to the foregoing

Attachments	79053087#TMSN.jpeg (1 page)(bytes) Notice of Opposition - MGP.pdf (5 pages)(73082 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	/Rebecca E. McDougall/
Name	Rebecca E. McDougall
Date	11/26/2012

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

In the Matter of Application Serial No. 85505525
For **MGP**
Published in the Official Gazette on May 29, 2012

MGPA Limited)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Forefront Analytics, LLC)	
)	
Applicant.)	

Attorney Ref.: 400290.00004

**Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451
MAIL STOP BOX: TTAB-FEE**

NOTICE OF OPPOSITION

Opposer, MGPA Limited (hereinafter "MGPA"), a Bermuda limited liability company, with its principal place of business at Canon's Court, 22 Victoria Street, P.O. Box HM 1179 Hamilton, HM EX, Bermuda, hereby opposes registration of MGP that is the subject of Application Serial No. 85505525, filed by Forefront Analytics, LLC ("Applicant") and published in the *Official Gazette* on May 29, 2012, and requests that registration to Applicant be refused. MGPA avers that it will be damaged and injured if a registration for MGP, as set forth in U.S. Application Serial No. 85505525, is issued to Applicant.

Pursuant to Section 2(d) of the Trademark Act of 1946, (as amended, the Lanham Act) 15 U.S.C. § 1052, and as grounds in support of its opposition, MGPA asserts as follows:

1. MGPA owns U.S. federal trademark registration number 3,635,495 for use with *financial services, namely, investment advisory services; investment advisory services relating to*

real estate; financial investment in the field of real estate; financial research; advisory services relating to the foregoing in International Class 36 (hereinafter referred to as the “**MGPA Mark**”). The **MGPA Mark** was registered on June 9, 2009 and claims a priority date of September 27, 2007.

2. MGPA has expended considerable effort and expense in promoting the **MGPA Mark** and the related services such that the public has come to recognize the **MGPA Mark** as uniquely associated with MGPA.

3. Upon information and belief, Applicant, Forefront Analytics, LLC is a Pennsylvania limited liability company with an address at 354 West Lancaster Avenue, Wayne, Pennsylvania 19087.

4. Notwithstanding Opposer’s prior registered and common law rights in and to the **MGPA Mark**, Applicant filed on December 29, 2011 an application under Section 1(b) of the Trademark Act for **MGP** for use in connection with “*financial and investment services, namely, asset and investment acquisition, consultation, advisory and development services*” in International Class 36.

5. As set forth herein, MGPA has used the **MGPA Mark** and/or has registered and common law rights to the **MGPA Mark** for a wide range of financial and investment advisory services far prior to the Applicant’s filing date of its application, Serial No. 85505525.

6. There is no question of priority. Applicant filed U.S. Serial No. 85505525 almost two (2) years after the filing date of the **MGPA Mark**. Therefore, Opposer’s rights to the **MGPA Mark** are prior to and senior to any rights Applicant may have to MGP, the subject of Serial No. 85505525.

7. The designation, MGP, when used in connection with the published services set forth in App. Ser. No. 85505525, is likely to cause confusion, to cause mistake, or to deceive, in violation of 15 U.S.C. § 1052(d).

8. Registration of Applicant's designation MGP as set forth in Application Serial No. 85505525, will damage MGPA, as such registration will give color of exclusive statutory rights to MGP to Applicant in derogation and violation of the prior rights of MGPA to the **MGPA Mark**.

9. Registration of Applicant's designation MGP as set forth in Application Serial No. 85505525, will damage MGPA, as any such concurrent registration by Applicant is likely to, and will, place a cloud on title on the **MGPA Marks** and erode the value of the goodwill associated with the **MGPA Marks**.

WHEREFORE, MGPA requests that this Opposition be sustained and that registration of Application No. 85505525 for MGP for the services specified in International Class 36 of the application be denied.

The filing fees in the amount of \$300.00 for the filing of this opposition, and any additional fees should be charged to the Deposit Account of Roberts Mlotkowski Safran & Cole, P.C., No. 50-2478.

Please address all communications to Rebecca E. McDougall, Esq., Roberts Mlotkowski Safran & Cole, P.C., 7918 Jones Branch Drive, Suite 500, McLean, Virginia 22102.

MGPA LIMITED

Dated: November 26, 2012

By:



Rebecca E. McDougall, Esq.
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CERTIFICATE OF SERVICE

Filing Date: November 26, 2012

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** for the mark **MGP** (U.S. Trademark Application No. 85/505,525) has been filed on behalf of Opposer, MGPA Limited, with the United States Patent and Trademark Office, Trademark Trial and Appeal Board on the date indicated above, and was served on Applicant's counsel of record and domestic representative the United States Patent and Trademark Office:

LAWRENCE W. GREENE
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036-6710

Via first-class mail, postage prepaid, this 26th day of November 2012.



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