

ESTTA Tracking number: **ESTTA607583**

Filing date: **06/02/2014**

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 | 06/01/2014   |
| Address                               | 2000 Purchase Street<br>Purchase, NY 10577<br>UNITED STATES  |
| Attorney information                  | Robert M. Wasnofski, Jr.<br>Dorsey & Whitney LLP<br>51 West 52nd Street<br>New York, NY 10019-6119<br>UNITED STATES<br>ny.trademark@dorsey.com, wasnofski.robert@dorsey.com, sanderji.fara@dorsey.com Phone:(212) 415-9200 |

**Applicant Information**

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No         | 85812840   | Publication date       | 12/03/2013 |
| Opposition Filing Date | 06/02/2014   | Opposition Period Ends | 06/01/2014 |
| Applicant              | Booker Software, Inc.<br>Floor 18<br>New York, NY 10007<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**

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| <p>Class 042. First Use: 2012/11/13 First Use In Commerce: 2012/11/13<br/>All goods and services in the class are opposed, namely: Providing temporary use of online non-downloadable software for use in scheduling and management of reservations for customers, point-of-sale solutions for floor and management staff, inventory management, customer relationship management, social media integration, management of employees schedules, creating reports, creating and providing gift certificates, coupons and promotional specials, and managing discount programs; application service provider services in the nature of an online appointment book and an online reservation system; application service provider services in the nature of tools for managing customer records and profiles, as well as a real-time dashboard for tracking total appointments and revenue, top customers and conversion rates; application service provider services in the nature of tools for developing, broadcasting and tracking promotions as well as tracking inbound customers to determine the effectiveness of the promotions</p> |
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**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. | 1257853   | Application Date      | 04/02/1980 |
| Registration Date     | 11/15/1983  | Foreign Priority Date | NONE       |
| Word Mark             | MASTERCARD  |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1980/02/11 First Use In Commerce: 1980/02/11 Financial Services-Namely, Providing Bank Card Services |                       |            |

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|----------------------|------|-----------------------|------|
| U.S. Application No. |      | Application Date      |      |
| Registration Date    | NONE | Foreign Priority Date | NONE |
| Word Mark            | NONE |                       |      |
| Design Mark          |      |                       |      |
| Description of Mark  | NONE |                       |      |
| Goods/Services       |      |                       |      |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1270220  | Application Date      | 01/26/1981 |
| Registration Date     | 03/13/1984   | Foreign Priority Date | NONE       |
| Word Mark             | MASTERCARD TRAVELERS CHEQUE  |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |

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| Goods/Services | Class 036. First use: First Use: 1980/12/09 First Use In Commerce: 1980/12/09<br>Travelers Check Services-Namely, Administration of Issuance, Redemption and Processing of Travelers Checks |  |  |
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| U.S. Registration No. | 1285549 | Application Date | 09/29/1982 |
|-----------------------|---------|------------------|------------|

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|-------------------|------------|-----------------------|------|
| Registration Date | 07/10/1984 | Foreign Priority Date | NONE |
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| Word Mark | MASTERCARD TRAVELERS CHEQUE |  |  |
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| Design Mark |  |  |  |
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| Description of Mark | NONE |  |  |
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| Goods/Services | Class 036. First use: First Use: 1980/12/09 First Use In Commerce: 1980/12/09<br>Financial Services-Namely, Assisting Its Members in the Sale of Travelers Cheques, Integrated Funds Management Programs, and Money Order Services |  |  |
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| U.S. Registration No. | 1723718 | Application Date | 10/25/1991 |
|-----------------------|---------|------------------|------------|

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|-------------------|------------|-----------------------|------|
| Registration Date | 10/13/1992 | Foreign Priority Date | NONE |
|-------------------|------------|-----------------------|------|

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|-----------|------|--|--|
| Word Mark | NONE |  |  |
|-----------|------|--|--|

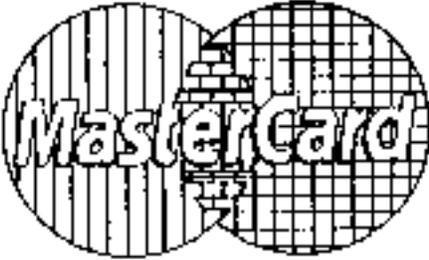
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| Design Mark |  |  |  |
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|---------------------|------|--|--|
| Description of Mark | NONE |  |  |
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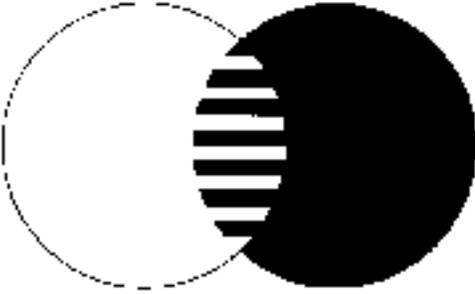
|                |  |  |  |
|----------------|--|--|--|
| Goods/Services | <p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00<br/>printed matter and publications; namely, credit, debit and charge cards, travelers cheques, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00<br/>financial services; namely, providing credit, debit and charge card, traveller-scheque, cash disbursement, and transaction authorization and settlement services</p> |  |  |
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| U.S. Registration No. | 1738276  | Application Date      | 02/19/1991 |
| Registration Date     | 12/08/1992   | Foreign Priority Date | NONE       |
| Word Mark             | MASTERCARD   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | The mark consists of the words "MASTERCARD" with a globe design.   |                       |            |
| Goods/Services        | <p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit cards and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, cash disbursement, and transaction authorization and settlement services</p> |                       |            |

