

ESTTA Tracking number: **ESTTA750393**

Filing date: **06/06/2016**

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	The Bank of Nova Scotia
Granted to Date of previous extension	06/05/2016
Address	44 King Street West Toronto, Ontario, M5H 1H1 CANADA

Attorney information	Dorothy R. Whitney Cowan, Liebowitz & Latman, P.C. 114 West 47th Street New York, NY 10036 UNITED STATES trademark@cll.com Phone:2127909200
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Applicant Information

Application No	86695565	Publication date	12/08/2015
Opposition Filing Date	06/06/2016	Opposition Period Ends	06/05/2016
Applicant	Windham Capital Management, LLC 800 Boylston Street Boston, MA 02199 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Financial advisory services, namely, creation and management of investment portfolios for others with varying exposures to core asset classes and fixed exposures to peripheral asset classes designed to stabilize the overall portfolio's risk profile

Grounds for Opposition

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

U.S. Registration No.	2997280	Application Date	02/23/2004
Registration Date	09/20/2005	Foreign Priority Date	02/12/2004
Word Mark	DYNAMIC		

Design Mark	<h1>DYNAMIC</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUND SERVICES, NAMELY FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS		

U.S. Registration No.	4184693	Application Date	11/06/2003
Registration Date	08/07/2012	Foreign Priority Date	10/15/2003
Word Mark	DYNAMIC ALPHA PERFORMANCE HEDGE FUND		
Design Mark	DYNAMIC ALPHA PERFORMANCE HEDGE FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 Mutual fund services, namely, mutual fund brokerage, mutual fund distribution and the administration and management of mutual funds		

U.S. Registration No.	3895921	Application Date	03/25/2009
Registration Date	12/28/2010	Foreign Priority Date	03/19/2009
Word Mark	DYNAMIC CONTRARIAN ADVANTAGE FUND		

Design Mark	DYNAMIC CONTRARIAN ADVANTAGE FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	4247774	Application Date	03/25/2009
Registration Date	11/27/2012	Foreign Priority Date	03/19/2009

Word Mark	DYNAMIC ENERGY FUND		
Design Mark	DYNAMIC ENERGY FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	4277620	Application Date	03/25/2009
Registration Date	01/22/2013	Foreign Priority Date	03/19/2009
Word Mark	DYNAMIC ENERGY INCOME TRUST FUND		

Design Mark	DYNAMIC ENERGY INCOME TRUST FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	3936097	Application Date	12/07/2000
Registration Date	03/29/2011	Foreign Priority Date	11/01/2000
Word Mark	DYNAMIC FOCUS PLUS FUNDS		
Design Mark	DYNAMIC FOCUS PLUS FUNDS		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MANAGING MUTUAL FUNDS		

U.S. Registration No.	3910239	Application Date	10/15/2003
Registration Date	01/25/2011	Foreign Priority Date	NONE
Word Mark	DYNAMIC FOCUS + U.S. CLASS		
Design Mark	Dynamic Focus + U.S. Class		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 Mutual fund services, namely, mutual fund brokerage, mutual fund distribution and the administration and management of mutual funds		

U.S. Registration No.	4219820	Application Date	03/25/2009
Registration Date	10/09/2012	Foreign Priority Date	03/19/2009
Word Mark	DYNAMIC GLOBAL GROWTH FUND		
Design Mark	<p style="text-align: center;">DYNAMIC GLOBAL GROWTH FUND</p>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	3949712	Application Date	03/24/2009
Registration Date	04/26/2011	Foreign Priority Date	03/19/2009
Word Mark	DYNAMIC GOLD & PRECIOUS METALS FUND		
Design Mark	<p style="text-align: center;">DYNAMIC GOLD & PRECIOUS METALS FUND</p>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	1279212	Application Date	02/22/1983
Registration Date	05/22/1984	Foreign Priority Date	NONE

Word Mark	DYNAMIC GROUP OF FUNDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 Management of Mutual Funds		

