

ESTTA Tracking number: **ESTTA651020**

Filing date: **01/20/2015**

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	PETERSON'S NELNET, LLC.
Granted to Date of previous extension	01/18/2015
Address	121 South 13th Street Lincoln, NE 68508 UNITED STATES

Attorney information	Benjamin A. Costa Ridder, Costa & Johnstone LLP 12 Geary Street Suite 701 San Francisco, CA 94108 UNITED STATES trademark@rcjlawgroup.com
----------------------	--

Applicant Information

Application No	86188994	Publication date	07/22/2014
Opposition Filing Date	01/20/2015	Opposition Period Ends	01/18/2015
Applicant	Sylvan Learning, Inc. 1001 Fleet Street Baltimore, MD 21202 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Portable electronic and wireless apparatus for displaying, receiving, reading, interacting and storing downloadable electronic publications, namely, books, e-books, magazines, newspapers, text, images, digital web site content, educational-games and instructional computer applications, collaboration software, and digital media featuring Pre-K through grade 12 course content, and entry level college course content through wired and wireless Internet access; downloadable electronic publications, namely, electronic educational course books in the field of general Pre-K through grade 12 education and entry level college courses, textbooks in the field of general Pre-K through grade 12 education and entry level college courses, books featuring teaching information in the field of general Pre-K through grade 12 education and entry level college courses, study guides for students, student workbooks, in the field of general Pre-K through grade 12 education and entry level college courses, workbooks featuring educational games, workbooks featuring student test materials in the field of Pre-K through grade 12 education and entry level college courses, and books featuring materials for assessing student abilities and performance in the fields of Pre-K through grade 12 educational courses and entry level college courses; instructional computer applications, namely, software and downloadable software featuring instructional content regarding the operation of web-based learning computer software, hardware and technology; computer hardware and communications software for connecting computer network users for use in the

field of online and web-based learning; computer software for assessing student performance, managing and reporting on student assignments and student progress and facilitating online communications for providing online assessments for web-based learning; computer hardware and software for use in on-line and in-classroom learning courses and programs featuring educational tools in the nature of videos, for course management, and featuring content and materials, namely, course materials, course and lesson outlines, homework assignments, course lessons, test and quizzes and grade books, at the primary, secondary, and college education levels; software for use in on-line and in-classroom learning courses and programs that allows students and teachers and parents to communicate with one another via the Internet and other computer and communication networks; computer software for tracking and assessing student achievement, and for providing on-line tutoring services; interactive multimedia educational systems for children comprised of handheld electronic devices in the nature of handheld or tablet computers, wireless communication devices for voice, data or image transmission and educational software featuring instruction in the area of Pre-K through grade 12 education and entry level college courses for use in on-line and in-classroom learning courses and programs

Class 016. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Printed materials, namely, books in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; textbooks in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; printed teaching materials in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; study guides for students, student workbooks in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; workbooks featuring student test materials in the field of Pre-K through entry level college courses, and textbooks featuring materials for assessing student abilities and performance in the field of Pre-K through entry level college courses; printed educational publications, namely, books featuring educational texts, workbooks and instructional manuals in the field of general Pre-K through grade 12 education and entry level college courses, for diagnostic and prescriptive, individualized and personalized instruction offering supplemental education for individuals, small groups and classes; printed materials, namely, books, educational texts, textbooks, printed tests and testing materials, all for children Pre-K through grade 12 and for entry level college courses, and all in the areas of reading, mathematics, writing, science, social studies, foreign languages, study skills and test preparation

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Educational services, namely, providing live and online classes and tutoring programs offered at the Pre-K through grade 12 level and at the entry level college course level; diagnostic and prescriptive, individualized and personalized instruction techniques offered to individuals, small groups or classes in the areas of reading, writing, mathematics, study skills, science, social studies, and foreign languages and test preparation services in the field of general Pre-K through grade 12 education; educational services and online educational services, namely, providing entry level college courses; non-downloadable electronic publications, namely, electronic educational textbooks and course material in the nature of journals, pamphlets, newsletters written articles, and informational brochures all in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; non-downloadable electronic publications, namely, electronic educational course books in the field of general Pre-K through grade 12 education and entry level college courses, books featuring teaching information in the area of general Pre-K through grade 12 education and entry level college courses, study guides for students and student workbooks in the field of general Pre-K through grade 12 education and entry level college courses, books featuring student test materials in the field of general Pre-K through grade 12 education and entry level college courses, and online tests featuring materials for assessing student abilities and performance. educational services delivered via on-line programs, namely, in-classroom instruction or a combination of on-line and in-classroom instruction at the Pre-K through grade 12 levels, and at the entry level college course level; education services for students in Pre-kindergarten through college, namely, providing live and on-line tutoring and instruction, educational assessments, diagnostic reading, math, science, social studies, and foreign languages assessments, student progress monitoring, preparation for standardized testing, and preparation for school entrance exams; educational services, namely, conducting and monitoring interactive lessons and student tutorials via the Internet for grades K-12 and for entry level college courses; educational testing and monitoring, namely, tracking and assessment of student progress on