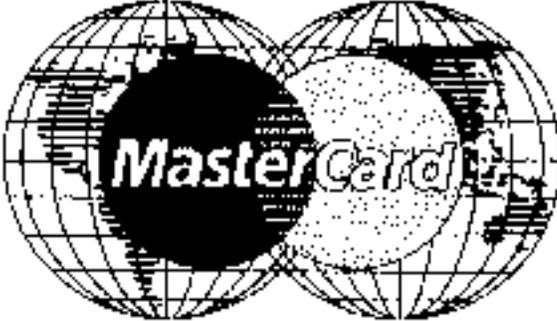
|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1814279  | Application Date      | 02/01/1990 |
| Registration Date     | 12/28/1993   | Foreign Priority Date | NONE       |
| Word Mark             | MASTERCARD   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | <p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit cards, travellers cheques, and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, travelers cheque, travel financial assistance, cash disbursement, and transaction authorization and settlement services</p> |                       |            |

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| U.S. Registration No. | 1890786  | Application Date      | 01/21/1993 |
| Registration Date     | 04/25/1995   | Foreign Priority Date | NONE       |
| Word Mark             | MASTERCARD   |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | <p>Class 006. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 metal key chains</p> <p>Class 009. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 calculators</p> <p>Class 014. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 watches, clocks, metal tie pins</p> <p>Class 016. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 pens, pencils, pen stands, paper weights, letter openers, notebooks, metal bookmarks</p> <p>Class 018. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 umbrellas, luggage, garment bags for travel, toiletry cases sold empty, duffel bags, attache cases, carry-on bags, totebags, wallets, business card cases, credit card cases</p> <p>Class 020. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 non-metal key rings, luggage tags</p> <p>Class 021. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 mugs</p> <p>Class 024. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 towels</p> <p>Class 025. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 shirts, jackets, sweaters, sweat shirts, visors, caps</p> <p>Class 028. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 Christmas tree decorations, tennis balls, golf balls, soccer balls, golf tees</p> |                       |            |

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| U.S. Registration No. | 2038134    | Application Date      | 03/09/1995 |
| Registration Date     | 02/18/1997 | Foreign Priority Date | NONE       |
| Word Mark             | NONE       |                       |            |

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| Design Mark         |    |
| Description of Mark | NONE   |
| Goods/Services      | Class 009. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19<br>electronic data carriers in the form of magnetically encoded cards<br>Class 016. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19<br>printed matter and publications, namely, pamphlets, brochures, newsletters and magazines of a financial nature<br>Class 036. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19<br>financial services, namely, providing debit card services |

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| U.S. Registration No. | 2077221    | Application Date      | 04/23/1996 |
| Registration Date     | 07/08/1997 | Foreign Priority Date | NONE       |

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| Word Mark           | MASTERCARD  |  |  |
| Design Mark         |   |  |  |
| Description of Mark | NONE  |  |  |
| Goods/Services      | Class 036. First use: First Use: 1993/04/00 First Use In Commerce: 1993/04/00<br>travelers cheque services, namely the administration of [issuance,] redemption and processing of travelers cheques |  |  |

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| U.S. Registration No. | 2168736    | Application Date      | 01/29/1993 |
| Registration Date     | 06/30/1998 | Foreign Priority Date | NONE       |
| Word Mark             | MASTERCARD |                       |            |

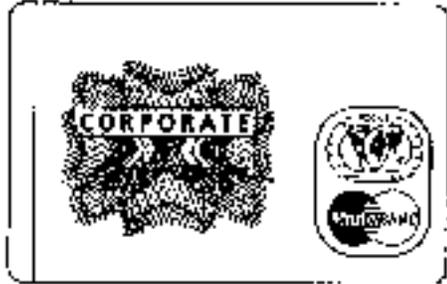
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| Design Mark |  |
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| Description of Mark | NONE |
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| Goods/Services | <p>Class 009. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 electronic data carriers in the form of magnetically encoded cards</p> <p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications, namely, credit, debit and charge cards, travelers cheques, and pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services, namely, providing credit, debit and charge card services, administration of the issuance, redemption and processing of travelers cheques, travel financial assistance, cash disbursement and transaction authorization and settlement services</p> <p>Class 039. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 travel assistance services, namely, arranging travel tours, making replacement and emergency reservations and booking for transportation</p> |
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| U.S. Registration No. | 2212340    | Application Date      | 04/21/1997 |
| Registration Date     | 12/22/1998 | Foreign Priority Date | NONE       |

