

ESTTA Tracking number: **ESTTA765927**

Filing date: **08/22/2016**

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	Rockbridge Capital, LLC
Granted to Date of previous extension	08/21/2016
Address	4100 Regent Street Suite G Columbus, OH 43219 UNITED STATES
Attorney information	Deborah A. Wilcox Baker & Hostetler LLP Key Tower, 127 Public Square Suite 2000 Cleveland, OH 44114 UNITED STATES bhipdocket@bakerlaw.com, dwilcox@bakerlaw.com, twaltoshawranko@bakerlaw.com

Applicant Information

Application No	86594124	Publication date	02/23/2016
Opposition Filing Date	08/22/2016	Opposition Period Ends	08/21/2016
Applicant	Rockbridge Senior Living Group, LLC Suite 300 Vero Beach, FL 32960 UNITED STATES		

Goods/Services Affected by Opposition

Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing long term care facilities; providing healthcare for seniors and retired persons; nursing home services

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.	4575803	Application Date	01/03/2014
Registration Date	07/29/2014	Foreign Priority Date	NONE
Word Mark	ROCKBRIDGE		

Design Mark	ROCKBRIDGE
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2001/01/31 First Use In Commerce: 2001/01/31 Providing financing services to real estate organizations; real estate management; real estate investment management; loan servicing; private client fund management; investment advisory services

U.S. Registration No.	2623934	Application Date	03/26/2001
Registration Date	09/24/2002	Foreign Priority Date	NONE
Word Mark	ROCKBRIDGE CAPITAL		
Design Mark	ROCKBRIDGE CAPITAL		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2001/01/00 First Use In Commerce: 2001/01/00 providing financing services to real estate organizations; real estate management; and real estate investment management		

Attachments	86157064#TMSN.png(bytes) 76231177#TMSN.png(bytes) Notice of Opposition - Rockbridge Senior.pdf(12830 bytes) ROCKBRIDGE - Exhibit A.pdf(7158 bytes) ROCKBRIDGE - Exhibit B.pdf(22258 bytes) ROCKBRIDGE CAPITAL - Exhibit C.pdf(23841 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	/daw/
Name	Deborah A. Wilcox
Date	08/22/2016

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In The Matter Of Application Serial No. 86/594124
Published In The *Official Gazette*, February 23, 2016

Rockbridge Capital, LLC)	Opposition No. _____
)	
Opposer,)	
)	
v.)	NOTICE OF OPPOSITION
)	
Rockbridge Senior Living Group, LLC)	
)	
Applicant.)	

Rockbridge Capital, LLC., an Ohio limited liability company with its principal place of business at 4100 Regent Street, Suite G, Columbus, Ohio 43219 (“Rockbridge”), believes that it will be damaged by the registration of the mark covered by Application Serial No. 86/594124 and hereby opposes the registration of said mark. As grounds for the opposition it is alleged as follows:

1. Applicant seeks to register RockBridge as a service mark for “Providing long term care facilities; providing healthcare for seniors and retired persons; nursing home services” in International Class 44. The filing date of Applicant’s application is April 20, 2015.

2. Rockbridge is a registered investment advisory firm and has used various names and marks containing the term “ROCKBRIDGE CAPITAL” and “ROCKBRIDGE” and owns U.S. Trademark Registrations, all as set forth on Exhibit A hereto (collectively, “the ROCKBRIDGE Names and Marks”) in connection with providing financing services to real estate organizations; real estate

management; real estate investment management; loan servicing; private client fund management; and investment advisory services (the “Rockbridge Services”).

3. On July 29, 2014, the United States Patent and Trademark Office granted Federal Registration No. 4,575,803 for the mark ROCKBRIDGE for “Providing financing services to real estate organizations; real estate management; real estate investment management; loan servicing; private client fund management; investment advisory services” in International Class 36. Attached as Exhibit B is a true and accurate copy of the Trademark Applications and Registrations Retrieval (TARR) report for the ROCKBRIDGE mark.

4. Rockbridge has also used the trademark ROCKBRIDGE CAPITAL since at least as early as January, 2001.

5. On September 23, 2002, the United States Patent and Trademark Office granted Federal Registration No. 2,623,934 for the mark ROCKBRIDGE CAPITAL for “Providing financing services to real estate organizations; real estate management; and real estate investment management” in International Class 36. Attached as Exhibit C is a true and accurate copy of the Trademark Applications and Registrations Retrieval (TARR) report for the ROCKBRIDGE CAPITAL mark.