interactive lessons and student tutorials via the Internet for grades K-12 and entry level college courses; consulting services to parents and teachers of students in the field of K-12 education and at the entry level college course level, namely, consulting regarding the development of individual educational needs; educational services, namely, developing, arranging, assessing and conducting educational programs in the field of general education at the K-12 grade levels and at the entry level college course level via a global computer network; educational services provided in person and via the Internet, namely, providing learning progress data and curriculum information to parents and caregivers regarding their children's educational progress; providing an educational online web portal featuring educational services in the nature of courses of instruction and assessment of student abilities and performance at the Pre-K through entry level college course levels

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2490568	Application Date	08/21/2000
Registration Date	09/18/2001	Foreign Priority Date	NONE
Word Mark	ESSAY EDGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 Editing written communications for academic and business customers		

U.S. Registration No.	4520775	Application Date	08/06/2013
Registration Date	04/29/2014	Foreign Priority Date	NONE
Word Mark	RESUMEEDGE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 035. First use: First Use: 2001/01/01 First Use In Commerce: 2001/01/01 Resume and cover letter editing and writing services for academic and business customers via the internet
----------------	--

U.S. Registration No.	3542644	Application Date	09/25/2007
Registration Date	12/09/2008	Foreign Priority Date	NONE

Word Mark	STUDENTEDGE
-----------	-------------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 041. First use: First Use: 2007/06/28 First Use In Commerce: 2007/06/28 Providing online resources designed to help individuals planning for their education and career, namely, providing online career counseling, providing an interactive website featuring educational information and test questions in the field of Biology, Calculus, Chemistry, English Language and Composition, English Literature and Composition, European History, Government and Politics, Macroeconomics, Microeconomics, Physics, Psychology, Spanish, Statistics, US History, World History, Critical Reading, Grammar, Essay Writing; providing online information regarding academic and professional preparation and planning, test preparation services, and college admissions consultation services
----------------	--

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	COMPETITIVEEDGE		
Goods/Services	printed guidebooks intended to assist students in selecting post-graduate degree programs		

Related Proceedings	Opposer will file notices of opposition for the following Applications: MATH EDGE (86188991), WRITING EDGE (86188994), PREP EDGE (86213385), and HOMEWORK EDGE (86213343).
---------------------	--

Attachments	76114244#TMSN.png(bytes) 86030736#TMSN.png(bytes) 77288108#TMSN.png(bytes) 2015-01-20-Notice-of-Opposition-WRITING EDGE.pdf(562344 bytes)
-------------	---

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	/bc/
Name	Benjamin A. Costa
Date	01/20/2015

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

Peterson's Nelnet, LLC,

Opposer,

v.

Sylvan Learning, Inc.,

Applicant

Opposition No. _____

Mark: **WRITING EDGE**

Application Serial No.: 86188994

NOTICE OF OPPOSITION

Opposer Peterson's Nelnet, LLC, ("Peterson's"), a Nebraska limited liability company that maintains its principal place of business at 121 South 13th Street, Lincoln, NE 68508, believes that it will be damaged by registration of the trademark WRITING EDGE (Application Serial No. 86188994, published in *Official Gazette* July 22, 2014) (the "Application"), in connection with goods and services in International Classes 009, 016, and 041, as set forth in the Application filed by Sylvan Learning, Inc. ("Sylvan Learning"), and hereby opposes the Application.

This Opposition is timely filed. The U.S. Trademark Trial and Appeal Board ("TTAB") extended the deadlines for both (i) National Education Loan Network, Inc., and (ii) Opposer Peterson's Nelnet, LLC, to oppose the WRITING EDGE Application until Sunday, January 18, 2015.¹ Monday, January 19, 2015, is the federally designated Martin Luther King Jr. Day holiday. Accordingly, this Opposition is timely filed on Tuesday, January 20, 2015. 37 C.F.R. § 2.196.

¹ Specifically, the TTAB issued orders on November 7, 2014, extending the time to oppose Application Serial No. 86188994 (for WRITING EDGE) until January 18, 2015.

Opposer Peterson's and its Goods and Services.