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| Word Mark | MASTERCARD CORPORATE |
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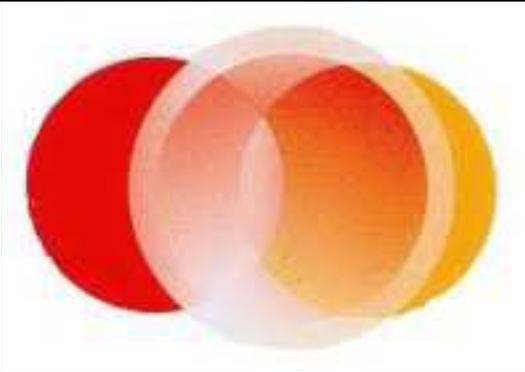
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| Design Mark |  |
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| Description of Mark | NONE |
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| Goods/Services | Class 036. First use: First Use: 1997/01/31 First Use In Commerce: 1997/01/31 financial services, namely, providing credit card, debit card, [ charge card and stored value prepaid card, ] cash disbursement, and transaction authorization and settlement services |
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| U.S. Registration | 3352378 | Application Date | 08/09/2006 |
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| No.                 |   |                       |      |
| Registration Date   | 12/11/2007  | Foreign Priority Date | NONE |
| Word Mark           | MASTERCARD WORLDWIDE  |                       |      |
| Design Mark         |    |                       |      |
| Description of Mark | The mark consists of the words MASTERCARD WORLDWIDE in the color gray and the design of intersecting circles that fades from red to pink to orange to yellow. The mark is depicted on a gray background and the gray background is not claimed as a feature of the mark but merely depicts depth. |                       |      |
| Goods/Services      | Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions   |                       |      |

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| U.S. Registration No. | 3356377   | Application Date      | 08/10/2006 |
| Registration Date     | 12/18/2007  | Foreign Priority Date | NONE       |
| Word Mark             | NONE  |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.  |                       |            |
| Goods/Services        | Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions |                       |            |

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| U.S. Registration No. | 3356407              | Application Date      | 08/17/2006 |
| Registration Date     | 12/18/2007           | Foreign Priority Date | NONE       |
| Word Mark             | MASTERCARD WORLDWIDE |                       |            |

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| Design Mark         |  <p>The logo features three overlapping circles in a gradient of red, pink, orange, and yellow. Below the circles, the words "MasterCard" and "Worldwide" are written in a gray, sans-serif font.</p>  |
| Description of Mark | <p>The mark consists of the words MASTERCARD WORLDWIDE in the color gray and the design of intersecting circles that fade from red to pink to orange to yellow. The mark is depicted on a gray background. No claim is made to the gray background, the background merely indicates depth.</p>  |
| Goods/Services      | <p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27<br/> FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELEC-</p> |

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|  | TRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET |
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| U.S. Registration No. | 3356408    | Application Date      | 08/17/2006 |
| Registration Date     | 12/18/2007 | Foreign Priority Date | NONE       |

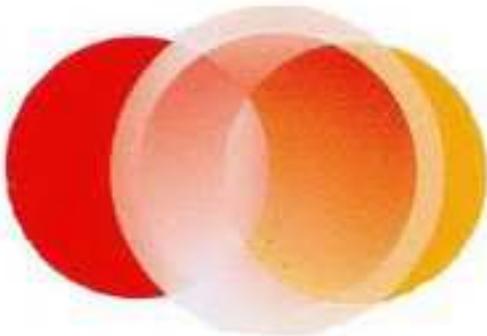
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| Word Mark | MASTERCARD WORLDWIDE |
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| Design Mark |  <p><b>MasterCard</b><br/>Worldwide</p> |
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| Description of Mark | NONE |
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|                |  |
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| Goods/Services | <p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27</p> <p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY</p> |
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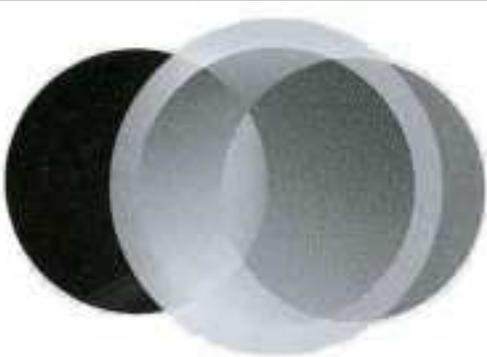
|  |  |
|--|--|
|  | IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET |
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| U.S. Registration No. | 3356409   | Application Date      | 08/17/2006 |
| Registration Date     | 12/18/2007  | Foreign Priority Date | NONE       |
| Word Mark             | NONE  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.  |                       |            |
| Goods/Services        | Class 036. First use: 2006/06/27 First Use In Commerce: 2006/06/27 FINANCIAL SERVICES, NAMELY, [ BANKING AND CREDIT SERVICES; ] PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, [ PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; ] BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; [ ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; ] THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; [ ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; ] VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND |                       |            |

