

ESTTA Tracking number: **ESTTA722262**

Filing date: **01/22/2016**

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	Berkadia Proprietary Holding LLC
Granted to Date of previous extension	01/24/2016
Address	323 Norristown Road, Suite 300 Ambler, PA 19002 UNITED STATES
Party who filed Extension of time to oppose	Berkadia Commercial Mortgage LLC
Relationship to party who filed Extension of time to oppose	Berkadia Commerical Mortgage LLC assigned the INVESTORVIEW trademark application to Berkadia Proprietary Holding LLC.

Attorney information	Lois B. DuQuette McNees Wallace & Nurick LLC 100 Pine Street Harrisburg, PA 17108 UNITED STATES trademarks@mwn.com Phone:717-232-8000
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**Applicant Information**

Application No	86365772	Publication date	07/28/2015
Opposition Filing Date	01/22/2016	Opposition Period Ends	01/24/2016
Applicant	Prudential Insurance Company of America, The 751 Broad Street Newark, NJ 07102 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 036. First Use: 2012/03/23 First Use In Commerce: 2012/03/23 All goods and services in the class are opposed, namely: Mortgage banking services, namely, electronic loan origination services and servicing of mortgage loans; asset management services, namely, financial asset and investment management services; payment management, namely, bill payment services provided through a website</p>
<p>Class 042. First Use: 2012/03/23 First Use In Commerce: 2012/03/23 All goods and services in the class are opposed, namely: Providing temporary use of online, non-downloadable software to enable users to review investments, access information on investment performance, access loan reports, complete loan documents for investment in mortgage loans, and manage loan documents</p>

## Grounds for Opposition

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

U.S. Application No.	86454005	Application Date	11/13/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	INVESTORVIEW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 Financial services, namely, commercial mortgage banking, brokerage and loan services; Financial services, namely, commercial mortgage banking, brokerage and loan services accessible by the internet		

Attachments	86454005#TMSN.png( bytes ) A4910054.PDF(15679 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	/Lois B. DuQuette/
Name	Lois B. DuQuette
Date	01/22/2016

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

In re Application of Prudential  
Insurance Company of  
America

Serial No. : 86/365772  
Mark : INVESTORVIEW  
Goods : International Class 36 and 42  
Filing Date : August 13, 2014  
Published : Official Gazette  
July 28, 2015

Berkadia Proprietary Holding LLC	:	
Opposer	:	
	:	
v.	:	Opposition No.
	:	
Prudential Insurance Company of America	:	
Applicant	:	

BOX TTAB FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Berkadia Proprietary Holding LLC (“Opposer”), a company with limited liability duly incorporated, organized and existing under the laws of Delaware, with offices at 323 Norristown Road, Suite 300, Ambler, Pennsylvania 19002 believes and alleges that it will be damaged by the registration of the mark shown in Serial No. 86/365772 and hereby

opposes the same. Berkadia Proprietary Holding LLC is the successor-in-interest to Berkadia Commercial Mortgage LLC.

As grounds for opposition, Opposer alleges that:

1. Opposer is the owner of Application Serial. No. 86/454005 for the mark INVESTORVIEW for use with "Financial services, namely, commercial mortgage banking, brokerage and loan services; Financial services, namely, commercial mortgage banking, brokerage and loan services accessible by the internet" in International Class 36 ("Opposer's Mark"). On November 13, 2014, Opposer's predecessor, Berkadia Commercial Mortgage LLC, filed an application based on use in commerce at least as early as January 1, 2005, which it conveyed to Opposer via assignment on August 13, 2015.

2. Applicant Prudential Insurance Company of America ("Applicant"), is a New Jersey corporation with an address of 751 Broad Street, Newark, New Jersey 07102.

4. Applicant seeks to register the word mark, INVESTORVIEW (the "Applicant's Mark"), for use with "mortgage banking services, namely electronic loan origination services and servicing of mortgage loans; asset management services, namely financial asset and investment management services; payment management, namely, bill payment services provided through a website" in International Class 36 and "providing temporary use of online, non-downloadable software to enable users to review investments, access information on investment performance, access loan reports, complete loan documents for investment in mortgage loans, and manage loan documents" in International Class 42, having filed a federal trademark application on August 13, 2014, Serial No. 86/365772, based on Applicant's claimed use of its mark since at least as early as March 23, 2012 (the "Application").

5. Opposer's date of first use pre-dates by more than seven years the date of first use of Applicant's Mark giving Opposer priority over Applicant.

6. Opposer's Mark and Applicant's Mark are essentially identical in terms of their visual appearance, pronunciation and their respective overall commercial impressions.

7. The services claimed in connection with Opposer's Mark and the services claimed in connection with Applicant's Mark are highly related. The services claimed in both applications are for mortgage banking services and other services related to mortgage banking services.

8. Opposer uses Opposer's Mark for services in International Class 36 including mortgage services. These services are identical to those claimed on Applicant's Application.

9. On information and belief, Applicant uses Applicant's Mark in connection with the services claimed in the Application.

10. Opposer believes the consumers to whom Applicant markets its products under the Investorview mark are the same as those to whom Opposer markets its financial services and products under Opposer's Mark.

11. Opposer believes Applicant markets its products under Applicant's Mark through the same channels of trade as those through which Opposer markets its services under Opposer's Mark.

12. In view of the similarity of Applicant's Investorview mark and Opposer's Investorview Mark, the relatedness of the services offered for sale by the Opposer and the Applicant and the related channels of trade, Applicant's Investorview Mark so resembles Opposer's Investorview Mark, previously used, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive as to source by suggesting that Applicant's services are associate with or approved, endorsed, affiliated, authorized or sponsored by Opposer.

**WHEREFORE**, Opposer, Berkadia Proprietary Holding LLC, respectfully requests that this opposition be sustained, that application 86/365772 be refused, and that the United States Patent & Trademark Office refuse to register Applicant's Mark.

McNEES WALLACE & NURICK LLC

By           /Lois B. Duquette/          

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Attorneys for Opposer  
Berkadia Proprietary Holding LLC

Dated: January 22, 2016