1. For nearly fifty years, Opposer Peterson's and its predecessors in interest have been premier providers of a wide variety of goods and services marketed to parents, students, educators, schools and universities, and others in the educational and academic markets. Since 1966, Opposer Peterson's and its predecessors in interest have offered (*inter alia*) test preparation assistance, school searches, financial aid searches, career exploration tools, and professional writing goods services to consumers under a varied assortment of trademarks.

2. Opposer Peterson's markets its goods and services throughout the United States and in many foreign jurisdictions, and provides access to many of its goods and services via its universally accessible <http://www.petersons.com>, <http://www.petersonspublishing.com>, and <http://www.petersonsbooks.com> websites, among other means.

Opposer Peterson's Prior Rights to EDGE-formative Trademarks.

3. For well over a decade, since long before the filing date of the WRITING EDGE Application, Opposer Peterson's has offered a wide variety of goods and services under a collection of EDGE-formative trademarks.

4. Since at least as early as 2000, and continuing to the present, Opposer Peterson's has made use in commerce of its ESSAY EDGE trademark in connection with, *inter alia*, academic and scholastic admissions essay editing and proofreading services. In recognition of this longtime use, Opposer Peterson's has also sought and received federal trademark protection for its ESSAY EDGE trademark. See U.S. Trademark Reg. No. 2490568; a true and correct copy of the USPTO's TSDR Status page for Opposer

Peterson's ESSAY EDGE trademark registration has been attached hereto as Exhibit A. Opposer Peterson's ESSAY EDGE trademark was granted incontestable status in 2007. Id. Opposer Peterson's ESSAY EDGE trademark registration is valid, subsisting, uncancelled, and unrevoked.

5. Since at least as early as 2001, and continuing to the present, Opposer Peterson's and its affiliate National Education Loan Network, Inc., have made use in commerce of the RESUMEEDGE trademark in connection with, *inter alia*, resume and cover letter editing and writing services for academic customers. In recognition of this longtime use, Opposer Peterson's affiliate National Education Loan Network, Inc., has also sought and received federal trademark protection for the RESUMEEDGE trademark. See U.S.

Trademark Reg. No. 4520775; a true and correct copy of the USPTO's TSDR Status page for the RESUMEEDGE trademark registration has been attached hereto as Exhibit B.²

The RESUMEEDGE trademark registration is valid, subsisting, uncancelled, and unrevoked.

6. Since at least as early as 2007, Opposer Peterson's has made use in commerce of its STUDENTEDGE trademark in connection with, *inter alia*, online resources designed

² The USPTO's TSDR Status page for the RESUMEEDGE registration lists its owner as National Education Loan Network, Inc. Both that entity and Opposer Peterson's Nelnet, LLC, are wholly owned subsidiaries of Nelnet, Inc. All three entities maintain a business address at 121 South 13th Street, Lincoln, NE 68508. Opposer Peterson's is the Nelnet, Inc., subsidiary tasked with assigning personnel to the RESUMEEDGE good and service offerings, directing the sales and marketing of those offerings and use of the RESUMEEDGE trademark overall, protecting trademark rights in and to the RESUMEEDGE mark, and allocating funds from its budget for those purposes; (i) Opposer Peterson's Nelnet, LLC, (ii) National Education Loan Network, Inc., and (iii) Nelnet, Inc., are each represented by identical trademark counsel, Ridder, Costa & Johnstone LLP. Opposer Peterson's derives economic benefit from use of the registered RESUMEEDGE trademark. Opposer Peterson's would suffer economic loss if the Application is allowed to register.

to help individuals planning for their education and career, online career counseling, and providing educational information and test questions in the field of Biology, Calculus, Chemistry, English Language and Composition, English Literature and Composition, European History, Government and Politics, Macroeconomics, Microeconomics, Physics, Psychology, Spanish, Statistics, US History, World History, Critical Reading, Grammar, and Essay Writing. Opposer Peterson's has also made use of its STUDENTEDGE trademark in connection with offering online information regarding academic and professional preparation and planning, test preparation services, and college admissions consultation services. In recognition of this longtime use, Opposer Peterson's has also sought and received federal trademark protection for its STUDENTEDGE trademark. See U.S. Trademark Reg. No. 3542644; a true and correct copy of the USPTO's TSDR Status page for Opposer Peterson's STUDENTEDGE trademark registration has been attached hereto as Exhibit C. Opposer Peterson's STUDENTEDGE trademark registration is valid, subsisting, uncancelled, and unrevoked.³

7. Opposer Peterson's also owns common law rights in and to its unregistered COMPETITIVEEDGE trademark. Since at least as early as 2012, and continuing to the present, Opposer Peterson's has made use in commerce of its unregistered COMPETITIVEEDGE trademark in connection with, *inter alia*, printed guidebooks intended to assist students in selecting post-graduate degree programs.

