

ESTTA Tracking number: **ESTTA547111**

Filing date: **07/08/2013**

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	Citigroup Inc.
Granted to Date of previous extension	07/07/2013
Address	399 Park Avenue New York, NY 10043 UNITED STATES

Attorney information	Anita B. Polott Morgan, Lewis & Bockius LLP 1111 Pennsylvania Ave., N.W.; Attn: TMSU Washington, DC 20004 UNITED STATES trademarks@morganlewis.com, apolott@morganlewis.com, jrubel@morganlewis.com, chowell@morganlewis.com, djustus@morganlewis.com Phone:202-739-3000
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Applicant Information

Application No	85447631	Publication date	01/08/2013
Opposition Filing Date	07/08/2013	Opposition Period Ends	07/07/2013
Applicant	Mascotte Holdings, Inc. c/o Pryor Cashman LLP, 7 Times Square New York, NY 10036 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 041. All goods and services in the class are opposed, namely: Record production; music production; audio recording and production; videotape production; motion picture song production; production of video discs for others; recording studios; entertainment services, namely, producing musical audio and video programs; distribution of musical and audio and video programs for others; music composition and transcription for others; song writing services; music publishing services; entertainment in the nature of live performances by a musical artist, musical group or musical band; entertainment in the nature of visual and audio performances by a musical artist, musical group and musical band; entertainment, namely, live music concerts; entertainment, namely, personal appearances by a musician, musical group, musical band, entertainer, actor or celebrity; entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, and photographs; entertainment services, namely, providing non-downloadable prerecorded music, information in the field of music, non-downloadable commentary and articles about music, all online via a global computer network; entertainment services, namely, providing a website in the fields of music, popular culture, entertainment news, reality based entertainment, television and film studies, animation, the arts, comedy, drama, dramedy, news, sports, politics, and educational subject matters,</p>

namely, reading and writing, mathematics, science, history, social studies, political science, religious studies, languages, the arts, music, film, dance, photography, fitness, and physical education; television and radio production; radio entertainment production; motion picture film production; entertainment in the nature of on-going television, cable television and radio programs featuring music, beauty, fashion, modeling, comedy, dramatic acts, and spoken word; television and cable television programs featuring music, fashion, beauty, comedy, drama, dramedy, and spoken word; providing a variety show distributed over television, cable television, radio, satellite, audio and video media; entertainment, namely, a continuing variety and musical show broadcast over television, satellite, the Internet, audio and video media; entertainment in the nature of theater production; entertainment in the nature of traveling tours, namely, road shows featuring music, drama, and spoken word; entertainment services, namely, providing an on-line computer game; providing a computer game that may be accessed network-wide by network users; educational services, namely, providing classes, seminars or workshops in the fields of music, popular culture, entertainment news, reality based entertainment, television, film, animation, the arts, comedy, drama, dramedy, news, sports, politics, and educational subject matters, namely, reading and writing, mathematics, science, history, social studies, political science, religious studies, languages, the arts, music, film, dance, engineering, photography, graphic design, computers, health and fitness, nutrition, physical education, drug and gang prevention, teenage pregnancy, self esteem issues, discipline, and conflict resolution; charitable services in the nature of academic mentoring of school age children; charitable services in the nature of providing educational classes, workshops, tutoring and mentoring for students in the fields of music, popular culture, entertainment news, reality based entertainment, television, film, animation, the arts, comedy, drama, dramedy, news, sports, politics, and educational subject matters, namely, reading and writing, mathematics, science, history, social studies, political science, religious studies, languages, the arts, music, film, dance, engineering, photography, graphic design, computers, health and fitness, nutrition, physical education, drug and gang prevention, teenage pregnancy, self esteem issues, discipline, and conflict resolution and distributing course materials in connection therewith; charitable services in the nature of providing tutorial sessions for students in the fields of music, popular culture, entertainment news, reality based entertainment, television, film, animation, the arts, comedy, drama, dramedy, news, sports, politics, and educational subject matters, namely, reading and writing, mathematics, science, history, social studies, political science, religious studies, languages, the arts, music, film, dance, engineering, photography, graphic design, computers, health and fitness, nutrition, physical education, drug and gang prevention, teenage pregnancy, self esteem issues, discipline, and conflict resolution and distributing course materials in connection therewith; educational and entertainment services, namely, providing motivational and educational speakers for students; providing career counseling services for students, namely, providing advice concerning education options to pursue career opportunities; charitable services in the nature of providing books, sporting goods, televisions and toys to needy and underprivileged children and students; award program for major corporations and individuals who have made significant charitable contributions; charitable services, namely, providing resource library services to those in need and school age children; charitable services, namely, providing school supplies and equipment to children in need