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|  | <p>BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; [ STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; ] PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, [ PREPAID TELEPHONE CALLING CARD SERVICES, ] CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; [ PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE ] AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET</p> |
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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3356410  | Application Date      | 08/17/2006 |
| Registration Date     | 12/18/2007   | Foreign Priority Date | NONE       |
| Word Mark             | NONE   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | <p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 FINANCIAL SERVICES, NAMELY, [ BANKING AND CREDIT SERVICES; ] PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, [ PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; ] BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A</p> |                       |            |

COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; [ ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; ] THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; [ ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; ] VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; [ STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; ] PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, [ PREPAID TELEPHONE CALLING CARD SERVICES, ] CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; [ PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE ] AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3365851   | Application Date      | 08/10/2006 |
| Registration Date     | 01/08/2008  | Foreign Priority Date | NONE       |
| Word Mark             | NONE  |                       |            |
| Design Mark           |  |                       |            |
| Description of        | NONE  |                       |            |

|                |   |
|----------------|---|
| Mark           |   |
| Goods/Services | Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3597490    | Application Date      | 02/29/2008 |
| Registration Date     | 03/31/2009 | Foreign Priority Date | NONE       |

|           |                    |
|-----------|--------------------|
| Word Mark | MASTERCARD PAYPASS |
|-----------|--------------------|

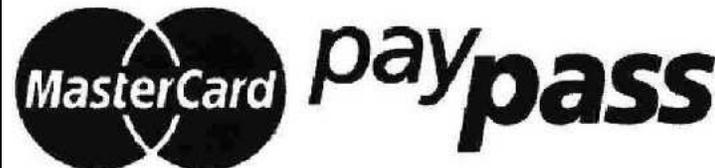
|             |   |
|-------------|---|
| Design Mark |  The design mark shows the MasterCard logo (two interlocking circles with horizontal lines) in a faded, light gray color, with the word "paypass" in a lowercase, sans-serif font below it, also in a faded, light gray color. |
|-------------|---|

|                     |  |
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| Description of Mark | The mark consists of a design composed of the word "MasterCard" superimposed across two interlocking circles with horizontal lines in the portion of the circles that interlock, with the word "Paypass" below the circles design. |
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|----------------|---|
| Goods/Services | Class 036. First use: First Use: 2002/12/00 First Use In Commerce: 2002/12/00 Financial services, namely, banking services and credit card services; providing credit card and debit card services; advice relating to all the aforesaid services |
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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3736694    | Application Date      | 06/10/2009 |
| Registration Date     | 01/12/2010 | Foreign Priority Date | NONE       |

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|-----------|--------------------|
| Word Mark | MASTERCARD PAYPASS |
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| Design Mark |  The design mark shows the MasterCard logo (two interlocking circles with horizontal lines) in black, with the word "paypass" in a lowercase, bold, sans-serif font to the right of the circles, also in black. |
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| Description of Mark | The mark consists of the word "MasterCard" superimposed across two interlocking circles with the word "paypass" to the right of the design all of which is depicted on a rectangular background. |
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| Goods/Services | Class 036. First use: First Use: 2002/12/02 First Use In Commerce: 2002/12/02 Financial services, namely, providing credit card and debit card services, and advice relating to all the aforesaid services |
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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3376085    | Application Date      | 08/09/2006 |
| Registration Date     | 01/29/2008 | Foreign Priority Date | NONE       |

|           |                      |
|-----------|----------------------|
| Word Mark | MASTERCARD WORLDWIDE |
|-----------|----------------------|

|                     |   |  |  |
|---------------------|---|--|--|
| Design Mark         |  <p><b>MasterCard</b><br/>Worldwide</p>  |  |  |
| Description of Mark | NONE  |  |  |
| Goods/Services      | Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions |  |  |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3832315   | Application Date      | 08/10/2007 |
| Registration Date     | 08/10/2010  | Foreign Priority Date | NONE       |
| Word Mark             | PRICELESS.COM MASTERCARD YOUR DAILY GUIDE TO LIFE'S ADVENTURES  |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | The mark consists of the word "PRICELESS" in black letters above ".COM" in gray letters, the word "MASTERCARD" in white letters is superimposed across a two circle design, with the left circle in red and the right circle in yellow orange, and the words "YOUR DAILY GUIDE TO LIFE'S ADVENTURES" in black letters below the design. |                       |            |
| Goods/Services        | Class 036. First use: First Use: 2006/11/30 First Use In Commerce: 2006/11/30 Financial services, namely, payment card services; credit card and debit card services; electronic payments services, namely, transaction authorization and settlement services   |                       |            |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3832316  | Application Date      | 08/10/2007 |
| Registration Date     | 08/10/2010   | Foreign Priority Date | NONE       |
| Word Mark             | PRICELESS.COM MASTERCARD YOUR DAILY GUIDE TO LIFE'S ADVENTURES |                       |            |

|                     |  |  |  |
|---------------------|--|--|--|
| Design Mark         |    |  |  |
| Description of Mark | <p>The mark consists of the word "PRICELESS" in black letters above ".COM" in grayletters, the word "MASTERCARD" in whiteletters is superimposed across a two circle design, with the left circle in redand the right circle in yellow orange, and the words "YOUR DAILY GUIDE TO LIFE'S ADVENTURES" in black letters below the design.</p>      |  |  |
| Goods/Services      | <p>Class 035. First use: First Use: 2006/11/30 First Use In Commerce: 2006/11/30 Promoting the goods and services of others by means of coupons, discounts, advertisements, incentives generated in connection with the use of credit and debit cards, electronic links to merchant and retailer web sites, and through promotional contests</p> |  |  |