8. Opposer Peterson's also makes extensive and continuing use in commerce of other EDGE-formative trademarks through strategic affiliations it forms with third

³ Opposer Peterson's temporarily discontinued its STUDENTEDGE offering in 2014; it intends to resume that use with an updated offering in 2015.

parties. For example, Opposer Peterson's has affiliated with third parties that offer general academic test preparation and admissions counseling goods and services under the THE EDGE IN COLLEGE PREP and EDGE PREP LIVE trademarks. These goods and services are made available via the universally accessible <https://edgeincollegeprep.com> and <https://www.tutapoint.com/edgepreplive/petersonsbooks> websites, among other means.

9. In addition to the current uses set forth above, Opposer Peterson's has also in the past made use of the trademark WRITINGLABEDGE, for custom academic writing services, and the trademarks COLLEDGE and COLLEDGE LOANS, for educational loan and financial aid services. See U.S. Trademark Reg. Nos. 3466953, 2346750, and 3027989, respectively.

10. Through its longtime offering of the wide variety of goods and services set forth above under an assortment of EDGE-formative trademarks, Opposer Peterson's has established considerable goodwill in its EDGE-formative trademarks. For example, in 2014 alone, more than 10,000 academic consumers used goods and services bearing Opposer Peterson's ESSAY EDGE trademark; more than 100,000 consumers used goods and services bearing the RESUMEEDGE trademark; and Opposer Peterson's generated over \$2 million dollars in sales of goods and services bearing its many EDGE-formative designations of origin.

11. Since at least as early as the year 2000, and continuing to the present, Opposer Peterson's has expended considerable time, effort, and expense on the creation, development, advertising, promotion, and enforcement of its EDGE-formative trademarks and the goods and services offered in connection therewith.

12. By virtue of their widespread promotion and use, Opposer Peterson’s EDGE-formative trademarks have become strong and well known trademarks for goods and services marketed to parents, students, educators, schools and universities, and others in the educational and academic markets. As a result, for more than ten years, consumers have grown accustomed to seeing such goods and services offered under EDGE-formative designations belonging to Opposer Peterson’s and its partners and affiliates.

Applicant Sylvan Learning and harm to Opposer Peterson’s.

13. Applicant Sylvan Learning is a well-known national provider of goods and services in the educational and academic markets. See <http://www.sylvanlearning.com>.

14. On information and belief, Applicant Sylvan Learning is a Delaware corporation that maintains its principal place of business at 1001 Fleet Street, Baltimore, MD 21202.

15. On February 10, 2014, notwithstanding Opposer Petersons’ prior registrations for and rights in its EDGE-formative trademarks, as set forth above, Applicant Sylvan Learning filed intent-to-use Application Serial No. 86188994 (for WRITING EDGE).

16. Applicant Sylvan Learning’s WRITING EDGE Application recited the following goods and services:

International Class	Goods and Services Recited
009	Portable electronic and wireless apparatus for displaying, receiving, reading, interacting and storing downloadable electronic publications, namely, books, e-books, magazines, newspapers, text, images, digital web site content, educational games and instructional computer applications, collaboration software, and digital media featuring Pre-K through grade 12 course content, and entry level college course content through wired and wireless Internet access; downloadable electronic publications, namely, electronic educational course books in the field of general Pre-K through grade 12 education and entry level college courses, textbooks in the field of general Pre-K through grade 12 education and entry level college courses, books featuring teaching information in the field of general Pre-K through grade 12 education and

	<p>entry level college courses, study guides for students, student workbooks, in the field of general Pre-K through grade 12 education and entry level college courses, workbooks featuring educational games, workbooks featuring student test materials in the field of Pre-K through grade 12 education and entry level college courses, and books featuring materials for assessing student abilities and performance in the fields of Pre-K through grade 12 educational courses and entry level college courses; instructional computer applications, namely, software and downloadable software featuring instructional content regarding the operation of web-based learning computer software, hardware and technology; computer hardware and communications software for connecting computer network users for use in the field of online and web-based learning; computer software for assessing student performance, managing and reporting on student assignments and student progress and facilitating online communications for providing online assessments for web-based learning; computer hardware and software for use in on-line and in-classroom learning courses and programs featuring educational tools in the nature of videos, for course management, and featuring content and materials, namely, course materials, course and lesson outlines, homework assignments, course lessons, test and quizzes and grade books, at the primary, secondary, and college education levels; software for use in on-line and in-classroom learning courses and programs that allows students and teachers and parents to communicate with one another via the Internet and other computer and communication networks; computer software for tracking and assessing student achievement, and for providing on-line tutoring services; interactive multimedia educational systems for children comprised of handheld electronic devices in the nature of handheld or tablet computers, wireless communication devices for voice, data or image transmission and educational software featuring instruction in the area of Pre-K through grade 12 education and entry level college courses for use in on-line and in-classroom learning courses and programs</p>
016	<p>Printed materials, namely, books in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; textbooks in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; printed teaching materials in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; study guides for students, student workbooks in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; workbooks featuring student test materials in the field of Pre-K through entry level college courses, and textbooks featuring materials for assessing student abilities and performance in the field of Pre-K through entry level college courses; printed educational</p>