U.S. Registration No.	4344589	Application Date	03/25/2009
Registration Date	06/04/2013	Foreign Priority Date	03/19/2009

Word Mark	DYNAMIC INFRASTRUCTURE FUND		
Design Mark	<p style="text-align: center;">DYNAMIC INFRASTRUCTURE FUND</p>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	4287140	Application Date	03/25/2009
Registration Date	02/12/2013	Foreign Priority Date	03/19/2009

Word Mark	DYNAMIC NATURAL RESOURCES FUND		
Design Mark	<p style="text-align: center;">DYNAMIC NATURAL RESOURCES FUND</p>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGE-		

	MENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		
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U.S. Registration No.	4277619	Application Date	03/24/2009
Registration Date	01/22/2013	Foreign Priority Date	03/19/2009
Word Mark	DYNAMIC NORTH AMERICAN VALUE FUND		
Design Mark	<p style="text-align: center;">DYNAMIC NORTH AMERICAN VALUE FUND</p>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	4531157	Application Date	08/24/1999
Registration Date	05/20/2014	Foreign Priority Date	NONE
Word Mark	DYNAMIC POWER CANADIAN GROWTH FUND		
Design Mark	<p style="text-align: center;">DYNAMIC POWER CANADIAN GROWTH FUND</p>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MANAGING MUTUAL FUNDS		

U.S. Registration No.	4120407	Application Date	11/09/2010
Registration Date	04/03/2012	Foreign Priority Date	NONE
Word Mark	DYNAMIC PRECIOUS METALS FUND		

Design Mark	<p>DYNAMIC PRECIOUS METALS FUND</p>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MANAGING MUTUAL FUNDS, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	4215826	Application Date	03/24/2009
Registration Date	10/02/2012	Foreign Priority Date	03/19/2009

Word Mark	DYNAMIC U.S. GROWTH FUND		
Design Mark	<p>DYNAMIC U.S. GROWTH FUND</p>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	3843654	Application Date	03/24/2009
Registration Date	09/07/2010	Foreign Priority Date	NONE
Word Mark	DYNAMIC U.S. VALUE FUND		

Design Mark	DYNAMIC U.S. VALUE FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

U.S. Registration No.	4184692	Application Date	11/06/2003
Registration Date	08/07/2012	Foreign Priority Date	10/15/2003
Word Mark	DYNAMIC ALPHA PERFORMANCE FUND		
Design Mark	DYNAMIC ALPHA PERFORMANCE FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 Mutual fund services, namely, mutual fund brokerage, mutual fund distribution and the administration and management of mutual funds [; Mutual fund services, namely, mutual fund brokerage, mutual fund distribution and the administration and management of mutual funds]		

U.S. Registration No.	4737024	Application Date	08/24/1999
Registration Date	05/19/2015	Foreign Priority Date	07/29/1999
Word Mark	DYNAMIC POWER AMERICAN FUND		
Design Mark	DYNAMIC Pow^{er} AMERICAN FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MANAGING MUTUAL FUNDS		

U.S. Registration No.	4615483	Application Date	02/15/2002
Registration Date	10/07/2014	Foreign Priority Date	01/14/2002
Word Mark	DYNAMIC POWER AMERICAN GROWTH FUND		
Design Mark	DYNAMIC POWER AMERICAN GROWTH FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MANAGING MUTUAL FUNDS		

U.S. Registration No.	4787758	Application Date	12/05/2005
Registration Date	08/11/2015	Foreign Priority Date	11/15/2005
Word Mark	DYNAMIC POWER BALANCED FUND		
Design Mark	DYNAMIC POWER BALANCED FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUND SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS		

U.S. Registration No.	4774598	Application Date	11/06/2003
Registration Date	07/21/2015	Foreign Priority Date	10/15/2003
Word Mark	DYNAMIC POWER SMALL CAP FUND		
Design Mark	DYNAMIC POWER SMALL CAP FUND		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 Mutual fund services, namely, mutual fund brokerage, mutual fund distribution and the administration and management of mutual funds		