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.	2926291	Application Date	07/22/2004
Registration Date	02/15/2005	Foreign Priority Date	NONE
Word Mark	THANK YOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2004/07/12 First Use In Commerce: 2004/07/12 promoting the goods and services of others through credit card customer loyalty,		

	reward and redemption programs		
U.S. Registration No.	3249982	Application Date	12/02/2004
Registration Date	06/05/2007	Foreign Priority Date	NONE
Word Mark	THANKYOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2004/06/12 First Use In Commerce: 2004/06/12 Promoting the goods and services of others through credit card customer loyalty, reward and redemption programs		
U.S. Registration No.	3948111	Application Date	11/20/2007
Registration Date	04/19/2011	Foreign Priority Date	NONE
Word Mark	CITI THANKYOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2011/01/04 First Use In Commerce: 2011/01/04 Credit card services		
U.S. Registration No.	3865687	Application Date	10/14/2009
Registration Date	10/19/2010	Foreign Priority Date	NONE
Word Mark	THANKYOU CITI REWARDS		
Design Mark			
Description of Mark	The mark consists of the word "THANKYOU" above the words "CITI REWARDS".		
Goods/Services	Class 035. First use: First Use: 2010/06/06 First Use In Commerce: 2010/06/06 Promoting the goods and services of others through administration of incentive reward and redemption programs by distributing rewards for credit card use, and for banking and wealth management customer loyalty		
U.S. Registration No.	3946014	Application Date	02/22/2010
Registration Date	04/12/2011	Foreign Priority Date	NONE
Word Mark	THANKYOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2011/01/04 First Use In Commerce: 2011/01/04 Providing credit card services		
U.S. Registration	3956034	Application Date	06/22/2010

No.			
Registration Date	05/03/2011	Foreign Priority Date	NONE
Word Mark	CITI THANKYOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2010/06/00 First Use In Commerce: 2010/06/00 Promoting the goods and services of others through administration of incentive reward and redemption programs by distributing rewards for credit and debit card use, and for banking and wealth management customer loyalty		

U.S. Registration No.	4215563	Application Date	03/18/2011
Registration Date	09/25/2012	Foreign Priority Date	NONE
Word Mark	CITIBUSINESS THANKYOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/05/01 First Use In Commerce: 2012/05/01 Promoting the goods and services of others through administration of incentive reward and redemption programs by distributing rewards for credit card use Class 036. First use: First Use: 2012/05/01 First Use In Commerce: 2012/05/01 Providing credit cards services		

Related Proceedings	91209661
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Attachments	Notice of Opposition to THANK YOU AND YOU'RE WELCOME in Class 41.pdf(18295 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	/Anita B. Polott/
Name	Anita B. Polott
Date	07/08/2013

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

CITIGROUP INC.,

Opposer,

v.

MASCOTTE HOLDINGS, INC.,

Applicant.

Mark: THANK YOU AND YOU'RE
WELCOME

Serial. No. 85/447,631

NOTICE OF OPPOSITION

Citigroup Inc. (“Citigroup” or “Opposer”), a Delaware corporation with its principal office at 399 Park Avenue, New York, NY 10043, believes that it would be damaged by the registration of the designation THANK YOU AND YOU'RE WELCOME, shown in U.S. Trademark Application Serial No. 85/447,631 (“Applicant’s Designation”), filed by Mascotte Holdings, Inc. (“Applicant”) and hereby opposes same.

As grounds for opposition, Citigroup alleges as follows:

1. For many years, Opposer has used marks consisting of and containing THANKYOU, including THANKYOU, CITI THANKYOU, THANKYOU CITI REWARDS and CITIBUSINESS THANKYOU in connection with credit card, banking and other financial services and a variety of customer loyalty, reward, incentive and redemption programs (collectively, the “THANKYOU Marks”).