	<p>publications, namely, books featuring educational texts, workbooks and instructional manuals in the field of general Pre-K through grade 12 education and entry level college courses, for diagnostic and prescriptive, individualized and personalized instruction offering supplemental education for individuals, small groups and classes; printed materials, namely, books, educational texts, textbooks, printed tests and testing materials, all for children Pre-K through grade 12 and for entry level college courses, and all in the areas of reading, mathematics, writing, science, social studies, foreign languages, study skills and test preparation</p>
041	<p>Educational services, namely, providing live and online classes and tutoring programs offered at the Pre-K through grade 12 level and at the entry level college course level; diagnostic and prescriptive, individualized and personalized instruction techniques offered to individuals, small groups or classes in the areas of reading, writing, mathematics, study skills, science, social studies, and foreign languages and test preparation services in the field of general Pre-K through grade 12 education; educational services and online educational services, namely, providing entry level college courses; non-downloadable electronic publications, namely, electronic educational textbooks and course material in the nature of journals, pamphlets, newsletters written articles, and informational brochures all in the field of general Pre-K through grade 12 education and entry level college courses and for use in assessing student abilities and performance; non-downloadable electronic publications, namely, electronic educational course books in the field of general Pre-K through grade 12 education and entry level college courses, books featuring teaching information in the area of general Pre-K through grade 12 education and entry level college courses, study guides for students and student workbooks in the field of general Pre-K through grade 12 education and entry level college courses, books featuring student test materials in the field of general Pre-K through grade 12 education and entry level college courses, and online tests featuring materials for assessing student abilities and performance. educational services delivered via on-line programs, namely, in-classroom instruction or a combination of on-line and in-classroom instruction at the Pre-K through grade 12 levels, and at the entry level college course level; education services for students in Pre-kindergarten through college, namely, providing live and on-line tutoring and instruction, educational assessments, diagnostic reading, math, science, social studies, and foreign languages assessments, student progress monitoring, preparation for standardized testing, and preparation for school entrance exams; educational services, namely, conducting and monitoring interactive lessons and student tutorials via the Internet for grades K-12 and for entry level college courses; educational testing and monitoring, namely, tracking and assessment of student progress on interactive lessons and student tutorials via the Internet for grades K-12</p>

	<p>and entry level college courses; consulting services to parents and teachers of students in the field of K-12 education and at the entry level college course level, namely, consulting regarding the development of individual educational needs; educational services, namely, developing, arranging, assessing and conducting educational programs in the field of general education at the K-12 grade levels and at the entry level college course level via a global computer network; educational services provided in person and via the Internet, namely, providing learning progress data and curriculum information to parents and caregivers regarding their children's educational progress; providing an educational online web portal featuring educational services in the nature of courses of instruction and assessment of student abilities and performance at the Pre-K through entry level college course levels</p>
--	--

Likelihood of Confusion.

17. Applicant Sylvan Learning’s WRITING EDGE trademark – as set forth in its pending Application – is confusingly similar to each of the EDGE-formative trademarks discussed herein, including without limitation the registered ESSAY EDGE, RESUMEEDGE, and STUDENTEDGE trademarks.

18. Applicant Sylvan Learning’s WRITING EDGE trademark – as set forth in its pending Application – is similar in its appearance, sound, connotation, and commercial impression to each of the EDGE-formative trademarks discussed herein, including without limitation the registered ESSAY EDGE, RESUMEEDGE, and STUDENTEDGE trademarks.

19. Each of the EDGE-formative trademarks discussed herein, including without limitation the registered ESSAY EDGE, RESUMEEDGE, and STUDENTEDGE trademarks, is a strong and commercially distinctive trademark, entitled to a broad scope of protection.