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| U.S. Registration No. | 3715809    | Application Date      | 08/08/2007 |
| Registration Date     | 11/24/2009 | Foreign Priority Date | NONE       |

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| Word Mark | MASTERCARD EASY SAVINGS |  |  |
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| Design Mark |  |  |  |
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| Description of Mark | <p>The mark consists of the word "MASTERCARD" in white superimposed across a red and yellow interlocking circles design with the words "EASY SAVINGS" reproduced below with the word "EASY" in red type and the word "SAVINGS" in yellow type all of which is printed on the design of a black piggy bank with white eyes, and with the bank outlined in gray.</p> |  |  |
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| Goods/Services | <p>Class 036. First use: First Use: 2007/10/00 First Use In Commerce: 2007/10/00 FINANCIAL SERVICES, NAMELY, PROVIDING CREDIT CARD AND DEBIT CARD SERVICES</p> |  |  |
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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3835171    | Application Date      | 02/04/2008 |
| Registration Date     | 08/17/2010 | Foreign Priority Date | NONE       |

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|-----------|----------------------|--|--|
| Word Mark | MASTERCARD WORLDWIDE |  |  |
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| Design Mark         |  <p>The logo features three overlapping circles in shades of gray above the text "MasterCard Worldwide" in a bold, sans-serif font.</p>  |
| Description of Mark | <p>The mark consists of intersecting circles above the wording "MASTERCARD WORLDWIDE".</p>   |
| Goods/Services      | <p>Class 009. First use: First Use: 0 First Use In Commerce: 0<br/> Blank magnetic data carriers, data processing equipment; computer software for the development, maintenance and use of local and wide area computer networks, for facilitating payment transactions by electronic means and for secure data storage and retrieval and transmission of confidential customer information used by individuals, banking and financial institutions; electronic apparatus for recording, transmitting and reproducing data comprising sound and images; electronic apparatus and computer software for searching, managing and analyzing financial accounts using a global computer network; downloadable electronic publications in the field of banking and finance, computer hardware and software for facilitating electronic payment transactions; computer hardware and software for encoding using encoding keys, digital certificates and digital signatures; computer software for guaranteeing data storage and transmission of confidential customer information, carried out by physical persons and banking and financial institutions; encoded magnetic cards and cards containing an integrated circuit chip, namely, containing a blank smart card; bank cards, namely, bank cards with magnetic memories and integrated circuit memories; electronic data media cards, coded magnetic card readers, readers for electronic data media cards; computer software designed for use in the telecommunications, banking, finance and insurance industry; computer software designed to enable smart cards to interact with terminals and readers; computer chips embedded in telephones; telecommunications equipment, namely, radio frequency identification devices, namely, transponders; point of sale transaction terminals and software for transmitting, displaying and storing transactions, identifications and financial information for use in the financial services, banking and telecommunications sectors; electronic verification apparatus for verifying electronically the authenticity of purchase cards, bank cards, credit cards, debit cards and payment cards, cash withdrawal machines, namely, automated teller machines (ATM)</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0<br/> Advertising services; business management; business administration; providing office functions; business management assistance services for industrial and commercial enterprises; business appraisals; advisory services in connection with business management; marketing research services; conducting marketing studies; providing business statistical information; preparation of statements of financial accounts; bookkeeping; public relations; publication of advertising texts; publication of advertising leaflets; computerized database management</p> <p>Class 036. First use: First Use: 0 First Use In Commerce: 0<br/> Insurance services, namely, travel insurance; financial services, namely, banking and credit services; services of credit, debit, purchasing, cash payment and prepayment cards; financial services relating to payment of bills; automated teller machine services; processing of cardholder financial credit, debit, purchasing, stored value and/or prepaid card transactions both online via a computer database or through telecommunications and at points of sale; services for pro-</p> |