CLAIM

6. There is no issue as to priority. The date of Applicant’s application is subsequent to the issuance of Rockbridge’s registrations.

7. Upon information and belief, Applicant’s use of the RockBridge mark for the services specified in the subject application is likely to cause confusion, mistake, or deception with respect to the origin of said services, and to confuse, mislead, or deceive members of the

public into believing that Applicant's services are in some way connected to or affiliated with the ROCKBRIDGE Names & Marks.

8. Upon information and belief, any such confusion would result in injury to or have a direct impact on Rockbridge and the ROCKBRIDGE Names & Marks. Any defect, objection, or fault found with Applicant's services marketed under the RockBridge mark would negatively impact and seriously injure the reputation Rockbridge has established for the ROCKBRIDGE Names & Marks.

9. Upon information and belief, if Applicant is granted the registration herein opposed, it would be a source of damage and irreparable injury to Rockbridge.

WHEREFORE, Rockbridge prays that this Opposition be granted and Application Serial No. 86/594124 be refused registration.

/Deborah A. Wilcox/

Deborah A. Wilcox, Esq.
Baker & Hostetler LLP
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127 Public Square
Cleveland, Ohio 44114
(216) 861-7864
dwilcox@bakerlaw.com

Attorney for Rockbridge Capital, LLC.

EXHIBIT A

RockBridge Names and Marks

1. ROCKBRIDGE CAPITAL, U.S. Registration No. 2623934 for "providing financing services to real estate organizations; real estate management; and real estate investment management."
2. ROCKBRIDGE, U.S. Registration No. 4575803 for "providing financing services to real estate organizations; real estate management; real estate investment management; loan servicing; private client fund management; investment advisory services."
3. RockBridge Partners
4. RockBridge Capital, LLC
5. RockBridge Holdings, LLC
6. RockBridge Real Estate Fund LLC
7. RockBridge Real Estate Fund II LLC
8. RockBridge Real Estate Fund III LLC
9. RockBridge Hospitality Fund IV L.P.
10. RockBridge Hospitality Fund VI L.P.
11. RockBridge Hospitality Fund VII L.P.
12. RockBridge Real Estate SPE, LLC
13. RockBridge Real Estate SPE II, LLC
14. RockBridge Real Estate SPE III, LLC
15. RockBridge Real Estate II SPE II, LLC
16. RockBridge Real Estate II SPE III, LLC
17. RockBridge Real Estate SPE, LLC
18. RockBridge GP Holdings, LLC
19. RockBridge Hospitality IV SPE, LLC
20. RockBridge Hospitality IV SPE II, LLC
21. RockBridge Mortgage Finance, LLC
22. RockBridge Hotel Partners I, LLC
23. RockBridge Hotel I, LLC
24. RockBridge Real Estate Pool II LLC
25. RockBridge/RBD Holdings LLC
26. RockBridge Fund II Blocker, Inc.
27. RockBridge Fund II Pool I LLC
28. RockBridge/RBM Holdings, LLC
29. RockBridge/RBM Holdings II LLC
30. RockBridge/RBM Holdings III LLC
31. RockBridge/RBM Holdings IV LLC

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Mark: ROCKBRIDGE

ROCKBRIDGE

US Serial Number: 86157064

Application Filing Date: Jan. 03, 2014

US Registration Number: 4575803

Registration Date: Jul. 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: Jul. 29, 2014

Publication Date: May 13, 2014

Mark Information

Mark Literal Elements: ROCKBRIDGE

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

Related Properties Information

Claimed Ownership of US Registrations: 2623934

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 financing services to real estate organizations; real estate management; real estate investment management; loan servicing; private client fund management; investment advisory services

International Class(es): 036 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 31, 2001

Use in Commerce: Jan. 31, 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: Rockbridge Capital, LLC

Owner Address: Suite G
4100 Regent Street
Columbus, OHIO 43219
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country OHIO
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Deborah A. Wilcox

Docket Number: 028515

Attorney Primary clevelandip@bakerlaw.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent DEBORAH A. WILCOX
Name/Address: BAKER & HOSTETLER LLP
127 Public Square
Key Tower, Suite 2000
Cleveland, OHIO 44114
UNITED STATES