20. Applicant Sylvan Learning’s WRITING EDGE Application recites goods and services that are identical, complimentary, or closely related to the goods and services

offered by Opposer Peterson's and its affiliates under each of the EDGE-formative trademarks discussed herein, including without limitation the registered ESSAY EDGE, RESUMEEDGE, and STUDENTEDGE trademarks.

21. On information and belief, the goods and services recited in Applicant Sylvan Learning's WRITING EDGE Application will be marketed and offered through the same channels of trade as the goods and services offered by Opposer Peterson's and its affiliates under each of the EDGE-formative trademarks discussed herein, including without limitation the registered ESSAY EDGE, RESUMEEDGE, and STUDENTEDGE trademarks.

22. On information and belief, the goods and services recited in Applicant Sylvan Learning's WRITING EDGE Application will be marketed and offered to the same class of consumers as the goods and services offered by Opposer Peterson's and its affiliates under each of the EDGE-formative trademarks discussed herein, including without limitation the registered ESSAY EDGE, RESUMEEDGE, and STUDENTEDGE trademarks.

23. Applicant Sylvan Learning's February 10, 2014, filing date for its WRITING EDGE Application is more than ten years after Opposer Peterson's first began to use its EDGE-formative trademarks in commerce.

24. If Applicant Sylvan Learning's WRITING EDGE Application is allowed to register in connection with the goods and services set forth in the Application, it would be likely to cause confusion, deception, and mistake among consumers concerning the origin, source, ownership, or sponsorship of the goods and services offered by Applicant Sylvan Learning (on the one hand) and the goods and services offered by Opposer

Peterson's and its affiliates (on the other hand), in violation of 15 U.S.C. §§ 1052(d), 1114(1), and 1125(a).

25. This confusion among consumers is likely to result in loss of revenue to Opposer Peterson's and damage to the goodwill established by Opposer Peterson's in and to each of the EDGE-formative trademarks discussed herein, including without limitation the registered ESSAY EDGE, RESUMEEDGE, and STUDENTEDGE trademarks.

26. Registration of Applicant Sylvan Learning's WRITING EDGE Application would require Opposer Peterson's to take further legal action to rectify the register.

27. For the reasons set forth above, the registration sought by Applicant Sylvan Learning is contrary to the provisions of Section 2 of the Lanham Act.

WHEREFORE, Opposer Peterson's prays that the Board sustain this Opposition in its favor, and that registration of the mark shown in U.S. Application Serial No. 86188994 (for WRITING EDGE) be refused.

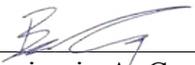
This Notice of Opposition is submitted together with the statutory filing fee of \$900.

Please direct all correspondence relating to this matter to the attorneys for
Opposer Peterson's at the address shown below.

Respectfully Submitted

Dated: January 20, 2015

Opposer Peterson's Nelnet, LLC.

By:  _____
Benjamin A. Costa
Christopher K. Ridder

RIDDER, COSTA & JOHNSTONE LLP
12 Geary Street, Suite 701
San Francisco, CA 94108
Tel: (415) 391.3311
Fax: (415) 358-4975

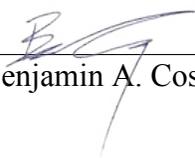
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that the forgoing **NOTICE OF OPPOSITION** was served by U.S. Mail, first class, postage prepaid, on this 20th day of January 2015, on the Applicant's attorney of record at the address listed in the current USPTO records as follows:

Mr. Mark Harrison
Venable LLP
PO BOX 34385
Washington, DC 20043-4385

The forgoing was also served by email to mbharrison@venable.com and trademarkdocket@venable.com.



Benjamin A. Costa

EXHIBIT A

12 Geary Street
Suite 701
San Francisco, CALIFORNIA 94108
UNITED STATES

Phone: (415) 391-3311

Fax: (415) 358-4975

Correspondent e-mail: trademark@rcjlawgroup.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 14, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 20, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Sep. 20, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75184
Sep. 19, 2011	TEAS SECTION 8 & 9 RECEIVED	
Dec. 01, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 01, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 28, 2008	REVIEW OF CORRESPONDENCE COMPLETE	75606
Feb. 21, 2008	PAPER RECEIVED	
Sep. 30, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75184
Sep. 17, 2007	ASSIGNED TO PARALEGAL	75184
Sep. 04, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 04, 2007	TEAS SECTION 8 & 15 RECEIVED	
Jul. 04, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 29, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 29, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 30, 2007	CASE FILE IN TICRS	
Sep. 18, 2001	REGISTERED-PRINCIPAL REGISTER	
Jun. 26, 2001	PUBLISHED FOR OPPOSITION	
Jun. 13, 2001	NOTICE OF PUBLICATION	
Jan. 31, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 24, 2001	EXAMINER'S AMENDMENT MAILED	
Jan. 08, 2001	ASSIGNED TO EXAMINER	78366

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 18, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 20, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: CYBEREDIT, INC.