U.S. Registration No.	4235625	Application Date	03/25/2009
Registration Date	11/06/2012	Foreign Priority Date	03/19/2009
Word Mark	DYNAMIC DISCOVERY FUND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS		

Attachments	78372402#TMSN.png(bytes) 78323946#TMSN.png(bytes) 77698456#TMSN.png(bytes) 77698451#TMSN.png(bytes) 77698844#TMSN.png(bytes) 76177274#TMSN.png(bytes) 78314082#TMSN.png(bytes) 77698857#TMSN.png(bytes) 77697745#TMSN.png(bytes) 77698853#TMSN.png(bytes) 77698931#TMSN.png(bytes) 77697738#TMSN.png(bytes) 75783456#TMSN.png(bytes) 85172525#TMSN.png(bytes) 77697736#TMSN.png(bytes) 77697726#TMSN.png(bytes) 78323901#TMSN.png(bytes) 75783453#TMSN.png(bytes) 76371775#TMSN.png(bytes) 78766931#TMSN.png(bytes) 78324088#TMSN.png(bytes) 77698454#TMSN.png(bytes) WINDHAM DYNAMIC CORE.pdf(354273 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	/Dorothy R. Whitney/
Name	Dorothy R. Whitney
Date	06/06/2016

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

In The Matter of Application Serial No. 86/695,565
Filed: July 16, 2015
For: Trademark WINDHAM DYNAMIC CORE
Published in the Official Gazette of December 8, 2015

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THE BANK OF NOVA SCOTIA,

Opposer,

Opposition No.

v.

NOTICE OF OPPOSITION

WINDHAM CAPITAL MANAGEMENT, LLC

Applicant.

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Opposer, THE BANK OF NOVA SCOTIA, a chartered bank of Canada, having a place of business at 44 King Street West, Toronto, Ontario M5H 1H1, believes that it would be damaged by registration of the mark WINDHAM DYNAMIC CORE for “Financial advisory services, namely, creation and management of investment portfolios for others with varying exposures to core asset classes and fixed exposures to peripheral asset classes designed to stabilize the overall portfolio's risk profile” in Class 36 and hereby opposes the same.

As grounds for opposition it is alleged that:

1. For many years, Opposer and/or Opposer’s predecessors have used, and continue to use, various marks containing or comprising the term DYNAMIC on and in connection with the management of mutual funds ("Opposer's DYNAMIC Marks").
2. Opposer is the owner of the following federal registrations as well as the goodwill attached to each registered mark, which registrations are in full force and effect:

Mark	Reg. No.	Services
DYNAMIC	2,997,280	MUTUAL FUND SERVICES, NAMELY FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS
DYNAMIC ALPHA PERFORMANCE HEDGE FUND	4,184,693	MUTUAL FUND SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS
DYNAMIC CONTRARIAN ADVANTAGE FUND	3,895,921	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC DISCOVERY FUND	4,235,625	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC ENERGY FUND	4,247,774	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND

Mark	Reg. No.	Services
		BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC ENERGY INCOME TRUST FUND	4,277,620	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC FOCUS PLUS FUNDS	3,936,097	MANAGING MUTUAL FUNDS
DYNAMIC FOCUS + U.S. CLASS	3,910,239	MUTUAL FUND SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS
DYNAMIC GLOBAL GROWTH FUND	4,219,820	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS

Mark	Reg. No.	Services
DYNAMIC GOLD & PRECIOUS METALS FUND	3,949,712	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC GROUP OF FUNDS	1,279,212	MANAGEMENT OF MUTUAL FUNDS
DYNAMIC INFRASTRUCTURE FUND	4,344,589	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC NATURAL RESOURCES FUND	4,287,140	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC NORTH AMERICAN VALUE FUND	4,277,619	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND