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|  | <p>cessing services for financial transactions carried out by cardholders through automated teller machines; provision of financial account details, namely, cash balances, deposits and withdrawals to cardholders through automatic teller machines; financial settlement and authorization services, namely, the settling of international and commercial transactions through obtaining the proceeds of a sale in cash in exchange for formal debt instructions; financial account settlement services, namely, the settling of international and commercial transactions through obtaining the proceeds of a sale in cash or in exchange for formal debt instructions; electronic funds transfer and foreign exchange services; providing financial information over the internet and other computer networks; financial services for facilitating the use of electronic payments, namely, electronic processing and transmission of electronic wallets, transactions and data; foreign currency transfers; electronic payment services, namely, electronic processing and transmission of bill payment data; cardholder financial authorization and debt settlement services; offer of debit and credit transaction services by means of radio frequency identification devices and transponders; provision of debit and credit transaction services by means of communication and telecommunications devices; cheque verification services; issue and redemption services, all in connection with travellers' cheques and travel vouchers; provision of financial support services, namely, payment services to retail services provided online, via networks or other electronic media using electronically digitized data; services for exchanging securities, namely, the secure exchange of securities, namely, payment in electronic cash via computer networks accessible by smart cards; online banking services</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0</p> <p>Electronic data transmission using a global data processing network via the Internet; telecommunication services for transmitting data from a data bank stored on computers or on the Internet; data transmission using electronic image processing by means of a telephone link; provision of access to a global computer network for processing debit or credit transactions over a telephone link or other telecommunication means; electronic mail services, namely, receiving and sending messages; providing access, for multiple users, to databases for a wide range of information in the financial services sector; rental of access time to global computer networks; broadcasting services via all means of telecommunication, namely, radio, television, cable, satellite, the Internet or mobile devices</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>Scientific and technological services, namely, the design and development of computer hardware and software and research and design services relating thereto; computer services, namely, application service provider, namely, providing on-line electronic databases via a global computer network concerning secure communications, data encryption and decryption, local area network security and financial information data decryption</p> |
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|-----------------------|------------------------|-----------------------|------------|
| U.S. Registration No. | 4056005                | Application Date      | 03/31/2011 |
| Registration Date     | 11/15/2011             | Foreign Priority Date | NONE       |
| Word Mark             | MASTERCARD MARKETPLACE |                       |            |



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| Description of Mark | <p>The mark consists of the word "MASTERCARD" in white letters outlined in black with initial capitals for the letters "M" and "C" is superimposed across a red and yellow-orange interlocking circle design. This design mark is centrally positioned within the outline of a shopping cart which is yellow-orange in color. The word "MARKETPLACE" in red letters appears below the shopping cart design.</p> |
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| Goods/Services | <p>Class 035. First use: First Use: 2010/04/12 First Use In Commerce: 2010/04/12 Promoting the goods and services of others by means of discounts, advertisements, incentives and rebates generated in connection with the use of credit and debit cards, electronic links to merchant and retailer web sites, and through promotional contests; promoting the usage of credit and debit cards through marketing offers and cardholder incentives</p> <p>Class 036. First use: First Use: 2010/04/12 First Use In Commerce: 2010/04/12 Financial services, namely, providing credit card and debit card services; financial transaction authorization and settlement services; provision of financial information processing services by means of a global computer network or the internet</p> |
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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 4146650    | Application Date      | 10/06/2011 |
| Registration Date     | 05/22/2012 | Foreign Priority Date | NONE       |

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| Word Mark | MASTERCARD |
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| Description of Mark | <p>The mark consists of the representation of two people who are dark green in color with a white arrow outlined in dark green pointing from the representation of a person on the left to the representation of a person on the right. Centered below this image is the "MasterCard" brand mark which is the word "MasterCard" in white letters and highlighted in black superimposed across two interlocking circles - the circle on the left is red and the circle on the right is yellow with horizontal lines in the portion of the circles that interlock all of the above positioned against a background that is light green in color. The four corners of the background are in dark green.</p> |
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| Goods/Services | Class 036. First use: First Use: 2011/02/03 First Use In Commerce: 2011/02/03 |
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|  | Financial services, namely, payment services in the nature of money transfers provided by means of a wireless connection to a global computer network; electronic payment services for personal banking in the nature of electronic funds transfer and clearing and reconciliation of financial transactions via a wireless connection to a global computer network; person-to-person and person-to-business money transfer and payment services transacted by means of a wireless connection to a global computer network; electronic transfer of money from customer to customer; financial services in the nature of money transfer provided by means of a wireless connection to a global computer network or the Internet |
|--|--|

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|-------------|--|
| Attachments | 73256484#TMSN.gif( bytes )<br>73294257#TMSN.gif( bytes )<br>73392883#TMSN.gif( bytes )<br>74215678#TMSN.gif( bytes )<br>74140100#TMSN.gif( bytes )<br>74024596#TMSN.gif( bytes )<br>74350765#TMSN.gif( bytes )<br>74644110#TMSN.gif( bytes )<br>75095085#TMSN.gif( bytes )<br>74353604#TMSN.gif( bytes )<br>75278277#TMSN.gif( bytes )<br>78948646#TMSN.jpeg( bytes )<br>78949716#TMSN.jpeg( bytes )<br>78954545#TMSN.jpeg( bytes )<br>78954605#TMSN.jpeg( bytes )<br>78954618#TMSN.jpeg( bytes )<br>78954627#TMSN.jpeg( bytes )<br>78949725#TMSN.jpeg( bytes )<br>77410016#TMSN.jpeg( bytes )<br>77756598#TMSN.jpeg( bytes )<br>78948678#TMSN.jpeg( bytes )<br>77252423#TMSN.jpeg( bytes )<br>77252445#TMSN.jpeg( bytes )<br>77250157#TMSN.jpeg( bytes )<br>79064053#TMSN.jpeg( bytes )<br>85282336#TMSN.jpeg( bytes )<br>85440677#TMSN.jpeg( bytes )<br>MasterCard - Notice of Opposition -BOOKER and Design.pdf(31001 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 | /Robert M. Wasnofski, Jr./ |
| Name      | Robert M. Wasnofski, Jr.   |
| Date      | 06/02/2014                 |