Assignment 1 of 5

Conveyance: MERGER
Reel/Frame: [2662/0405](#) Pages: 4
Date Recorded: Jan. 28, 2003
Supporting Documents: [assignment-tm-2662-0405.pdf](#)

Assignor

Name: [CYBEREDIT, INC.](#) Execution Date: Oct. 28, 2002
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [THOMSON LEARNING INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 290 HARBOR DRIVE
STAMFORD, CONNECTICUT 06902

Correspondent

Correspondent Name: THE THOMSON CORPORATION
Correspondent Address: PAULA UPSON
1 STATION PLACE
STAMFORD, CT 06902

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [2661/0743](#) Pages: 3
Date Recorded: Jan. 27, 2003
Supporting Documents: [assignment-tm-2661-0743.pdf](#)

Assignor

Name: [THOMSON LEARNING INC.](#) Execution Date: Jan. 21, 2003
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [THOMSON LEARNING LICENSING CORPORATION](#)
Legal Entity Type: CORPORATION State or Country Where Organized: FLORIDA
Address: 650 NAAMANS ROAD
CLAYMONT, DELAWARE 19703

Correspondent

Correspondent Name: THE THOMSON CORPORATION
Correspondent Address: PAULA UPSON
1 STATION PLACE
STAMFORD, CONNECTICUT 06902

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: MERGER
Reel/Frame: [3070/0699](#) Pages: 9
Date Recorded: Oct. 27, 2004
Supporting Documents: [assignment-tm-3070-0699.pdf](#)

Assignor

Name: [THOMSON LEARNING LICENSING CORP.](#) Execution Date: Sep. 27, 2004
Legal Entity Type: CORPORATION State or Country Where Organized: FLORIDA

Assignee

Name: [THOMSON LEARNING INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 200 FIRST STAMFORD PLACE
STAMFORD, CONNECTICUT 06902

Correspondent

Correspondent Name: PAULA K. UPSON
Correspondent Address: THE THOMSON CORPORATION
1 STATION PLACE
STAMFORD, CT 06902

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE PLEASE REMOVE REG. NO. 2807110 FROM THE MERGER. THIS REGISTRATION WAS INCLUDED IN ERROR. PREVIOUSLY RECORDED ON REEL 003070 FRAME 0699. ASSIGNOR(S) HEREBY CONFIRMS THE MERGER.

Reel/Frame: [3080/0265](#)

Pages: 11

Date Recorded: May 10, 2005

Supporting Documents: [assignment-tm-3080-0265.pdf](#)

Assignor

Name: [THOMSON LEARNING LICENSING CORP.](#)

Execution Date: Sep. 27, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: FLORIDA

Assignee

Name: [THOMSON LEARNING INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 200 FIRST STAMFORD PLACE
STAMFORD, CONNECTICUT 06902

Correspondent

Correspondent Name: THE THOMSON CORPORATION

Correspondent Address: 1 STATION PLACE
PAULA UPSON
STAMFORD, CT 06902

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3570/0799](#)

Pages: 6

Date Recorded: Jun. 28, 2007

Supporting Documents: [assignment-tm-3570-0799.pdf](#)

Assignor

Name: [THOMSON LEARNING, INC.](#)

Execution Date: Jul. 27, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [PETERSON'S NELNET, LLC.](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEBRASKA

Address: 121 SOUTH 13TH STREET
SUITE 301
LINCOLN, NEBRASKA 68508

Correspondent

Correspondent Name: COLETTE VOGELE

Correspondent Address: 580 CALIFORNIA STREET
SUITE 1600
SAN FRANCISCO, CA 94104

Domestic Representative - Not Found

EXHIBIT B

Generated on: This page was generated by TSDR on 2015-01-20 13:56:15 EST

Mark: RESUMEEDGE

RESUMEEDGE

US Serial Number: 86030736
Application Filing Date: Aug. 06, 2013
US Registration Number: 4520775
Registration Date: Apr. 29, 2014
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 29, 2014
Publication Date: Feb. 11, 2014

Mark Information

Mark Literal Elements: RESUMEEDGE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Resume and cover letter editing and writing services for academic and business customers via the internet