Mark	Reg. No.	Services
		DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC POWER CANADIAN GROWTH FUND	4,531,157	MANAGING MUTUAL FUNDS
DYNAMIC PRECIOUS METALS FUND	4,120,407	MANAGING MUTUAL FUNDS, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC U.S. GROWTH FUND	4,215,826	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS, CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC U.S. VALUE FUND	3,843,654	MUTUAL FUNDS SERVICES, NAMELY, MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS, PORTFOLIO SOLUTIONS,

Mark	Reg. No.	Services
		CLOSED END INVESTMENTS, TAX ASSISTED INVESTMENT PRODUCTS AND ALTERNATIVE INVESTMENT PRODUCTS
DYNAMIC ALPHA PERFORMANCE FUND and Design	4,184,692	MUTUAL FUND SERVICES, NAMELY MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS
DYNAMIC POWER AMERICAN FUND (Stylized)	4,737,024	MANAGING MUTUAL FUNDS
DYNAMIC POWER AMERICAN GROWTH FUND	4,615,483	MANAGING MUTUAL FUNDS
DYNAMIC POWER BALANCED FUND	4,787,758	MUTUAL FUND SERVICES, NAMELY MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS
DYNAMIC POWER SMALL CAP FUND	4,774,598	MUTUAL FUND SERVICES, NAMELY MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION AND THE ADMINISTRATION AND MANAGEMENT OF MUTUAL FUNDS

3. Opposer's federal registrations for DYNAMIC GROUP OF FUNDS, Reg. No. 1,279,212 and DYNAMIC, Reg. No. 2,997,280 have become incontestable.

4. On July 16, 2016, Applicant filed its application in the United States Patent and Trademark Office, Serial No. 86/695,565 for registration on the Principal Register of the mark WINDHAM DYNAMIC CORE in Class 36 for “Financial advisory services, namely, creation and management of investment portfolios for others with varying exposures to core asset classes and fixed exposures to peripheral asset classes designed to stabilize the overall portfolio's risk profile” which application was based on intent to use.

5. Commencing long prior to July 16, 2015, the filing date of the application for WINDHAM DYNAMIC CORE for the foregoing services and continuing to the present, Opposer and/or Opposer's predecessors have secured registration rights in and have provided and promoted mutual fund services under Opposer's DYNAMIC Marks.

6. Applicant's mark WINDHAM DYNAMIC CORE prominently includes the word DYNAMIC and is confusingly similar in sight, sound and meaning to Opposer's DYNAMIC Marks.

7. The services covered by Applicant's application to register its WINDHAM DYNAMIC CORE mark in Class 36, and the services covered by the federal registrations of Opposer's DYNAMIC Marks, are identical or closely related.

8. Applicant's WINDHAM DYNAMIC CORE mark in Class 36 so resembles Opposer's DYNAMIC Marks as to be likely, when applied to Applicant's services, to cause confusion, or to cause mistake, or to deceive because members of the investing public are likely to believe that Applicant's services have their origin with Opposer, and/or that such services are approved, endorsed or sponsored by Opposer or are associated in some way with Opposer.

Docket No. 29245.000

TRADEMARK: WINDHAM DYNAMIC
CORE

Serial No. 86/695,565

Opposer would thereby be injured by the granting to Applicant a certificate of registration for Applicant's mark.

Dated: New York, New York
June 6, 2016

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Dorothy R. Whitney/
Dorothy R. Whitney
114 West 47th Street
New York, New York 10036-1525
(212) 790-9200

CERTIFICATE OF SERVICE

I certify that on June 6, 2016 a copy of the foregoing Notice of Opposition was served on Applicant by first class mail addressed as follows:

Peter Nils Baylor
Nutter McLennan Fish LLLP
155 Seaport Blvd
Boston, MA 02210-2604

/Dorothy R. Whitney/
Dorothy R. Whitney