Phone: 216-861-7864

Fax: 216-696-0740

Correspondent e- bhipdocket@bakerlaw.com
mail: dwilcox@bakerlaw.com twaltoshawranko@bakerlaw.com

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 12, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 29, 2014	REGISTERED-PRINCIPAL REGISTER	
May 13, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 13, 2014	PUBLISHED FOR OPPOSITION	
Apr. 23, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 04, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 04, 2014	ASSIGNED TO EXAMINER	82429
Jan. 17, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Jan. 16, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 07, 2014	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: Jul. 29, 2014

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Mark: ROCKBRIDGE CAPITAL

ROCKBRIDGE CAPITAL

US Serial Number: 76231177

Application Filing Date: Mar. 26, 2001

US Registration Number: 2623934

Registration Date: Sep. 24, 2002

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Feb. 27, 2012

Publication Date: Jul. 02, 2002

Mark Information

Mark Literal Elements: ROCKBRIDGE CAPITAL

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "CAPITAL, INC."

Goods and Services

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- Asterisks *...* identify additional (new) wording in the goods/services.

For: providing financing services to real estate organizations; real estate management; and real estate investment management

International Class(es): 036 - Primary Class

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

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Basis Information (Case Level)

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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: ROCKBRIDGE CAPITAL, LLC

Owner Address: 4100 REGENT STREET
COLUMBUS, OHIO 43219
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Melanie S. Corcoran **Docket Number:** 028515.00006
Attorney Primary Email Address: clevelandip@bakerlaw.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Melanie S. Corcoran
BAKER & HOSTETLER LLP
127 Public Square
Key Tower, Suite 2000
Cleveland, OHIO 44114
UNITED STATES
Phone: 216-861-7659 **Fax:** 216-696-0740
Correspondent e-mail: bhipdocket@bakerlaw.com mcorcoran@bakerlaw.com **Correspondent e-mail Authorized:** Yes
com_twaltoshawranko@bakerlaw.com

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 18, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 27, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 27, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76293
Feb. 27, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76293
Feb. 27, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Feb. 14, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Dec. 15, 2011	TEAS SECTION 8 & 9 RECEIVED	
Jul. 22, 2008	NOTICE OF SUIT	
May 29, 2008	NOTICE OF SUIT	
May 21, 2008	NOTICE OF SUIT	
Feb. 13, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	60132
Feb. 07, 2008	TEAS SECTION 8 & 15 RECEIVED	
Mar. 09, 2007	AMENDMENT UNDER SECTION 7 - ISSUED	
Jan. 08, 2007	ASSIGNED TO PARALEGAL	60132
Nov. 22, 2006	SEC 7 REQUEST FILED	
Nov. 22, 2006	PAPER RECEIVED	
Sep. 24, 2002	REGISTERED-PRINCIPAL REGISTER	
Jul. 02, 2002	PUBLISHED FOR OPPOSITION	
Jun. 12, 2002	NOTICE OF PUBLICATION	
Feb. 06, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 23, 2002	EXAMINERS AMENDMENT MAILED	
Dec. 20, 2001	FINAL REFUSAL MAILED	
Jul. 31, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 23, 2001	NON-FINAL ACTION MAILED	
Jul. 11, 2001	ASSIGNED TO EXAMINER	75594

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 24, 2012

Change in Registration: Yes

Amendment to a Registration/Renewal Certificate: The drawing is amended to appear as follows: ROCKBRIDGE CAPITAL

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 27, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: RockBridge Capital, Inc.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2607/0368](#)

Pages: 2

Date Recorded: Oct. 21, 2002

Supporting Documents: [assignment-tm-2607-0368.pdf](#)

Assignor

Name: [ROCKBRIDGE CAPITAL, IN.](#)

Execution Date: Oct. 03, 2002

Legal Entity Type: CORPORATION

State or Country: OHIO
Where Organized:

Assignee

Name: [ROCKBRIDGE CAPITAL, LLC](#)

Legal Entity Type: OHIO LIMITED LIABILITY COMPANY

State or Country: No Place Where Organized Found
Where Organized:

Address: 191 WEST NATIONWIDE BOULEVARD
SUITE 600
COLUMBUS, OHIO 43215

Correspondent

Correspondent Name: MELANIE S. CORCORAN, ESQ

Correspondent Address: 1900 E. 9TH STREET
3200 NATIONAL CITY CENTER
CLEVELAND, OH 44114

Domestic Representative - Not Found