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2001

Use in Commerce: Jan. 01, 2001

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: National Education Loan Network, Inc.
Owner Address: 121 South 13th Street
Lincoln, NEBRASKA 68508
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NEBRASKA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Benjamin A. Costa
Attorney Primary Email Address: trademark@rcjlawgroup.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: BENJAMIN A. COSTA
RIDDER, COSTA & JOHNSTONE LLP
12 GEARY ST STE 701

SAN FRANCISCO, CALIFORNIA 94108-5718
UNITED STATES

Phone: (415) 391-3311

Fax: (415) 358-4975

Correspondent e-mail: trademark@rcjlawgroup.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 29, 2014	REGISTERED-PRINCIPAL REGISTER	
Feb. 11, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 11, 2014	PUBLISHED FOR OPPOSITION	
Jan. 22, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 14, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 14, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 08, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jan. 05, 2014	ASSIGNED TO LIE	66121
Dec. 06, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 26, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 26, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 26, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 26, 2013	EXAMINERS AMENDMENT -WRITTEN	88572
Nov. 25, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 25, 2013	NON-FINAL ACTION E-MAILED	6325
Nov. 25, 2013	NON-FINAL ACTION WRITTEN	88572
Nov. 19, 2013	ASSIGNED TO EXAMINER	88572
Aug. 15, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Aug. 14, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 09, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 29, 2014

EXHIBIT C

Generated on: This page was generated by TSDR on 2015-01-20 13:58:05 EST

Mark: STUDENTEDGE

STUDENTEDGE

US Serial Number: 77288108

Application Filing Date: Sep. 25, 2007

US Registration Number: 3542644

Registration Date: Dec. 09, 2008

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 09, 2008

Publication Date: Sep. 23, 2008

Mark Information

Mark Literal Elements: STUDENTEDGE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Providing online resources designed to help individuals planning for their education and career, namely, providing online career counseling, providing an interactive website featuring educational information and test questions in the field of Biology, Calculus, Chemistry, English Language and Composition, English Literature and Composition, European History, Government and Politics, Macroeconomics, Microeconomics, Physics, Psychology, Spanish, Statistics, US History, World History, Critical Reading, Grammar, Essay Writing; providing online information regarding academic and professional preparation and planning, test preparation services, and college admissions consultation services

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 28, 2007

Use in Commerce: Jun. 28, 2007

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Peterson's Nelnet, LLC

Owner Address: 121 South 13th Street
Lincoln, NEBRASKA 68508
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEBRASKA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Benjamin A. Costa

Attorney Primary Email Address: trademark@rcjlawgroup.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Benjamin A. Costa
Name/Address: Ridder, Costa & Johnstone LLP
 12 Geary Street
 Suite 701
 San Francisco, CALIFORNIA 94108
 UNITED STATES

Phone: (415) 391-3311

Fax: (415) 358-4975

Correspondent e-mail: trademark@rcjlawgroup.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Aug. 15, 2014	CERTIFICATE OF CORRECTION ISSUED	69471
Aug. 14, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Aug. 07, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Jan. 14, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 14, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 25, 2013	SEC 7 REQUEST FILED	75184
Jul. 03, 2013	CERTIFICATE OF CORRECTION ISSUED	75184
Jul. 03, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Jun. 25, 2013	TEAS SECTION 7 REQUEST RECEIVED	
Jun. 25, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 25, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 29, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 29, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 09, 2008	REGISTERED-PRINCIPAL REGISTER	
Sep. 23, 2008	PUBLISHED FOR OPPOSITION	
Sep. 03, 2008	NOTICE OF PUBLICATION	
Aug. 20, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Aug. 12, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 25, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 25, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 25, 2008	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Mar. 13, 2008	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	73787
Mar. 13, 2008	ASSIGNED TO LIE	73787
Feb. 21, 2008	PAPER RECEIVED	
Feb. 04, 2008	NOTIFICATION OF FINAL REFUSAL EMAILED	
Feb. 04, 2008	FINAL REFUSAL E-MAILED	
Feb. 04, 2008	FINAL REFUSAL WRITTEN	72518
Jan. 10, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 09, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 09, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 06, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 06, 2008	NON-FINAL ACTION E-MAILED	6325
Jan. 06, 2008	NON-FINAL ACTION WRITTEN	72518
Dec. 29, 2007	ASSIGNED TO EXAMINER	72518
Sep. 29, 2007	NOTICE OF PSEUDO MARK MAILED	
Sep. 28, 2007	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Correction made to Registration: In the statement, column 1, line 1, New Jersey should be deleted and Nebraska should be inserted. In the statement, Column 1, line 1, " Nelnet Peterson's, LLC" should be deleted, and Peterson's Nelnet, LLC should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Aug. 15, 2014