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

**IN THE MATTER OF APPLICATION**

Mark: BOOKER & Design  
Applicant: Booker Software, Inc.  
Serial Nos.: 85/812,840  
Filed: December 31, 2012  
Published in  
the **Official Gazette**: December 3, 2013

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MASTERCARD INTERNATIONAL :  
INCORPORATED, :

Opposer,

Opposition No. \_\_\_\_,\_\_

v.

BOOKER SOFTWARE, INC., :

Applicant. :

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**NOTICE OF OPPOSITION**

MasterCard International Incorporated, a Delaware corporation located and doing business at 2000 Purchase Street, Purchase, New York 10577-2509 (hereinafter referred to as “Opposer”), believes that it will be damaged by the registration of application Serial No. 85/812,840, filed on December 31, 2012, by Booker Software, Inc. (hereinafter referred to as “Applicant”) for BOOKER & Design (hereinafter “Alleged Mark”) and, having previously been granted extensions of time to oppose, hereby opposes same.

The specific grounds for this opposition are as follows:

1. Opposer is an incorporated association of banks and other domestic and foreign financial institutions whose purpose is, inter alia, to facilitate various financial services transactions, including the interchange of funds through payment cards, on a worldwide basis.

Among the many services Opposer offers are banking services, credit card and payment card services, electronic funds and currency transfer services, electronic payment services, and transaction authorization and settlement services. To facilitate financial service transactions and the exchange of funds and financial information, Opposer utilizes various software and hardware products.

2. Opposer has been in the payment card business since 1966 and has become well and favorably known to members of the public, as well as to members of the banking and financial services community, as a leader in the payment card field. Since 1966, Opposer has used a prominent design, namely, the famous “Interlocking Circles” device, to identify its various products and services. Opposer initially owned and administered the celebrated MASTER CHARGE payment card program, but since 1980 has owned and administered the MASTERCARD payment card program. There are over 1 billion MASTERCARD payment cards in circulation worldwide. Approximately one-third of which are currently in circulation in the United States. Opposer’s MASTERCARD payment cards are accepted at approximately 33 million locations, including ATMs, merchants and cash advance locations, and trillions of dollars worth of purchases or cash advances were transacted over each of the last several years using a payment card at the point of sale bearing the MASTERCARD and “Interlocking Circles” device marks. Each retail establishment, ATM and cash advance location which accepts Opposer’s payment cards is required to post decals bearing the MASTERCARD and “Interlocking Circles” device marks at the point of sale. During each of the last 3 years alone, Opposer has expended in excess of \$700,000,000 in advertising and promoting its products and services in connection with the MASTERCARD and “Interlocking Circles” device marks and variants thereof.

3. Each and every MASTER CHARGE and MASTERCARD payment card that has ever been issued and virtually all advertising therefore has borne Opposer's famous and highly distinctive "Interlocking Circles" device. Opposer also makes frequent use of interlocking circles devices that consist of variants of its famous "Interlocking Circles" device.

4. As a result of enormous advertising, promotion, card usage, point of sale signage and other extensive usage, the "Interlocking Circles" device has become one of the most renowned brands in the United States and represents an asset of enormous goodwill of inestimable value to Opposer.

5. In addition to its common law rights in its "Interlocking Circles" device, Opposer is also the owner of numerous federal registrations that consist of or incorporate the "Interlocking Circles" device or a variant, including:

| <b><u>Mark</u></b>  | <b><u>U.S. Reg. No.</u></b> |
|---|-----------------------------|
| MASTERCARD and Interlocking Circles Design                  | 1,257,853                   |
| MASTERCARD TRAVELERS CHEQUE and Interlocking Circles Design | 1,270,220                   |
| MASTERCARD TRAVELERS CHEQUE and Interlocking Circles Design | 1,285,549                   |
| Interlocking Circles Design                                 | 1,723,718                   |
| Interlocking Circles Globe Hologram Design                  | 1,738,276                   |
| MASTERCARD and Interlocking Circles Design                  | 1,814,279                   |
| MASTERCARD and Interlocking Circles Design                  | 1,890,786                   |
| Interlocking Circles Design                                 | 2,038,134                   |
| MASTERCARD and Interlocking Circles Design                  | 2,077,221                   |
| MASTERCARD and Interlocking Circles Design                  | 2,168,736                   |
| MASTERCARD CORPORATE and Interlocking Circles Design        | 2,212,340                   |
| MASTERCARD WORLDWIDE and Three Interlocking Circles Design  | 3,352,378                   |
| Interlocking Circles Design                                 | 3,356,377                   |
| MASTERCARD WORLDWIDE and Interlocking Circles Design        | 3,356,407                   |
| MASTERCARD WORLDWIDE and Interlocking Circles Design        | 3,356,408                   |
| Interlocking Circles Design                                 | 3,356,409                   |
| Interlocking Circles Design                                 | 3,356,410                   |