2. Opposer owns multiple applications pending before and the following registrations, among others, issued by the United States Patent and Trademark Office (“PTO”) for Opposer’s THANKYOU Marks:

Registration Number	Mark	International Class	Filing Date	Date of First Use
Reg. 2,926,291	THANK YOU and Design	Class 35	07/22/2004	07/12/2004
Reg. 3,249,982	THANKYOU	Class 35	12/2/2004	06/12/2004
Reg. 3,948,111	CITI THANKYOU	Class 36	11/20/2007	01/04/2011
Reg. 3,865,687	THANKYOU CITI REWARDS	Class 35	10/14/2009	06/06/2010
Reg. 3,946,014	THANKYOU	Class 36	02/22/2010	01/04/2011
Reg. 3,956,034	CITI THANKYOU	Class 35	06/22/2010	06/00/2010
Reg. 4,215,563	CITIBUSINESS THANKYOU	Class 35	03/18/2011	05/01/2012

3. The registrations referenced above are valid and subsisting, in full force and effect, and constitute *prima facie* and/or conclusive evidence of Opposer's exclusive right to use the marks in commerce in connection with the services specified in the registrations.

4. Registration Nos. 2,926,291 and 3,249,982 are incontestable pursuant to the provisions of Section 15 of the Lanham Act, 15 U.S.C. § 1065, and constitute conclusive evidence of Opposer's exclusive right to use the marks in commerce in connection with the services specified in the registrations.

5. In addition to the federal registrations referenced above, Opposer owns significant common law rights in the THANKYOU Marks by virtue of the continuous use of one or more of the THANKYOU Marks since at least as early as July 12, 2004.

6. During the longstanding, widespread and continuous use of the THANKYOU Marks, Opposer has expended considerable time, effort, and money in advertising and promoting the sale of services using the THANKYOU Marks.

7. Opposer has sold and offered for sale services using the THANKYOU Marks in a trading area of broad geographical scope encompassing the United States.

8. Opposer has sold and offered for sale services using the THANKYOU Marks in numerous channels of trade.

9. Opposer's THANKYOU Marks are symbolic of the extensive goodwill and consumer recognition that Opposer has established through substantial expenditures of time, effort and other resources in the advertising and promotion of the services Opposer sells and offers for sale under the THANKYOU Marks.

10. As a result of Opposer's regular, extensive and well-publicized use, the THANKYOU Marks are associated exclusively with Opposer and its high quality services.

11. On October 14, 2011, Applicant filed an intent-to-use application under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), for federal registration of the designation THANK YOU AND YOU'RE WELCOME shown in Application Serial No. 85/447,631. This application covers a wide array of goods in Class 41.

12. Applicant's Designation was published for opposition in the *Official Gazette* on January 8, 2013.

13. The Trademark Trial and Appeal Board extended the opposition period for Applicant's Designation by granting Opposer's timely requests for extensions. The opposition period for Application Serial No. 85/447,631 expires on July 7, 2013. Opposer therefore timely files this opposition.

14. Opposer's rights to the THANKYOU Marks are superior to those of Applicant.

15. Applicant's application for and any use of Applicant's Designation are without the consent, authorization, or license of Opposer.

16. Opposer believes it will be damaged by registration of Applicant's Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that the subject designation so resembles the THANKYOU Marks used by Opposer in the United States as to be likely, when used on or in connection with the goods identified in the application for Applicant's Designation, to cause confusion, mistake or to deceive consumers, with consequent injury to Opposer and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Citigroup prays that Application Serial No. 85/447,631 be refused, that no registration be issued to Applicant, and that this opposition be granted in favor of Citigroup.

Dated: July 8, 2013

Respectfully submitted,

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Attorneys for Opposer
Citigroup Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition has been sent via first class mail, postage pre-paid, this 8th day of July, 2013 to:

Brad D. Rose
Phillipe Zylberg
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7 Times Square, Floor 3
New York, NY 10036-6569

/s/ Dana N. Justus
Dana N. Justus