| <u>Mark</u>  | <u>U.S. Reg. No.</u> |
|--|----------------------|
| Interlocking Circles Design  | 3,365,851            |
| MASTERCARD PAYPASS and Interlocking Circles Design   | 3,597,490            |
| MASTERCARD PAYPASS and Interlocking Circles Design   | 3,736,694            |
| MASTERCARD WORLDWIDE and Interlocking Circles Design   | 3,376,085            |
| PRICELESS.COM MASTERCARD YOUR DAILY GUIDE TO LIFE'S ADVENTURES and Interlocking Circles Design | 3,832,315            |
| PRICELESS.COM MASTERCARD YOUR DAILY GUIDE TO LIFE'S ADVENTURES and Interlocking Circles Design | 3,832,316            |
| MASTERCARD EASY SAVINGS and Interlocking Circles Design  | 3,715,809            |
| MASTERCARD WORLDWIDE and Three Interlocking Circles Design                                     | 3,835,171            |
| MASTERCARD MARKETPLACE and Interlocking Circles Design   | 4,056,005            |
| MASTERCARD and Interlocking Circles Design   | 4,146,650            |

Many of the registrations referenced herein are incontestable pursuant to 15 U.S.C. § 1065.

6. Opposer has used its “Interlocking Circles” device since long prior to the filing date of the opposed application and, upon information and belief, prior to use of the Alleged Mark in interstate commerce by Applicant.

7. Opposer’s “Interlocking Circles” device is distinctive and became famous long prior to the filing of the opposed application and upon information and belief, long prior to use of the Alleged Mark in interstate commerce by Applicant.

8. Over the years, in addition to being used and registered in regards to the promotion of MasterCard’s payment card program, MasterCard has used and registered the “Interlocking Circles” device in regards to various products and services, including, point-of-sale transaction terminals; computer software for transmitting, displaying and storing transaction, identification and financial information; and application service provider services in the nature of providing on-line electronic databases via a global computer network concerning secure communications, data encryption and decryption.

9. As a result of the long, extensive and widespread use, advertising and registration of the “Interlocking Circles” device and variants thereof in association with Opposer’s various services and products, consumers have become accustomed to associate marks that consist of or include a prominent interlocking or overlapping circles device with Opposer.

10. By Application Serial No. 85/812,840, Applicant seeks to register the Alleged Mark in regards to “Providing temporary use of online non-downloadable software for use in scheduling and management of reservations for customers, point-of-sale solutions for floor and management staff, inventory management, customer relationship management, social media integration, management of employees schedules, creating reports, creating and providing gift certificates, coupons and promotional specials, and managing discount programs; application service provider services in the nature of an online appointment book and an online reservation system; application service provider services in the nature of tools for managing customer records and profiles, as well as a real-time dashboard for tracking total appointments and revenue, top customers and conversion rates; application service provider services in the nature of tools for developing, broadcasting and tracking promotions as well as tracking inbound customers to determine the effectiveness of the promotions” in International Class 42.

11. The Alleged Mark so resembles Opposer’s aforementioned previously used and registered “Interlocking Circles” device to be likely, when used in connection with Applicant’s services, to cause confusion, to cause mistake, or to deceive, with consequent injury to Opposer and the public.

12. Specifically, and without limitation, the marketing and sale of Applicant’s aforementioned services under the Alleged Mark is likely to cause consumers to believe that Applicant’s services are those of Opposer, that Applicant’s services are connected with the services and products of Opposer, and/or that Applicant is somehow related to or sponsored by



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

**IN THE MATTER OF APPLICATION**

Mark: BOOKER & Design  
Applicant: Booker Software, Inc.  
Serial Nos.: 85/812,840  
Filed: December 31, 2012  
Published in  
the **Official Gazette**: December 3, 2013

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MASTERCARD INTERNATIONAL :  
INCORPORATED, :

Opposer,

Opposition No. \_\_\_\_,\_\_

v.

BOOKER SOFTWARE, INC., :

Applicant. :

\_\_\_\_\_X

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Notice of Opposition is being served upon the Applicant  
by mailing a true copy thereof by first class mail, postage prepaid, addressed to:

MARK LERNER  
SATTERLEE STEPHENS BURKE & BURKE LLP  
230 PARK AVE RM 1130  
NEW YORK, NY 10169-0079

on June 2, 2014

\_\_\_\_\_  
/jg/  
Joelle Guarino